

SCHEDULE 4

Article 17

TRANSITIONAL AND SUPPLEMENTAL PROVISION

Access to the countryside

1. Notwithstanding section 1(2) of the 2000 Act⁽¹⁾ (interpretation), the Authority shall become the access authority for the purposes of Part I of that Act in relation to land in the New Forest National Park on the operational date and until that date the local highway authority (within the meaning of section 45(1) of that Act) in whose area the land is situated shall continue to be the access authority for those purposes.

2. Notwithstanding section 21(5) of the 2000 Act⁽²⁾ and subject to section 21(6) of that Act, the Authority shall become the relevant authority for the purposes of Chapter II of Part I of the 2000 Act (exclusion or restriction of access) on the operational date and until that date the Countryside Agency shall be the relevant authority for those purposes.

3. Notwithstanding section 94(2)(b) of the 2000 Act (local access forums), the Authority shall become the appointing authority for the area of the New Forest National Park on the operational date and until that date the local highway authority (within the meaning of that section) for any area within the New Forest National Park shall continue to be the appointing authority for that area.

Disclosure of officers' interests

4. For the purposes of section 117 of the 1972 Act⁽³⁾ (disclosure by officers of interest in contracts) any contract —

- (a) which was entered into by a New Forest local authority, and
- (b) to which the Authority becomes a party by virtue of this Order or any provision made under Part III of the 1995 Act,

shall be treated as a contract entered into by the Authority.

Application of directions etc. to the Authority

5. Where under any provision relating to any relevant functions the Secretary of State is empowered to give directions or issue guidance to a New Forest local authority, or is otherwise empowered to make a decision on such functions in relation to such an authority, that power may be exercised during the transitional period in relation to the Authority to the extent that it is consistent with the powers and duties conferred and imposed on the Authority.

Duty of New Forest local authorities to assist the Authority

6. Each New Forest local authority shall provide the Authority with such assistance and information as the Authority may reasonably request for the purposes of discharging any of its functions.

Access to information

7.—(1) The right conferred by this paragraph shall be exercisable by the Authority against any New Forest local authority.

(1) See the definition of “access authority”.

(2) See the definition of “relevant authority”.

(3) Section 117 applies to the New Forest National Park Authority by virtue of paragraph 13(6) of Schedule 7 to the 1995 Act.

Changes to legislation: There are currently no known outstanding effects for the The New Forest National Park Authority (Establishment) Order 2005, SCHEDULE 4. (See end of Document for details)

(2) Upon giving reasonable notice, the Authority shall have the right at all reasonable times to inspect and take copies of recorded information to which access is reasonably required for the proper discharge of its functions, wherever, and in whatever form, such information may be held.

(3) The New Forest local authority against whom the right is exercised shall supply all such information and assistance as may reasonably be required.

(4) The duty imposed under this paragraph is in addition to the duty imposed by paragraph 6 or any other duty imposed upon a New Forest local authority.

Registers and similar records required to be maintained.

8.—(1) This paragraph applies where the Authority does not, or will not, receive from a New Forest local authority all of the material comprised in any register maintained by that local authority so far as relevant to the New Forest National Park.

(2) Upon giving reasonable notice, the Authority shall at all reasonable times be entitled to access to such material as is referred to in sub-paragraph (1) which it has not received, or will not receive, to enable copies to be taken or information extracted.

(3) In fulfilling its obligation to maintain a register, the Authority may incorporate with any material copied or extracted in accordance with sub-paragraph (2) a certificate that it is a true copy of, or extract from, the register from which it has been copied or extracted and thereafter the certified copy or extract may be maintained as the register, or as the case may be, part of the register, that the Authority is required to maintain.

(4) Nothing in this paragraph shall affect the operation of any other provision in relation to any register which the Authority is required to maintain.

(5) For the purposes of this paragraph “register” means any register, map, list or other document of whatever form and in whatever medium which a local authority is required to maintain.

Interim monitoring officer

9.—(1) If, at the time of the holding of the first meeting of the Authority in accordance with paragraph 1 of Schedule 1 to this Order, the Authority is not in a position to designate a monitoring officer as required by section 5(1) of the 1989 Act⁽⁴⁾ (designation and reports of monitoring officer), it shall appoint an interim monitoring officer in accordance with the provisions of this paragraph.

(2) The obligation of the Authority to have an interim monitoring officer shall continue until the designation of a monitoring officer by the Authority under section 5(1) of the 1989 Act.

(3) Subject to the provisions of this paragraph, section 5 of the 1989 Act (designation and reports of monitoring officer) and Part III of the Local Government Act 2000⁽⁵⁾ (conduct of local government members and employees) shall apply to the interim monitoring officer in the same way as they apply to a monitoring officer, and the interim monitoring officer shall, for all purposes, be treated as the Authority’s monitoring officer.

(4) The interim monitoring officer shall be paid such remuneration and allowances (if any) as the Authority think fit.

(5) The duties of the interim monitoring officer shall be performed by him personally.

(6) The Authority shall not appoint as its interim monitoring officer a person who holds any other paid office or employment with the Authority.

(7) During the period of his appointment the interim monitoring officer shall not be appointed to any other paid office or employment with the Authority.

(4) Section 5 of the 1989 Act is applied to a National Park authority by paragraph 13(7)(b) of Schedule 7 to the 1995 Act.

(5) 2000 c. 22.

(8) Any person who ceases to be the interim monitoring officer shall be disqualified from being appointed to any paid office or employment with the Authority until 1st April 2006.

(9) A member of the Authority shall be disqualified from being appointed as the interim monitoring officer for the Authority.

(10) The Authority may revoke the appointment of the interim monitoring officer if —

- (a) he becomes bankrupt or makes an arrangement with his creditors; or
- (b) he is, in the opinion of the Authority, unable or unfit to discharge his duties.

(11) If the appointment of the interim monitoring officer is ended other than by reason of the designation of a monitoring officer, the Authority shall, unless it designates a monitoring officer, appoint a further person to be the interim monitoring officer and the provisions of this paragraph shall have effect in relation to that further appointment.

Codes of conduct

10. Section 51 of the Local Government Act 2000 shall have effect as if—

- (a) in subsection (1) for “a relevant authority, before the end of the period of six months beginning with the day on which the first order under section 50 which applies to them is made” there were substituted “the New Forest National Park Authority, before the end of the period of six months beginning with the establishment date”(6); and
- (b) in subsection (2) for “a relevant authority, before the end of the period of six months beginning with the day on which any subsequent order under section 50 which applies to them is made” there were substituted “the New Forest National Park Authority, before the end of the period of six months beginning with the day on which any order under section 50, which applies to that Authority, is made after the establishment date”.

Best value performance plans

11. Notwithstanding section 6(1) of the Local Government Act 1999(7), the Authority shall not be required to prepare a best value performance plan for the financial year beginning with 1st April 2005.

Planning and compulsory purchase

12. Notwithstanding section 37(5) of the Planning and Compulsory Purchase Act 2004(8) (interpretation), the Authority shall become the local planning authority for the area of the New Forest National Park for the purposes of Part 2 of that Act (local development) on the operational date, and until that date section 37(4) of that Act shall continue to apply in respect of the area of that National Park.

Members' Allowances

13.—(1) The Local Authorities (Members' Allowances) (England) Regulations 2003(9) (in this paragraph referred to as “the 2003 Regulations”) shall apply to the Authority from the establishment date subject to the following sub-paragraphs.

(6) A model code of conduct for National Park authorities was issued under the National Park and Broads Authorities (Model Code of Conduct) (England) Order 2001 (S.I.2001/3577) amended by S.I. 2002/1719.

(7) 1999 c. 27.

(8) 2004 c. 5.

(9) S.I. 2003/1021 to which there are amendments not relevant to this Order.

Changes to legislation: *There are currently no known outstanding effects for the The New Forest National Park Authority (Establishment) Order 2005, SCHEDULE 4. (See end of Document for details)*

(2) Notwithstanding regulation 10 of the 2003 Regulations, the Authority shall, on or before 30th June 2005, make a scheme in accordance with those Regulations for the year ending 31st March 2006.

(3) The scheme made by the Authority as required by sub-paragraph (2) may make provision for any allowance payable in accordance with that scheme to be payable as if the scheme had been in force on and after the establishment date.

Changes to legislation:

There are currently no known outstanding effects for the The New Forest National Park Authority (Establishment) Order 2005, SCHEDULE 4.