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STATUTORY INSTRUMENTS

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**2010 No. 497**

**The South Downs National Park  
Authority (Establishment) Order 2010**

**PART 2**

*Establishment, constitution and administration of the Authority*

**Establishment**

**3.** On the establishment date, an authority for the National Park, to be known as “the South Downs National Park Authority”, is established.

**Membership of the Authority**

**4.—(1)** The specified number of local authority members of the Authority is fourteen.

(2) The specified number of parish members of the Authority to be appointed by the Secretary of State is six.

(3) The specified number of other members of the Authority to be appointed by the Secretary of State is seven.

**Appointment of local authority members of the Authority**

**5.** The local authority members of the Authority are to be appointed as follows—

- (a) one member is to be appointed by East Sussex County Council;
- (b) one member is to be appointed by Hampshire County Council;
- (c) one member is to be appointed by West Sussex County Council;
- (d) one member is to be appointed by Arun District Council;
- (e) one member is to be appointed by Brighton and Hove City Council;
- (f) one member is to be appointed by Chichester District Council;
- (g) one member is to be appointed by Eastbourne Borough Council;
- (h) one member is to be appointed by East Hampshire District Council;
- (i) one member is to be appointed by Horsham District Council;
- (j) one member is to be appointed by Lewes District Council;
- (k) one member is to be appointed by Mid Sussex District Council;
- (l) one member is to be appointed by Wealden District Council;
- (m) one member is to be appointed by Winchester City Council; and
- (n) one member is to be appointed by Adur District Council and Worthing Borough Council acting jointly.

### **First appointment of members of the Authority**

6.—(1) The Secretary of State and each of the South Downs local authorities must appoint their respective first members of the Authority before the establishment date, and those appointments take effect on that day.

(2) But no appointment on or after that date is to be treated as invalid by reason only of a failure to make the appointment as required by this article.

### **Resignation of office**

7. A member may at any time resign from membership of the Authority by notice in writing delivered to the Authority, and that resignation is to take effect on the receipt of the notice by the Authority.

### **Vacancies**

8. Where a vacancy arises in the membership of the Authority, it must be filled as soon as possible—

- (a) where the vacancy is for a local authority member, by the council in whose representation the vacancy arises in accordance with paragraph 2(4) to (5B) and (7) (local authority members) of Schedule 7 to the 1995 Act; and
- (b) where the vacancy is for a member appointed by the Secretary of State, by the Secretary of State in accordance with paragraph 3 (parish members of English National Park authorities) or paragraph 4 (members (other than parish members) appointed by the Secretary of State), as the case may be, of Schedule 7 to the 1995 Act.

### **Notice of appointment, etc.**

9.—(1) Where—

- (a) a member is appointed to the Authority, or
- (b) a vacancy arises in the membership of the Authority for any reason other than resignation—

the relevant authority must as soon as practicable give notice in writing to the Authority stating the information specified in paragraph (2).

(2) The information mentioned in paragraph (1) is—

- (a) in a case within paragraph (1)(a), the name of the member and the date of that member's appointment; and
- (b) in a case within paragraph (1)(b), the occurrence of the vacancy

(3) As soon as practicable after receiving a notice under article 7 or this article, the Authority must give public notice of—

- (a) the appointment or, as the case may be, the resignation, termination or vacancy; and
- (b) the name of the person concerned.

(4) In paragraph (1), “the relevant authority” means—

- (a) where the member, or the former member, was a local authority member, the council by whom that member was appointed; or
- (b) where the member, or the former member, was appointed by the Secretary of State, the Secretary of State;

and for this purpose “the former member” means the member the ending of whose membership gives rise to the vacancy.

### **Meetings and proceedings**

**10.** Schedule 1 contains provisions about the meetings and proceedings of the Authority.

### **Acting National Park officer**

**11.**—(1) Until the Authority appoints a National Park officer in accordance with paragraph 14 of Schedule 7 to the 1995 Act, the Secretary of State must appoint an officer, to be known as the “acting National Park officer”.

(2) Until the appointment of a National Park officer as described in paragraph (1), the acting National Park officer has the powers of the National Park officer for the Authority and is to act as that officer.

### **Reports and returns**

**12.** The Authority must, if so requested by the Secretary of State, forthwith send or give to Natural England and to each South Downs local authority a copy of any report, return or information which the Authority is required to send or give to the Secretary of State in accordance with section 230 of the 1972 Act<sup>(1)</sup> (reports and returns).

### **Accounts, etc.**

**13.**—(1) Subject to paragraphs (2) and (3), the Authority must—

- (a) keep a fund (known as the general fund) to which all income of the Authority must be carried, and from which all expenditure discharging liabilities must be met; and
- (b) keep accounts of income and expenditure of the general fund.

(2) The provisions of paragraph (1) are without prejudice to any provision contained in any enactment or instrument requiring the Authority to keep—

- (a) a specific fund or funds in respect of specified income and expenditure of the Authority; or
- (b) specific accounts in respect of specified income and expenditure of any funds of the Authority.

(3) Nothing in paragraph (1)(a) is to be construed as requiring or authorising the Authority to apply or dispose of the surplus revenue arising from any undertaking carried on by it otherwise than in accordance with any enactment or instrument applicable to the undertaking.

### **Staff**

**14.** Schedule 2 contains provisions in relation to the transfer of staff to the Authority.

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(1) Section 230 of the 1972 Act applies to the Authority by virtue of paragraph 17(2)(c) of Schedule 7 to the 1995 Act.