

SCHEDULE 1

Article 10

MEETINGS AND PROCEEDINGS OF THE AUTHORITY

First meeting and other meetings of the Authority before the operational date

1.—(1) The first meeting of the Authority must be convened by the acting National Park officer within 21 days beginning with the establishment date and are to be held at such place and hour as may be fixed by that acting officer.

(2) That meeting will be treated as the annual meeting of the Authority for the year commencing 1st April 2010.

(3) Notice of that meeting must be published at the place where the meeting is to be held and the summons must be signed by the acting National Park officer.

(4) Until the election of a chairman of the Authority at that meeting, any functions to be exercised or exercisable by the chairman of the Authority (once elected) are to be exercised or exercisable by the acting National Park officer.

(5) The acting National Park officer must not vote at the election of the chairman of the Authority unless the votes for election of the chairman are tied.

(6) The Authority will hold such further meetings before the operational date as may be necessary.

(7) So far as is consistent with the preceding provisions of this paragraph, the following provisions of this Schedule will apply to the calling and conduct of meetings under this paragraph.

Annual meetings and other meetings of the Authority

2.—(1) In the year commencing 1st April 2011 and in each subsequent year the Authority must hold an annual meeting, and those meetings are to be held at such hour as the Authority may fix, or if no hour is fixed, at twelve noon.

(2) In addition to the annual meeting, the Authority must hold in the year commencing 1st April 2011 and in every succeeding year at least three other meetings for the transaction of general business and those other meetings are to be held at such hour and on such days as the Authority may determine but must be as near as may be at regular intervals.

3.—(1) The relevant officer may call an extraordinary meeting of the Authority at any time.

(2) Not less than five members of the Authority may requisition an extraordinary meeting of the Authority at any time.

(3) A requisition under sub-paragraph (2) must be in writing and must be presented to the relevant officer.

(4) Where the relevant officer has not called an extraordinary meeting within seven days of the presentation of a requisition under sub-paragraph (2), any five members of the Authority may forthwith call an extraordinary meeting of the Authority.

(5) In this paragraph, “the relevant officer” means—

- (a) if both the offices of chairman and deputy chairman are vacant, the National Park officer;
- (b) if the office of chairman (only) is vacant, the deputy chairman; and
- (c) in any other case, the chairman.

Chairman and deputy chairman

4.—(1) The election of a chairman and deputy chairman must be the first business transacted at the annual meeting of the Authority.

(2) The person elected as chairman or deputy chairman of the Authority may at any time resign their office by notice in writing delivered to the National Park officer.

(3) Where a casual vacancy in the office of chairman or deputy chairman of the Authority is filled, the person appointed to fill that vacancy holds office until the date upon which the person last holding that office would have retired in the ordinary course.

(4) Where necessary, the meeting at which the casual vacancy is to be filled must be convened by the National Park officer.

Calling of meetings of the Authority

5.—(1) Meetings of the Authority are to be held at such place, whether or not in the South Downs National Park, as the Authority may direct.

(2) At least three clear days before a meeting of the Authority—

- (a) notice of the time and place of the intended meeting must be published at the principal offices of the Authority and, where the meeting is called by members of the Authority, the notice must be signed by those members and specify the business to be transacted; and
- (b) a summons to attend the meeting, specifying the business proposed to be transacted and signed by the National Park officer, must, subject to sub-paragraphs (3) and (4) below, be left at or sent by post to the usual place of residence of every member of the Authority; and
- (c) the National Park officer must send a copy of that summons to the proper officer of each of the South Downs local authorities, Natural England and the Secretary of State.

(3) If a member of the Authority gives notice in writing to the National Park officer requesting that any notice (“summons”) inviting or requiring the attendance of that member at a meeting of the Authority be served at some address specified in the notice other than the usual place of residence of that member, any summons so addressed and left at or sent by post to that address is to be deemed sufficient service of the summons.

(4) Where a member of the Authority and the National Park officer so agree in writing, any summons to attend meetings of the Authority may be given to that member by electronic communication.

(5) Want of service of a summons on any member of the Authority does not affect the validity of a meeting of the Authority.

(6) Except in the case of business required under this Order or any other statutory provision to be transacted at the annual meeting of the Authority and any other business brought before that meeting as a matter of urgency in accordance with the Authority’s standing orders, no business may be transacted at a meeting of the Authority other than that specified in the summons relating to that meeting⁽¹⁾.

(7) For the purpose of calculating the period of three clear days under sub-paragraph (2) of this paragraph, any day that is a Saturday, Sunday, bank holiday (being a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971⁽²⁾), Christmas Day or Good Friday is to be excluded.

Conduct of meetings

6.—(1) At a meeting of the Authority the chairman, if present, must preside.

(1) But see section 100B(4) of the 1972 Act (consideration of items of business), inserted by section 1 of the [Local Government \(Access to Information\) Act 1985 \(c. 43\)](#), and applied to National Park authorities by section 100J(1)(cd) of the 1972 Act (inserted by paragraph 12(2)(a) of Schedule 7 to the 1995 Act), which provides that an item may be considered where the chair of the meeting considers it is a matter of urgency by reason of special circumstances which are to be specified in the minutes.

(2) [1971 c. 80](#).

(2) If the chairman is absent from a meeting of the Authority the deputy chairman, if present, must preside.

(3) If both the chairman and the deputy chairman are absent, such other member of the Authority as the members present choose is to preside.

Quorum

7. No business is to be transacted at a meeting of the Authority unless⁽³⁾—

- (a) at least one third of the whole number of members of the Authority are present; and
- (b) of those present, at least one is a local authority member and at least one a member appointed by the Secretary of State.

Minutes and proceedings of meetings

8. A copy of the minutes of the proceedings at each meeting of the Authority must be sent to the proper officer of each of the South Downs local authorities, Natural England and the Secretary of State within thirty five days of the date of the meeting at which those minutes were approved.

SCHEDULE 2

Article 14

TRANSFER OF STAFF

Interpretation

1. In this Schedule—

“list of staff” means a list marked with the words “The South Downs National Park Authority-List of Staff” which—

- (a) includes a list of persons to be transferred to the Authority;
- (b) includes the date within the transitional period on which those persons are to be transferred to the Authority (“the transfer date”); and
- (c) is signed by the Secretary of State.

Deposit of list of staff

2. A copy of every list of staff must be deposited with the Authority and with each South Downs local authority.

Transfer of staff

3.—(1) This paragraph applies to any person—

- (a) whose name is included in a list of staff; and
- (b) who, immediately before the transfer date in that list of staff, was employed by a South Downs local authority under a contract of employment.

(2) The contract of employment of a person to whom this paragraph applies is not terminated on the transfer date but has effect as if made between that person and the Authority.

(3) But see paragraph 45 of Schedule 12 to the 1972 Act (quorum) which is applied to a National Park authority by paragraph 12(1)(a) of Schedule 7 to the 1995 Act. Paragraph 45 provides that, where more than one third of members are disqualified, the calculation is to be by reference to the number remaining qualified, not the full membership.

(3) This paragraph is without prejudice to any provision of the Transfer of Undertakings (Protection of Employment) Regulations 2006(4).

SCHEDULE 3

Article 16

APPLICATION OF ENACTMENTS

PART 1

ADMINISTRATION

Members' allowances

1.—(1) Paragraph (3B) of section 175 of the 1972 Act(5) (allowances for attending conferences and meetings) applies as if the Authority were a combined body all the members of which are representatives of local authorities.

(2) For the purposes of subsection (1) of section 177 of the 1972 Act(6) (provisions supplementary to sections 173 to 176 of that Act), the Authority is to be treated as a body specified in section 21(1) of the 1989 Act.

Financial administration

2. Part 8 (financial administration) of the Local Government Finance Act 1988(7) applies as if—
- (a) the Authority were a relevant authority for the purposes of that Part; and
 - (b) references to “the commencement day” were references to 1st April 2010.

Standing orders

- 3.—(1) The Local Authorities (Standing Orders) Regulations 1993(8) apply as if—
- (a) in regulations 1 to 3 and Schedule 1 (standing orders relating to chief officers), the Authority were a relevant authority within the meaning of regulation 1;
 - (b) in regulation 4 (meetings and proceedings), the Authority were a council mentioned in paragraph (1) of that regulation; and
 - (c) in paragraph 2 of Schedule 2 (signing minutes - extraordinary meetings), the reference to a meeting called under paragraph 3 of Schedule 12 to the 1972 Act were a reference to an extraordinary meeting of the Authority.
- (2) Regulations 6 and 7 of the Local Authorities (Standing Orders) (England) Regulations 2001 (standing orders in respect of disciplinary action and investigation of alleged misconduct)(9) apply as if the Authority were a local authority for the purpose of those Regulations.

(4) [S.I. 2006/246](#), to which there are amendments not relevant to this Order.

(5) Subsection (3B) is inserted by section 25(3) of the [Local Government, Planning and Land Act 1980 \(c.65\)](#), and amended by paragraph 27(b) of Schedule 11 to the 1989 Act. Section 175 applies to a National Park authority by virtue of paragraph 11(1) of Schedule 7 to the 1995 Act.

(6) Section 177(1) was substituted by paragraph 28 of Schedule 11 to the 1989 Act.

(7) [1988 c. 41](#). Section 111(1) and (2) defines “a relevant authority” for the purposes of Part 8 of the Act. Section 111(4) defines “the commencement day”.

(8) [S.I. 1993/202](#), amended by [S.I. 2001/3384](#).

(9) [S.I. 2001/3384](#).

PART 2

MISCELLANEOUS FUNCTIONS

Water

4.—(1) Schedule 11 to the Water Industry Act 1991 (orders conferring compulsory works powers)(**10**) applies as if the Authority were a local authority for the purposes of paragraph 1(3)(b) of that Schedule (persons to be notified of a compulsory works order application).

(2) The Water Resources Act 1991(**11**) applies as if—

- (a) the Authority were a local authority for the purposes of section 72(2)(a) of that Act (interpretation of Chapter 2); and
- (b) the Authority were a local authority for the purposes of section 158(1) (works agreements for water resources purposes) and section 197(5) (provision of information about water flow) of that Act, and for the purposes of paragraph 2(3)(a) of Schedule 5 (procedure) to that Act.

Transport and Works Act 1992

5. The Transport and Works Act 1992(**12**) applies as if the Authority were a local authority for the purposes of section 11(4) of that Act (inquiries and hearings).

Commons

6. The Commons (Schemes) Regulations 1982(**13**), to the extent that they relate to land within the National Park, apply as if—

- (a) the Authority were a council for the purposes of those Regulations; and
- (b) in forms 1 and 2 in the Schedule to those Regulations, references to the Authority were substituted for references to the Council and District Council.

Areas of archaeological importance

7. The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984(**14**) apply in relation to any area of archaeological importance wholly or partly within the National Park as if each reference to a district council were a reference to the Authority.

Disposal of abandoned vehicles

8. The Removal and Disposal of Vehicles Regulations 1986(**15**) apply as if the Authority were a council of a county for the purposes of paragraph (aa) of regulation 12(1)(e), and as if the National Park were that council's area.

(10) 1991 c. 56.

(11) 1991 c. 57.

(12) 1992 c. 42.

(13) S.I. 1982/209. Paragraph 1 of Schedule 9 to the 1995 Act provides that section 1 of the [Commons Act 1899 \(c. 30\)](#) (scheme for regulation) has effect in relation to a registered common within a National Park for which a National Park authority is the local planning authority as if a National Park authority were a local authority for the purposes of that enactment.

(14) S.I. 1984/1285, to which there are modifications for particular purposes not relevant to this Order. Paragraph 10(2) of Schedule 9 to the 1995 Act provides that section 35 of the [Ancient Monuments and Archaeological Areas Act 1979 \(c. 46\)](#) (notice of operations affecting areas of archaeological importance) has effect as if any notice required to be served on a local authority under that section were required to be served, instead, on a National Park authority and the functions conferred on a local authority under that section had been conferred on the National Park authority.

(15) S.I. 1986/183, to which there are amendments not relevant to this Order. Paragraph 9(1) of Schedule 9 to the 1995 Act provides that references to a local authority in the [Refuse Disposal \(Amenity\) Act 1978 \(c. 3\)](#) have effect in relation to land in a National

Listed building purchase notices

9. The Planning (Listed Buildings and Conservation Areas) Regulations 1990(16) apply as if—
- the reference in regulation 9(1) (claims for compensation and listed building purchase notices) to the council of a district included reference to the Authority; and
 - the purchase notice referred to in paragraph (2) of Part 2 of Schedule 1 (notification to be sent to applicant on refusal of listed building consent etc.) were, in the case where the land is situated in the National Park, to be served on the Authority.

Town and country planning

10. The Town and Country Planning General Regulations 1992(17) apply as if the reference to the council of a district in regulation 12(1) (claims for compensation and purchase notices) included a reference to the Authority.

11. The Town and Country Planning (General Development Procedure) Order 1995(18) applies as if the reference to the district council in the final paragraph of the notification set out in Part 2 of Schedule 1 to that Order (notification to be sent to applicant on refusal of planning permission or on the grant of permission subject to conditions) were, where the land is situated in the National Park, a reference to the Authority.

12. Section 15 (local development scheme) of the Planning and Compulsory Purchase Act 2004(19) applies in relation to the Authority as if for paragraph (b) of subsection (3) there were substituted—

“(b) submit the scheme to the Secretary of State not later than 1st July 2011;”.

SCHEDULE 4

Article 17

TRANSITIONAL AND SUPPLEMENTAL PROVISION

Access to the countryside

1. Notwithstanding subsection (2) of section 1 of the 2000 Act(20) (principal definitions for Part 1), the Authority becomes the access authority for the purposes of Part 1 of that Act in relation to land in the 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 continues to be the access authority for those purposes.

2. Notwithstanding subsection (5) of section 21 of the 2000 Act(21) (interpretation of Chapter 2), the Authority becomes the relevant authority for the purposes of Chapter 2 of Part 1 of the 2000

Park for which a National Park authority is the local planning authority as if they included references to that authority and as if the relevant Park were the authority's area.

(16) *S.I. 1990/1519*. Paragraph (2) of the form set out in Part 2 of Schedule 1 to that Order was amended by *S.I. 1996/525* and *1997/2971*; there are other amendments to that Order not relevant to this Order. By virtue of section 32(4A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (inserted by paragraph 33 of Schedule 10 to the 1995 Act), a National Park authority is a body on whom a listed building purchase notice may be served where it is the local planning authority for the area in which the building and land in question are situated.

(17) *S.I. 1992/1492*, to which there are amendments not relevant to this Order.

(18) *S.I. 1995/419*. Section 147A of the *Town and Country Planning Act 1990* (c.8), inserted by section 67(5) of the 1995 Act, applies Chapter 1 of Part 6 of that Act to National Park authorities.

(19) *2004 c. 5*.

(20) See the definition of “access authority” in section 1(2) of the 2000 Act. Section 1(2) was amended by section 303(2) of the *Marine and Coastal Access Act 2009* (c.23).

(21) See the definition of “relevant authority” in section 21(5) and (6) of the 2000 Act.

Act (exclusion or restriction of access) on the operational date (save as provided in section 21(6) of that Act), and until that date Natural England is the relevant authority for those purposes.

3. Notwithstanding subsection (2)(b) of section 94 of the 2000 Act (local access forums), the Authority becomes the appointing authority for the area of the 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 National Park continues to be the appointing authority for that area.

Disclosure of officers' interests

4. For the purposes of section 117 of the 1972 Act⁽²²⁾ (disclosure by officers of interests in contracts) any contract—

- (a) which was entered into by a South Downs local authority, and
- (b) to which the Authority becomes a party by virtue of this Order or any provision made under Part 3 of the 1995 Act,

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

Application of directions etc. to the Authority

5.—(1) This paragraph applies where under any provision relating to any relevant functions the Secretary of State may give directions or issue guidance to a South Downs local authority, or may otherwise make a decision affecting the exercise of such functions in relation to such an authority.

(2) Where this paragraph applies, the Secretary of State may give such directions or issue such guidance to the Authority, or make any such decision affecting the exercise of functions by the Authority, during the transitional period if and to the extent that doing so is consistent with the powers and duties conferred and imposed upon the Authority.

Duty of South Downs local authorities to assist the Authority

6. Each South Downs local authority must 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 is exercisable by the Authority against any South Downs local authority.

(2) Upon giving reasonable notice, the Authority may at all reasonable times inspect and take copies of recorded information so far as reasonably necessary for the proper discharge of its functions, wherever, and in whatever form, such information is held.

(3) The South Downs local authority holding the information must supply all such information and assistance as may reasonably be required.

Registers and similar records required to be maintained

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

(22) Section 117 applies to a National Park authority by virtue of paragraph 13(6) of Schedule 7 to the 1995 Act.

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

Interim monitoring officer

9.—(1) If, at the time of the first meeting of the Authority convened and held 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⁽²³⁾ (designation and reports of monitoring officer), it must appoint an interim monitoring officer.

(2) The Authority may not appoint as its interim monitoring officer—

- (a) a person who holds any other paid office or employment with it; or
- (b) a member of the Authority.

(3) Subject to the provisions of this paragraph, section 5 of the 1989 Act and Part 3 of the Local Government Act 2000⁽²⁴⁾ (conduct of local government members and employees) apply to the interim monitoring officer as they apply to a monitoring officer, and the interim monitoring officer is, for all purposes, to be treated as the Authority’s monitoring officer.

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

(5) The duties of the interim monitoring officer may not be delegated.

(6) During the period of appointment of any person as an interim monitoring officer, that person may not be appointed to any other paid office or employment with the Authority.

(7) Any person who ceases to be the interim monitoring officer may not be appointed to any paid office or employment with the Authority until 1st April 2011.

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

- (a) becomes bankrupt or makes an arrangement with the officer’s creditors; or
- (b) is, in the opinion of the Authority, unable or unfit to discharge the duties of an interim monitoring officer.

(9) If the appointment of the interim monitoring officer is ended for a reason other than the designation of a monitoring officer, the Authority, unless it designates a monitoring officer, must appoint a further person as interim monitoring officer, and the provisions of this paragraph apply to that further appointment.

Codes of conduct

10. Section 51 of the Local Government Act 2000 (duty of relevant authorities to adopt codes of conduct) has effect with the following modifications—

⁽²³⁾ 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.

⁽²⁴⁾ 2000 c. 22.

- (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” substitute—
- “the South Downs National Park Authority, before the end of the period of six months beginning with the establishment date”(25); 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” substitute—
- “the South Downs 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”.

Planning and compulsory purchase

11. Notwithstanding subsection (5) of section 37 of the Planning and Compulsory Purchase Act 2004(26) (interpretation), the Authority becomes the local planning authority for the area of the 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 continues to apply in respect of the area of the National Park.

Members’ allowances

12.—(1) The Local Authorities (Members’ Allowances) (England) Regulations 2003(27) apply to the Authority from the establishment date subject to the following modifications.

(2) Notwithstanding regulation 10 of those Regulations (requirements for schemes), the Authority must, on or before 30th June 2010, make a scheme in accordance with those Regulations for the year ending 31st March 2011.

(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 paid as if the scheme had been in force since the establishment date.

(25) The Local Authorities (Model Code of Conduct) Order 2007 (S.I. 2007/1159) applies to National Park authorities (see article 1(2) of that Order.

(26) 2004 c. 5.

(27) 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 South Downs National Park Authority (Establishment) Order 2010.