

NATIONAL PARKS (SCOTLAND) ACT 2000

EXPLANATORY NOTES

INTRODUCTION

Schedule 2: General powers of National Park authorities

104. *Paragraph 1* enables an authority to make a charge for any goods, services and facilities it provides.
105. *Paragraph 2* enables an authority to provide advice, assistance or training facilities in matters in which it has skill or experience, but if this is to be provided outside Scotland, the consent of the Scottish Ministers must be obtained.
106. *Paragraph 3* enables an authority to conduct research, or arrange for others to do this on their behalf, on matters connected with its functions.
107. *Paragraph 4* enables an authority to pay grants or loans, with conditions (including repayment), for activities which will help to further its purpose (as set out in section 9(1)). Such financial assistance requires the consent of the Scottish Ministers.
108. *Paragraph 5* enables an authority to acquire land which is within the National Park, either by agreement or compulsorily with the authorisation of the Scottish Ministers. In the latter case this excludes Crown land and is subject to any other legislation which gives a National Park authority powers of compulsory purchase, and to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947.
109. *Paragraph 6* prevents an authority from disposing of land for less than a reasonable market value unless it has the consent of the Scottish Ministers.
110. *Paragraph 7* sets out the circumstances in which a National Park authority can promote or oppose private legislation in the Scottish Parliament.
111. *Paragraph 8* sets out an authority's powers to make byelaws. The general purposes for which it can make byelaws are set out in sub-paragraph (1). Sub-paragraph (2) sets out some particular examples of matters which byelaws might deal with.
112. *Paragraph 9* sets out the rules which apply to the making of byelaws by National Park authorities under *paragraph 8*. These provide for a transparent and consultative process and require the National Park authority to publicise proposed byelaws; make copies of them available for public inspection for such a period (which must be at least 12 weeks) as it determines, and consult every relevant local authority and community council and such persons as appear to it to be representative of the interests of those who live, work, carry on business, or engage in recreational activities in the byelaw area.
113. *Sub-paragraph (2)* places a requirement on a National Park authority to take account of any views and comments received during the consultation and enables it to make any alterations to the byelaws in light of these views and comments.
114. *Sub-paragraph (3)* sets out the process for the confirmation of byelaws under the Act by the Scottish Ministers as being that provided for in the Local Government (Scotland) Act 1973.

*These notes relate to the National Parks (Scotland) Act 2000
(asp 10) which received Royal Assent on 14 August 2000*

115. *Paragraph 10* sets out the authority's powers to make and enforce management rules. These are rules to regulate the use of, and conduct of persons while on or in, land or premises owned, occupied or otherwise under the control of the authority, and to which the public have access. Sections 112 to 118 of the Civic Government (Scotland) Act 1982, which set out the processes governing the making of these rules by local government, will apply to the making of management rules by National Park authorities with minor modifications.
116. *Paragraph 11* provides for a National Park authority to be treated, for the purposes of the Local Authorities (Goods and Services) Act 1970 (c.39), as if it is both a local authority and a public body. The effect is to allow local authorities to provide goods and services to a National Park authority and vice versa, and to allow National Park authorities to provide goods and services to each other.
117. *Paragraph 12* applies Part IIIA of the Local Government (Scotland) Act 1973, which provides for access to meetings and documents, to a National Park authority and its committees and any joint committee as it applies to local authorities. *Sub-paragraph (2)* modifies that Part to make appropriate application to National Park authorities. *Sub-paragraph (3)* requires a National Park authority to appoint a proper officer from among its staff for the purposes of Part IIIA of the Local Government (Scotland) Act 1973.
118. *Paragraph 13* applies Part III of the Housing (Scotland) Act 1988 to National Park authorities as if they were public sector landlords. That Act provides that tenants of local authorities, on meeting certain conditions, are entitled to purchase their property.
119. *Paragraph 14* ensures that Part II of the Deregulation and Contracting Out Act 1994 has effect for a National Park authority in the same way as for a local authority. That Act allows Ministers by order to provide for delegation of functions as appropriate to permit contracting out.
120. *Paragraph 15* sets out a range of other functions a National Park is entitled to undertake.