

# NATIONAL PARKS (SCOTLAND) ACT 2000

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## EXPLANATORY NOTES

### INTRODUCTION

#### *Section 9: General purpose and functions of National Park authorities*

36. *Subsection (1)* sets out the general purpose of a National Park authority. That purpose is to ensure that the aims set out in section 1 are achieved in a way which is mutually supportive, rather than looking at each of the aims separately and in isolation.
37. *Subsection (2)* summarises the various powers of a National Park authority and where these are set out. In particular, general powers are in *schedule 2* and specific functions in *schedule 3*. Planning functions may be conferred by virtue of section 10. There may be additional functions conferred in the relevant designation order.
38. *Subsection (3)* sets out a general enabling power so that a National Park authority may do anything incidental to its main functions which it considers will help to accomplish its general purpose set out in subsection (1) or carry out its functions.
39. *Subsections (4) and (5)* make clear that this power does not allow any activity which is specifically restricted by the Act, nor does it include a separate power to raise money (without excluding an activity simply because it has financial consequences or involves acquiring or disposing of property).
40. *Subsection (6)* sets out the guiding principle for a National Park authority in exercising its functions: to act with a view to accomplishing its general purpose set out at section 9(1) – in other words, to ensure that the aims set out in section 1 are collectively achieved in relation to the National Park in a co-ordinated way. However, recognising that there will be occasions when even having taken a co-ordinated approach there remains conflict between the aim at section 1(a) and the others, greater weight must be given to (a), the conservation of natural and cultural heritage. This acknowledges that the high quality of the natural and cultural heritage is one of the main reasons for designating an area as a National Park.