

*Status: Point in time view as at 08/09/2000.*

*Changes to legislation: There are currently no known outstanding effects for the National Parks (Scotland) Act 2000, SCHEDULE 2. (See end of Document for details)*

## SCHEDULE 2

*(introduced by section 9)*

### GENERAL POWERS OF NATIONAL PARK AUTHORITIES

#### *Charges*

- 1 A National Park authority may fix and recover charges for goods, services and facilities provided in the course of carrying out its functions.

#### *Advice and assistance*

- 2 (1) An authority may provide for any person, whether in Scotland or elsewhere, advice or assistance, including training facilities, as respects any matter in which the authority has skill or experience.
- (2) Where the person to whom the advice or assistance is provided is outwith Scotland, the advice and assistance may be provided only with the consent of the Scottish Ministers and subject to any conditions which they may impose.

#### *Research*

- 3 An authority may make arrangements for the carrying out of research and related activities (whether by itself or others) in respect of matters to which its functions relate.

#### *Grants*

- 4 (1) An authority may, with the consent of the Scottish Ministers, give financial assistance by way of grant or loan to any person in respect of expenditure incurred or to be incurred by that person in doing anything which, in the authority's opinion, is conducive to the attainment of the purpose set out in section 9(1).
- (2) Such financial assistance may be given subject to such conditions as the authority thinks fit, including conditions for repayment in specified circumstances.

#### *Land*

- 5 (1) For the purposes of its functions, an authority may—
  - (a) acquire by agreement,
  - (b) if authorised by the Scottish Ministers, purchase compulsorily,any land situated within the National Park.
- (2) Sub-paragraph (1)(b)—
  - (a) does not apply in relation to Crown land within the meaning of section 242 of the Town and Country Planning (Scotland) Act 1997 (c.8), and
  - (b) is subject to any other enactment conferring on the authority power to acquire land compulsorily.
- (3) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (c.42) applies in relation to the compulsory purchase of land under sub-paragraph (1)(b) as if—
  - (a) that provision were contained in an Act in force immediately before the commencement of that Act, and

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- (b) the authority were a local authority.
- (4) The power to purchase land compulsorily under sub-paragraph (1)(b) includes power to acquire a servitude or other right in or over land by the creation of a new right.
- 6 An authority must not, without the consent of the Scottish Ministers, dispose of land for a consideration less than the best that could reasonably be expected to be obtained on the open market.

*Private legislation*

- 7 (1) An authority may, if it thinks fit—
  - (a) with the consent of the Scottish Ministers, promote private legislation,
  - (b) oppose private legislation,
 in the Parliament.
- (2) An application for such consent must be accompanied by a concise summary of the purposes of the proposed legislation.

*Byelaws etc.*

- 8 (1) A National Park authority may make byelaws for the National Park for the purposes of—
  - (a) protecting the natural and cultural heritage of the National Park,
  - (b) preventing damage to the land or anything in, on or under it,
  - (c) securing the public’s enjoyment of, and safety in, the National Park.
- (2) In particular, a National Park authority may make byelaws under sub-paragraph (1)—
  - (a) to regulate or prohibit the lighting of fires,
  - (b) to prohibit the depositing of rubbish and the leaving of litter,
  - (c) for the prevention or suppression of nuisances,
  - (d) to regulate the use of vehicles (other than the use of vehicles on a road within the meaning of the Roads (Scotland) Act 1984 (c.50)),
  - (e) to regulate the exercise of recreational activities.
- 9 (1) Where a National Park authority proposes to make byelaws under paragraph 8(1) it must—
  - (a) publicise the proposed byelaws in such manner as it thinks fit,
  - (b) make copies of the proposed byelaws available for public inspection for such period (which must be at least 12 weeks) as it may determine, and
  - (c) consult—
    - (i) every local authority and community council any part of whose area is within the area to which the proposed byelaws would apply (“the byelaw area”),
    - (ii) such persons as appear to them to be representative of the interests of those who live, work, carry on business or engage in recreational activities in the byelaw area, and
    - (iii) such other persons as they think fit,
 on the proposed byelaws.
- (2) The National Park authority must, when making the byelaws, take into account—

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- (a) any views on the proposed byelaws expressed by those consulted under sub-paragraph (1)(c), and
  - (b) any comments on them received within the period referred to in sub-paragraph (1)(b).
- (3) Sections 202 to 204 (byelaws) of the Local Government (Scotland) Act 1973 (c.65) apply to a National Park authority as they apply to a local authority, with the following modifications—
- (a) in subsection (3) of section 202, the reference to byelaws being authenticated with the common seal of the local authority is omitted,
  - (b) for subsection (13) of that section there is substituted—
    - “(13) A National Park authority shall send a copy of any byelaws made by it to the proper officer of the local authority for any area to the whole or any part of which the byelaws will apply.”

#### *Management rules*

- 10 (1) Sections 112 to 118 (management rules) of the Civic Government (Scotland) Act 1982 (c.45) have effect as if references to a local authority and to the authority's area included references to a National Park authority and the National Park.
- (2) In the application of those sections to a National Park authority—
- (a) the reference in section 112(9) to management rules being sealed with the common seal of an authority, and
  - (b) section 117(6) (disapplication of section 56(1) of Local Government (Scotland) Act 1973 (c.65)),
- are omitted.

#### *Goods and services*

- 11 The Local Authorities (Goods and Services) Act 1970 (c.39) has effect as if a National Park authority were both a local authority and a public body for the purposes of that Act.

#### *Access to meetings and documents*

- 12 (1) Part IIIA (access to meetings and documents of local authorities) of the Local Government (Scotland) Act 1973 (c.65) has effect as if a National Park authority were a local authority for the purposes of that Part.
- (2) In the application of that Part to a National Park authority—
- (a) in section 50E(1)(b) (application of sections 50A to 50D to committees etc.), for “an enactment specified in section 56(9) below” there is substituted “section 17(5) of the National Parks (Scotland) Act 2000 (asp 10)”,
  - (b) in section 50F(1)(b) (additional rights of access for members of authorities), for “statutory committee appointed by the authority” there is substituted “committee appointed under section 17(5) of the National Parks (Scotland) Act 2000 (asp 10)”,
  - (c) in section 50G(1) (publication of information), the references to the address of a member and the electoral division or ward which the member represents are omitted,

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(d) section 50K(2) is omitted.

(3) A National Park authority must appoint a member of its staff as its proper officer for the purposes of Part IIIA of that Act.

#### *Tenants' rights*

13 Part III (change of landlord: secure tenants) of the Housing (Scotland) Act 1988 (c.43) has effect as if a National Park authority were a public sector landlord for the purposes of that Part.

#### *Contracting out*

14 Part II (contracting out) of the Deregulation and Contracting Out Act 1994 (c.40) has effect as if a National Park authority were a local authority for the purposes of that Part.

#### *Other powers*

15 An authority may—

- (a) enter into contracts,
- (b) carry on any business or undertaking,
- (c) form or promote (whether alone or with others) companies (within the meaning of the Companies Act 1985 (c.6)),
- (d) form partnerships with other persons,
- (e) accept gifts or contributions,
- (f) invest sums not immediately required in relation to the exercise of its functions.

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