
STATUTORY INSTRUMENTS

1995 No. 2803

The National Park Authorities (Wales) Order 1995

Citation and commencement

1. This Order may be cited as the National Park Authorities (Wales) Order 1995 and shall come into force on 23rd November 1995.

Interpretation

2.—(1) In this Order:—

“the 1972 Act” means the Local Government Act 1972 ^{M1};

“the 1989 Act” means the Local Government and Housing Act 1989 ^{M2};

“the 1994 Act” means the Local Government (Wales) Act 1994;

“the 1995 Act” means the Environment Act 1995;

“existing council” means the council for a county or district which, as a result of the 1994 Act, ceases to exist on 1st April 1996 and any part of whose area lies within a National Park;

“local authority member” means a member of a National Park authority who is appointed by the council for a principal area in accordance with article 6;

“National Park” means a National Park in Wales in respect of which there is in force on the date of the making of this Order an order under section 5(3) of the National Parks and Access to the Countryside Act 1949 ^{M3};

“National Park authority” means a National Park authority established by article 3;

“National Park Committee” means a committee appointed for the discharge of functions within a National Park in accordance with paragraph 5 of Schedule 17 to the 1972 Act;

“National Park officer” means the officer of a National Park Committee appointed in accordance with paragraph 15 of Schedule 17 to the 1972 Act;

“principal area” means a county or county borough established by section 20 of the 1972 Act ^{M4} the whole or any part of which is comprised in a National Park;

“relevant functions” means functions of an existing council which by or under Part III of the 1995 Act become functions of a National Park authority on 1st April 1996 and includes functions which are required to be discharged through a National Park Committee in accordance with paragraph 5 of Schedule 17 to the 1972 Act;

“the Secretary of State” means the Secretary of State for Wales;

“Secretary of State member” means a member of a National Park authority appointed by the Secretary of State in accordance with article 6;

“the transitional period” means the period beginning with 23rd November 1995 and ending on 31st March 1996.

(2) Unless the contrary intention appears, expressions used in this Order shall have the meaning which they bear in the 1972 Act or the 1994 Act.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Park Authorities (Wales) Order 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Marginal Citations

- M1** 1972 c.70.
M2 1989 c.42.
M3 1949 c.97.
M4 Section 20 was substituted by section 1(1) of the 1994 Act.

Establishment of National Park authorities

3. On the 23rd November 1995, there shall be established a National Park authority for each National Park.

Names of National Park authorities

4. In respect of each National Park listed in column (1) of Schedule 1 to this Order, the National Park authority established for that Park by this Order shall be known, in English, by the name listed in column (2) of that Schedule and, in Welsh, by the name listed in column (3) of that Schedule.

Section 4A of the Town and Country Planning Act 1990

5.—(1) The 1st April 1996 is the time specified for the purposes of section 4A of the Town and Country Planning Act 1990 in relation to each National Park for which a National Park authority is established by article 3.

(2) From 1st April 1996 paragraph 5 of Schedule 17 to the 1972 Act^{M5} and section 7 of the Local Government Act 1974^{M6} shall, in respect of each such National Park, cease to have effect.

(3) Notwithstanding section 59(11) and (12) of the 1994 Act, the National Park Committee for the Brecon Beacons National Park shall cease to exist on 1st April 1996.

Marginal Citations

- M5** Paragraph 5 in Part I of Schedule 17 to the 1972 Act was amended by the Local Government Act 1985 (c.51), Schedule 3, paragraph 5. Part I of the said Schedule 17 is to be repealed from a day to be appointed: see the 1995 Act sections 120(3) and 125(3) and Schedule 24.
M6 1974 c.7; section 7 was amended by the Local Government Act 1985, Schedule 3, paragraph 6 and by the Environmental Protection Act 1990 (c.43), Schedule 8, paragraph 4. It is to be repealed from a day to be appointed by the 1995 Act sections 120(3) and 125(3) and Schedule 24.

Membership of National Park authorities

6.—(1) Each National Park authority shall consist of the number of local authority members and of Secretary of State members specified for that authority in Part I of Schedule 2 to this Order.

(2) The number of local authority members to be appointed to a National Park authority by the council for a principal area shall be the number specified for that council in relation to the relevant National Park authority in Part II of Schedule 2 to this Order.

(3) In respect of a National Park authority specified in Part III of Schedule 2 the council or councils identified opposite the name of that National Park authority are excluded from the councils by whom local authority members of that National Park authority are to be appointed.

First appointment of members

7. It shall be the duty of the Secretary of State and of each council for a principal area which is required to appoint one or more local authority members of a National Park authority to appoint their respective first members on 23rd November 1995 and those appointments shall take effect on and from that date; but an appointment of such a member shall not be invalid merely because it is not made on that date.

Resignation of office

8. A member may at any time resign his membership of a National Park authority by notice in writing delivered to the proper officer of that authority and his resignation shall take effect upon the receipt of the notice by that officer.

Vacancies

9. Upon a vacancy arising the vacancy shall as soon as practicable be filled, in the case of a local authority member, by the appointment of a new member by the council in whose representation the vacancy arises and, in the case of a Secretary of State member, by the Secretary of State after consultation with the Countryside Council for Wales.

Notice of appointment etc

10.—(1) Subject to paragraph (2), on the appointment of a member of a National Park authority or on a vacancy among the members appointed to a National Park authority occurring for a reason other than under article 8, then—

- (a) in the case of a local authority member, the council by whom the appointment is made or in whose representation the vacancy occurs, or
- (b) in the case of a Secretary of State member, the Secretary of State,

shall as soon as practicable give notice in writing to the National Park authority whose membership is affected of the name of the member concerned and the date of the appointment or, as the case may be, of the occurrence of the vacancy.

(2) If a person's membership of a National Park authority is terminated by—

- (a) a council in accordance with paragraph 2(5)(b) of Schedule 7 to the 1995 Act; or
- (b) the Secretary of State in accordance with paragraph 6 of the said Schedule 7,

the council or, as the case may be, the Secretary of State shall forthwith give notice in writing to that National Park authority of the name of the member and the date of the termination of that member's appointment.

(3) As soon as practicable after receiving a notice under the preceding paragraphs or article 8 the National Park authority shall give public notice of the fact of the appointment or, as the case may be, of the resignation or the termination or vacancy and, in each case, of the name of the person concerned.

Meetings and proceedings

11. The rules set out in Schedule 3 to this Order shall apply to the meetings and proceedings of a National Park authority.

Acting proper officer

12.—(1) Until such time as a National Park authority shall make other arrangements the National Park officer appointed by the relevant National Park Committee, or such other officer of the appropriate council as that Committee may from time to time designate, shall be deemed to be, and shall act as, the proper officer of that National Park authority and in the following paragraph of this article and in paragraph 1 of Schedule 3 to this Order references to the acting proper officer of a National Park authority shall be construed accordingly.

(2) An acting proper officer may by writing under his hand authorise one or more other officers of the appropriate council to discharge all or any of his functions under the preceding paragraph or under paragraph 1 of the said Schedule 3.

(3) In this article:—

“the appropriate council” means the existing council of which the National Park officer appointed by the relevant National Park Committee is an officer;

“relevant National Park Committee” means the National Park Committee for the National Park for which the National Park authority in question is established;

Reports and returns

13. A National Park authority shall, if so requested by the Secretary of State, forthwith send or give to the Countryside Council for Wales and the council for every principal area the whole or any part of which is within the National Park for which that National Park authority is established a copy of any report return or information which that authority is required to send or give to the Secretary of State in accordance with section 230 of the 1972 Act (reports and returns)^{M7}.

Marginal Citations

M7 [Section 230](#) of the 1972 Act is applied to a National Park authority by virtue of Schedule 7, paragraph 17(2)(c) to the 1995 Act.

Accounts etc.

14.—(1) Subject to paragraphs (2) and (3), a National Park authority shall—

(a) keep a fund (to be known as “the general fund”) to which all receipts of the authority shall be carried and out of which all liabilities falling to be discharged by the authority shall be discharged; and

(b) keep accounts of receipts carried to, and payments made out of, the general fund;

(2) The provisions of paragraph (1) are without prejudice to any provision contained in any enactment or instrument requiring a National Park authority to keep—

(a) a specific fund or funds in respect of specified receipts and liabilities of the authority; or

(b) specific accounts in respect of specified receipts carried to and payments out of any funds of the authority.

(3) Nothing in paragraph (1)(a) shall be construed as requiring or authorising an 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.

Continuity of exercise of functions

15.—(1) The vesting of the relevant functions of existing councils in a National Park authority by or under Part III of the 1995 Act shall not affect the validity of anything done by any of those councils before that vesting.

(2) Anything which at 1st April 1996 is in the process of being done by or in relation to an existing council in the exercise of, or in connection with, any relevant functions may be continued by or in relation to the National Park authority by which those functions become exercisable in respect of the National Park in question.

(3) Subject to paragraphs (4) and (5) below, for the purposes of securing the continuity of exercise or relevant functions between an existing council and a National Park authority, section 53(4) to (7) of the 1994 Act shall apply but subject to the following modifications:—

- (a) references in those subsections to an old authority shall have effect as if they were references to an existing council;
- (b) references to the successor authority shall have effect as if they were references to the National Park authority by which the relevant functions become exercisable in respect of the National Park in question; and
- (c) references to relevant functions shall have effect as if they had the same meaning as in this Order.

(4) A purchase notice under section 137 of the Town and Country Planning Act 1990 or a listed building purchase notice under section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ^{M8} served prior to 1st April 1996 on a district council, in respect of land all or any part of which on 1st April 1996 lies within a National Park shall be deemed to have been served on the council for the principal area in whose area the land in respect of which the said notice has been served is situated and if the said land is on 1st April 1996 situated in more than one principal area the notice shall be deemed to have been served on the council of the principal area in relation only to that part of the said land as is situated within its area.

(5) The provisions of this article are without prejudice to any other provision made by or under this Order or the 1994 Act or Part III of the 1995 Act in relation to any particular relevant functions and in relation to any particular existing council and any particular National Park authority and shall not be construed as continuing in force any contract of employment made by an existing council.

Marginal Citations

M8 1990 c.9.

Staff: Application of Sections 40 to 45 of the 1994 Act

16. Sections 40 to 45 of the 1994 Act shall apply to the transfer of staff to, and the employment of staff by, a National Park authority as they apply to the transfer of staff to, and the employment of staff by, a new principal council and as if in those sections:—

- (a) any reference to a new principal council included reference to a National Park authority;
- (b) any reference to provision made by or under the 1994 Act included reference to provision made by or under Part III of the 1995 Act; and
- (c) any reference to the termination of a person's contract of employment as a result of the 1994 Act (and references which are to be construed as such) included reference to the termination of a person's contract of employment as a result of Part III of the 1995 Act.

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Application of other provisions of the 1994 Act

17.—(1) For the purposes of the functions of a National Park authority the provisions of the 1994 Act set out in Schedule 4 to this Order shall apply to such authority as if:—

- (a) any reference in those provisions to a new principal council or joint or special planning board included reference to a National Park authority; and
- (b) any reference to the area of such a council or board were a reference to the National Park for which the National Park authority has been established.

(2) The preceding paragraph is without prejudice to the application of any other provision of the 1994 Act by any other provision made by or under this Order or the 1994 Act or Part III of the 1995 Act.

Application of other enactments and instruments with modifications

18. The enactments and instruments referred to in Schedule 5 shall apply to a National Park authority subject to the modifications set out in that Schedule.

Transitional provisions

19.—(1) Schedule 6 has effect for the purpose of making transitional provisions of a general nature.

(2) Schedule 7 makes provision for the capital finances of a National Park authority during the transitional period.

(3) Schedule 8 makes transitional provision for a National Park authority in relation to competitive tendering.

30th October 1995

William Hague
Secretary of State for Wales

Changes to legislation:

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Changes and effects yet to be applied to :

- Sch. 2 Pt. 1 words substituted by [S.I. 2007/3423 art. 3\(2\)](#)
- Sch. 2 Pt. 2 words substituted by [S.I. 2007/3423 art. 3\(3\)](#)
- Sch. 2 Pt. 1 words substituted by [S.I. 2020/119 art. 2\(2\)](#)
- Sch. 2 Pt. 2 words substituted by [S.I. 2020/119 art. 2\(3\)](#)
- Sch. 3 para. 2 modified by [S.I. 2020/442 reg. 8](#)
- Sch. 3 para. 6 modified by [S.I. 2020/442 reg. 18](#)
- Sch. 3 para. 6(2)(a) word substituted by [S.I. 2021/356 reg. 6\(2\)\(b\)](#)
- Sch. 3 para. 6(2)(b) word substituted by [S.I. 2021/356 reg. 6\(3\)\(a\)](#)
- Sch. 3 para. 6(2)(a) words omitted by [S.I. 2021/356 reg. 6\(2\)\(a\)](#)
- Sch. 3 para. 6(2)(b) words substituted by [S.I. 2013/755 Sch. 4 para. 52](#)
- Sch. 3 para. 9 words substituted by [S.I. 2013/755 Sch. 4 para. 52](#)
- Sch. 3 para. 6(2)(a) words substituted by [S.I. 2021/356 reg. 6\(2\)\(c\)](#)
- Sch. 3 para. 6(2)(b) words substituted by [S.I. 2021/356 reg. 6\(3\)\(b\)](#)
- Sch. 3 para. 6(2)(b) words substituted by [S.I. 2021/356 reg. 6\(3\)\(c\)](#)
- Sch. 3 para. 6(3) words substituted by [S.I. 2021/356 reg. 6\(5\)\(i\)](#)
- Sch. 3 para. 6(3) words substituted by [S.I. 2021/356 reg. 6\(5\)\(ii\)](#)
- Sch. 3 para. 6(3) words substituted by [S.I. 2021/356 reg. 6\(5\)\(iii\)](#)
- Sch. 3 para. 6(3) words substituted by [S.I. 2021/356 reg. 6\(5\)\(iv\)](#)
- Sch. 5 para. 20 revoked by [S.I. 2010/490 Sch. 7 Pt. 1](#)
- art. 9 words substituted by [S.I. 2013/755 Sch. 4 para. 52](#)
- art. 13 words substituted by [S.I. 2013/755 Sch. 4 para. 52](#)
- art. 18 revoked by [S.I. 2012/801 art. 33Sch. 8](#)
- art. 18 revoked in part by [S.I. 2010/490 Sch. 7 Pt. 1](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 para. 6(2A)-(2D) inserted by [S.I. 2021/356 reg. 6\(4\)](#)
- Sch. 5 para. 22 added by [S.I. 1996/1224 art. 2\(b\)](#)
- Sch. 5 para. 11-21 added by [S.I. 1996/534 Sch. para. 2](#)
- Sch. 5 para. 2E inserted by [S.I. 1996/1224 art. 2\(a\)](#)
- Sch. 5 para. 2A-2D inserted by [S.I. 1996/534 Sch. para. 1](#)
- Sch. 5 para. 16 omitted by [S.I. 1997/633 art. 3\(1\)](#)
- Sch. 5 para. 21 revoked by [S.I. 2012/801 art. 33Sch. 8](#)