
STATUTORY INSTRUMENTS

1996 No. 1243

The National Park Authorities (England) Order 1996

Citation and commencement

1. This order may be cited as the National Park Authorities (England) Order 1996 and shall come into force on 4th June 1996.

Interpretation

2. In this Order—

“the 1972 Act” means the Local Government Act 1972;

“the 1989 Act” means the Local Government and Housing Act 1989(1);

“the 1995 Act” means the Environment Act 1995;

“the establishment day” means 1st October 1996;

“local authority member” means a member of a National Park authority who is, or as the case may be is required to be, appointed to a National Park authority by a council for a principal area in accordance with article 5;

“National Park” means a National Park mentioned in column 1 of Part 1 of Schedule 1;

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

“parish member” means a member of a National Park authority appointed by the Secretary of State under paragraph 3 of Schedule 7 to the 1995 Act;

“the relevant functions” means functions which by or under Part III of the 1995 Act become on 1st April 1997 functions of a National Park authority, including functions which are required in accordance with paragraph 5 of Schedule 17 to the 1972 Act to be discharged through a National Park Committee;

“relevant principal area” in relation to a National Park means any county or district the whole or any part of which is within the area of the Park other than an area in respect of which the council for that area are for the time being excluded under paragraph 2(3) of Schedule 7 to the 1995 Act from the councils by whom the local authority members of the National Park authority for that Park are to be appointed;

“Secretary of State member” means a member of a National Park authority who is, or as the case may be is required to be, appointed by the Secretary of State under paragraph 3 or 4 of Schedule 7 to the 1995 Act as provided in article 5(1);

“transferor authority” means, as the case may be, a Board, or a council whose functions vest in a National Park authority by or under Part III of the 1995 Act;

“the transitional period” means the period beginning on the establishment day and ending with 31st March 1997;

and a reference to a Board is a reference to each of the Lake District Special Planning Board and the Peak Park Joint Planning Board.

(1) 1989 c. 42.

Establishment of National Park authorities

3. On the establishment day there shall be established a National Park authority for each National Park to be known by the name of that National Park with the addition of the words“National Park Authority”.

Membership of National Park authorities

4.—(1) The National Park authority for each National Park mentioned in column (1) of Part 1 of Schedule 1 shall consist of the number of members specified in relation to that Park in column (2) of that Part, of which—

- (a) the number specified in column (3) shall be the number of local authority members;
- (b) the number specified in column (4) shall be the total number of members appointed by the Secretary of State, and
- (c) the number specified in column (5) shall be the number of members appointed by the Secretary of State as parish members.

(2) The number of local authority members to be appointed to a National Park authority by the council for a relevant principal area shall be the number specified for that council in relation to that authority in Part II of Schedule 1.

(3) Mid Devon District Council is excluded from the councils by whom local authority members of the Dartmoor National Park authority are to be appointed.

First appointment of members

5. It shall be the duty of the Secretary of State and of each council for a relevant principal area which is required to appoint one or more local authority members to appoint their respective first members before the establishment day, and those appointments shall take effect on that day; but no appointment shall be treated as invalid by reason only of a failure to make the appointment as required by this article.

Resignation of office

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

Vacancies

7. Where a vacancy arises in the membership of a National Park authority, it shall be filled as soon as is practicable—

- (a) where the vacancy is created by a local authority member, by the council in whose representation the vacancy arises; and
- (b) where the vacancy is created by a Secretary of State member, by the Secretary of State, after consultation, where the appointment falls to be made in accordance with paragraph 4 of Schedule 7 to the 1995 Act, with the Countryside Commission.

Notice of appointment, etc.

8.—(1) Subject to paragraph (2), where a member is appointed to a National Park authority, or a vacancy arises in the membership of a National Park authority for any reason other than resignation—

- (a) where the member, or the member giving rise to the vacancy, was a local authority member, the council by whom he was appointed; or
- (b) where the member, or as the case may be, the member giving rise to the vacancy, was 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 appointed and the date of his 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 in accordance with Schedule 7 to the 1995 Act by—

- (a) a council (in accordance with paragraph 2(5)(b)), or
- (b) the Secretary of State (in accordance with paragraph 6),

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 termination of his appointment.

(3) As soon as practicable after receiving a notice under article 6 or this article, a National Park authority shall give public notice of—

- (a) the appointment, or, as the case may be, of the resignation, termination or vacancy, and
- (b) the name of the person concerned.

Meetings and proceedings

9. Schedule 2 shall have effect in relation to the meetings and proceedings of a National Park authority.

Acting proper officer

10.—(1) Until such time as a National Park authority makes other arrangements, the National Park Officer of the relevant National Park Committee or Board (or such other officer as that Committee or Board may from time to time designate) shall be deemed to be, and shall act as, the proper officer of that National Park authority.

(2) An acting proper officer appointed as provided in paragraph (1) may by writing under his hand authorise one or more other officers of the appropriate council or, as the case may be, the appropriate Board, to discharge all or any of his functions under this Order.

(3) In this article—

“the appropriate Board”, in relation to the Lake District National Park and the Peak District National Park, means the Lake District Special Planning Board and the Peak Park Joint Planning Board respectively;

“the appropriate council”, in any other case, means the council of which the National Park Officer appointed by the relevant National Park Committee is an officer; and “the 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

11. A National Park authority shall, if so requested by the Secretary of State, forthwith send or give to the Countryside Commission and the council for every relevant principal area 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 (reports and returns) of the 1972 Act.(2)

(2) Section 230 applies to a National Park authority by virtue of paragraph 17(2)(c) of Schedule 7 to the 1995 Act.)

Accounts, etc.

12.—(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 income of the authority shall be carried, and from which all expenditure discharging liabilities shall be met; and
- (b) keep accounts of income and expenditure 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 income and expenditure of the authority; or
- (b) specific accounts in respect of specified receipts income and expenditure 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

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

(2) Anything which on 1st April 1997 is in the process of being done by or in relation to a transferor authority 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 paragraph (6), anything done by or in relation to a transferor authority before 1st April 1997 in the exercise of or in connection with any relevant function, or anything which by virtue of any enactment is treated as having been so done, shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the National Park authority.

(4) Paragraph (3) applies in particular to—

- (a) any decision, determination, declaration, designation, agreement or instrument made by a transferor authority;
- (b) any byelaws made by a transferor authority;
- (c) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by or to a transferor authority;
- (d) any notice, direction or certificate given by or to a transferor authority;
- (e) any application, request, proposal or objection made by or to a transferor authority;
- (f) any condition or requirement imposed by or on a transferor authority;
- (g) any appeal allowed by or in favour of or against a transferor authority;
- (h) any proceedings instituted by or against a transferor authority.

(5) Any reference, however framed, to a transferor authority in any document constituting, or relating to, anything to which the foregoing provisions of this article apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the relevant National Park authority.

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

Staff

14. The provisions of Schedule 3 shall have effect in relation to staff.

Transfer of property, etc.

15.—(1) Subject to any provision made by or under any such agreement as is referred to in section 76 of the 1995 Act, or any award made in pursuance of subsection (3) of that section—

- (a) all property, rights and liabilities held, acquired or incurred by a relevant council exclusively as respects a National Park shall on 1st April 1997 vest in the National Park authority established by this Order for that Park; and
- (b) all property, rights and liabilities held, acquired or incurred by a Board shall vest in the National Park authority established by this Order for the Park for which that Board was established.

(2) In this article, in relation to a National Park, “relevant council” means the council by which the National Park Committee for that Park is appointed in pursuance of paragraph 8 of Schedule 17 to the 1972 Act.

(3) Property held by a transferor authority for the purposes of a National Park on 19th July 1995 shall be treated for the purposes of this article as held for those purposes notwithstanding any appropriation made after that date.

Section 4A of the Town and Country Planning Act 1990

16. In relation to each National Park, 1st April 1997 is the time specified for the purposes of section 4A of the Town and Country Planning Act 1990; and from that time paragraph 5 of Schedule 17 to the 1972 Act⁽³⁾ and section 7 of the Local Government Act 1974⁽⁴⁾ shall cease to have effect in respect of each National Park.

Town and country planning

17. The provisions of Schedule 4 shall have effect in relation to town and country planning.

Application of enactments, etc.

18. The enactments and instruments mentioned in Schedule 5 shall apply to a National Park authority with the modifications there set out.

Transitional provision

19.—(1) Schedule 6 shall have effect for the purposes of making transitional provision in relation to competitive tendering.

(2) Schedule 7 shall have effect for the purposes of making other transitional provision.

Winding up of Boards

20.—(1) On 1st April 1997 the Lake District Special Planning Board and the Peak Park Joint Planning Board shall cease to exist.

(2) Before 31st December 1997 each successor authority shall send—

- (a) to the Secretary of State,

(3) Paragraph 5 is amended by paragraph 5 of Schedule 3 to the Local Government Act 1985 (c. 51).

(4) 1974 c. 7. Section 7 is amended by paragraph 6 of Schedule 3 to the Local Government Act 1985 and paragraph 4 of Schedule 8 to the Environmental Protection Act 1990 (c. 43).

- (b) the Countryside Commission, and
- (c) each relevant authority

a report in such form, and containing such particulars, as the Secretary of State may direct, in respect of the activities of the relevant Board in the preceding financial year.

(3) As soon as the accounts of each Board for the year ending on 31st March 1997 have been audited, the successor authority shall send a copy of those accounts to each person or body mentioned in sub-paragraphs (a) to (c) of paragraph (2) above; and a copy of the accounts shall be kept at the offices of that authority.

(4) Any person interested shall be entitled—

- (a) without payment to inspect and make extracts of accounts kept by the authority as required by paragraph (3), and
- (b) to take copies of such accounts on payment of a reasonable sum.

(5) In paragraph (2) above, in relation to each Board—

“relevant authority” means any local authority mentioned in Part 2 of Schedule 1 in relation to the Park in relation to which that Board is established, and

“successor authority” means the National Park authority established for that Park under this Order.

(6) On 1st April 1997 the orders specified in the first column of Schedule 8 shall be revoked to the extent specified in the third column.

Signed by authority of the Secretary of State

Department of the Environment
7th May 1996

Paul Beresford
Parliamentary Under-Secretary of State,