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STATUTORY INSTRUMENTS

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**2005 No. 421**

**The New Forest National Park  
Authority (Establishment) Order 2005**

**PART 2**

*Establishment, constitution and administration of the Authority*

**Establishment**

**3.** On the establishment date there shall be established an authority, to be known as “the New Forest National Park Authority”, for the New Forest National Park<sup>(1)</sup>.

**Membership of the Authority**

**4.—(1)** The specified number of local authority members of the Authority shall be twelve.

(2) The specified number of members of the Authority to be appointed by the Secretary of State shall be ten.

(3) The specified number of members of the Authority to be appointed by the Secretary of State who shall be parish members shall be 4.

**Appointment of local authority members of the Authority**

**5.** The local authority members of the Authority shall be appointed as follows—

- (a) five members shall be appointed by Hampshire County Council;
- (b) one member shall be appointed by Wiltshire County Council;
- (c) four members shall be appointed by New Forest District Council;
- (d) one member shall be appointed by Salisbury District Council; and
- (e) one member shall be appointed by Test Valley Borough Council.

**First appointment of members of the Authority**

**6.** The Secretary of State and each of the New Forest local authorities shall appoint their respective first members of the Authority before the establishment date, 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.

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<sup>(1)</sup> The New Forest National Park was designated by order of the Countryside Agency on 24th January 2002 under section 7 of, and Schedule 1 to, the National Parks and Access to the Countryside Act 1949 (c. 97); that order was confirmed with modifications by the Minister under paragraph 2 of Schedule 1 to that Act on 1st March 2005 and took effect on that date.

### **Resignation of office**

7. A member may at any time resign his membership of the Authority by notice in writing delivered to the Authority, and that resignation shall take effect on the receipt of the notice by the Authority.

### **Vacancies**

8. Where a vacancy arises in the membership of the Authority, it shall be filled as soon as practicable—

- (a) where the vacancy is created by a local authority member, by the council in whose representation the vacancy arises in accordance with paragraph 2(4) to (7) (local authority members) of Schedule 7 to the 1995 Act; and
- (b) where the vacancy is created by a member appointed by the Secretary of State, by the Secretary of State in accordance with paragraph 3 (parish members of English National Park authorities) or paragraph 4 (members (other than parish members) appointed by the Secretary of State), as the case may be, of Schedule 7 to the 1995 Act.

### **Notice of appointment, etc.**

9.—(1) Where a member is appointed to the Authority, or a vacancy arises in the membership of the 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 the member giving rise to the vacancy, was appointed by the Secretary of State, the Secretary of State,

shall as soon as practicable give notice in writing to the Authority stating 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) As soon as practicable after receiving a notice under article 7 or this article, the Authority shall give public notice of—

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

### **Meetings and proceedings**

10. Schedule 1 shall have effect with respect to the meetings and proceedings of the Authority.

### **Acting National Park officer**

11.—(1) Until such time as the Authority appoint a National Park officer in accordance with paragraph 14 of Schedule 7 to the 1995 Act, the Secretary of State shall appoint an officer who shall be known as “the acting National Park officer”.

(2) The acting National Park officer shall, until the appointment of a National Park officer as mentioned in paragraph (1), act as, and have the powers of, the National Park officer for the Authority.

### **Reports and returns**

12. The Authority shall, if so requested by the Secretary of State, forthwith send or give to the Countryside Agency and to each New Forest local authority a copy of any report, return or

information which the Authority is required to send or give to the Secretary of State in accordance with section 230 of the 1972 Act(2) (reports and returns).

#### **Accounts, etc.**

**13.**—(1) Subject to paragraphs (2) and (3), the 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 the 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 income and expenditure of any funds of the Authority.

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

#### **Staff**

**14.** The provisions of Schedule 2 shall have effect in relation to staff.

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(2) Section 230 of the 1972 Act applies to the Authority by virtue of paragraph 17(2)(c) of Schedule 7 to the 1995 Act.

**Changes to legislation:**

There are currently no known outstanding effects for the The New Forest National Park Authority (Establishment) Order 2005, PART 2.