

## SCHEDULE 3

Article 16

### APPLICATION OF ENACTMENTS AND INSTRUMENTS

#### PART 1

#### ADMINISTRATION

##### Members' allowances

**1.**—(1) Section 175(3B) of the 1972 Act<sup>(1)</sup> (allowances for attending conferences and meetings) shall apply as if the Authority were a combined body all the members of which are representatives of local authorities.

(2) Section 177(1)(b) of the 1972 Act<sup>(2)</sup> (supplementary provisions) shall apply as if the Authority were a body specified in section 21(1) of the 1989 Act, as referred to in section 177(1)(a) of the 1972 Act.

##### Financial administration

**2.** Part VIII (financial administration) of the Local Government Finance Act 1988<sup>(3)</sup> (“the 1988 Act”) shall apply as if —

- (a) the Authority were a relevant authority for the purposes of that Part; and
- (b) references to “commencement day” were references to 1st April 2005.

##### Standing orders.

**3.**—(1) The Local Authorities (Standing Orders) Regulations 1993<sup>(4)</sup> shall apply as if—

- (a) in regulations 1 to 3 and Schedule 1, the Authority were a relevant authority within the meaning of regulation 1;
- (b) in regulation 4 and Schedule 2, the Authority were a council mentioned in paragraph (1) of that regulation; and
- (c) in paragraph 2 of Schedule 2, the reference to a meeting called under paragraph 3 of Schedule 12 to the 1972 Act were a reference to an extraordinary meeting of the Authority.

(2) Regulations 6 and 7 of the Local Authorities (Standing Orders) (England) Regulations 2001<sup>(5)</sup> shall apply as if the Authority were a local authority as mentioned in regulations 6 and 7 of those Regulations.

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(1) Subsection (3B) is inserted by section 25(3) of the Local Government, Planning and Land Act 1980 (c. 65), and amended by paragraph 27(b) of Schedule 11 to the 1989 Act. Section 175 applies to National Park authorities by virtue of paragraph 11(1) of Schedule 7 to the 1995 Act.

(2) Section 177(1) was substituted by paragraph 28 of Schedule 11 to the 1989 Act.

(3) 1988 c. 41.

(4) S.I.1993/202, amended by S.I. 2001/3384.

(5) S.I. 2001/3384.

## PART 2

### MISCELLANEOUS FUNCTIONS

#### New Forest Act 1949

4.—(1) Section 1(c) of the New Forest Act 1949<sup>(6)</sup> (constitution of verderers) shall apply as if for “one by the authority which is the local planning authority for the purposes of the Town and Country Planning Act, 1947”<sup>(7)</sup> there were substituted “one by the New Forest National Park Authority as established by article 3 of the New Forest National Park Authority (Establishment) Order 2005”.

(2) Section 16 of the New Forest Act 1949 (trunk roads) shall apply as if—

- (a) in subsection (5) for “local planning authority” in paragraphs (a) and (b) there were substituted “New Forest National Park Authority”; and
- (b) in subsection (6) for “local planning authority” there were substituted “New Forest National Park Authority”.

#### Water

5.—(1) Schedule 11 to the Water Industry Act 1991<sup>(8)</sup> shall apply as if the Authority were a local authority for the purposes of paragraph 1(3)(b) of that Schedule (persons to be notified of a compulsory works order application).

(2) The Water Resources Act 1991<sup>(9)</sup> shall apply as if—

- (a) the Authority were a local authority for the purposes of section 72(2)(a) of that Act (interpretation of Chapter II); and
- (b) the Authority were a local authority for the purposes of section 158(1) (works agreements), section 197(5) (information), and paragraph 2(3)(a) of Schedule 5 (procedure) to that Act.

#### Transport and Works Act 1992

6. The Transport and Works Act 1992<sup>(10)</sup> shall apply as if the Authority were a local authority for the purposes of section 11(4) of that Act (inquiries and hearings).

#### Commons

7. The Commons (Schemes) Regulations 1982<sup>(11)</sup>, to the extent that they relate to land within the New Forest National Park, shall apply —

- (a) as if the Authority were a council for the purposes of those Regulations; and
- (b) as if in forms 1 and 2 in the Schedule to those Regulations references to the Authority were substituted for references to the Council.

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<sup>(6)</sup> 1949 c. 69.

<sup>(7)</sup> To be construed as a reference to the local planning authority within the meaning of section 336(1) of the Town and Country Planning Act 1990 (c. 8) (section 2(4) of the Planning (Consequential Provisions) Act 1990 (c. 11)).

<sup>(8)</sup> 1991 c. 56.

<sup>(9)</sup> 1991 c. 57.

<sup>(10)</sup> 1992 c. 42.

<sup>(11)</sup> S.I. 1982/209. Paragraph 1 of Schedule 9 to the 1995 Act provides that section 1 of the Commons Act 1899 (c. 30) (scheme for regulation) shall have effect in relation to a registered common as if a National Park authority were a local authority for the purposes of that enactment.

### Areas of archaeological importance

8. The Operations in Areas of Archaeological Importance (Forms of Notices etc.) Regulations 1984(12) shall apply in relation to any area of archaeological importance wholly or partly within the New Forest National Park as if for each reference to a district council there were substituted a reference to the Authority.

### Disposal of abandoned vehicles

9. The Removal and Disposal of Vehicles Regulations 1986(13) shall apply as if the Authority were a council of a county for the purposes of [<sup>F1</sup>paragraph (aa) of regulation 12(1)(e)] and as if the New Forest National Park were that council's area.

**F1** Words in Sch. 3 para. 9 substituted (8.5.2007) by [The National Park Authorities \(England\) Order 2006 \(S.I. 2006/3165\)](#), arts. 1, 3

### Listed building purchase notices

10. The Planning (Listed Buildings and Conservation Areas) Regulations 1990(14) shall apply as if —

- (a) the reference in regulation 9(1) (claims for compensation and listed building purchase notices) to the council of a district included a reference to the Authority; and
- (b) the purchase notice referred to in paragraph (2) of the form set out in Part II of Schedule 1 (refusal of consent etc.) were, in the case where the land is situated in the New Forest National Park, to be served on the Authority.

### Conservation (natural habitats)

<sup>F2</sup>11. ....

**F2** Sch. 3 para. 11 revoked (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), reg. 1(2), [Sch. 7 Pt. 1](#) (with reg. 125)

### Town and country planning

12. The Town and Country Planning General Regulations 1992(15) shall apply as if the reference to the council of a district in regulation 12(1) (claims for compensation and purchase notices) included a reference to the Authority.

13. The Town and Country Planning (General Development Procedure) Order 1995(16) shall apply as if the reference to the district council in the final paragraph of the notification set out in

(12) S.I. 1984/1285. Paragraph 10(2) of Schedule 9 to the 1995 Act provides that section 35 of the Ancient Monuments and Archaeological Areas Act 1979 (c. 46) (archaeological areas) shall have effect as if any notice required to be served on a local authority under that section were required to be served, instead, on a National Park authority.

(13) S.I. 1986/183. Paragraph 9(1) of Schedule 9 to the 1995 Act provides that references to a local authority in the Refuse Disposal (Amenity) Act 1978 (c. 3) shall have effect in relation to land in a National Park for which a National Park authority is the local planning authority as if they included references to that authority and as if the relevant Park were the authority's area.

(14) S.I. 1990/1519. Paragraph 33 of Schedule 10 to the 1995 Act makes a National Park authority a body on whom a listed building purchase notice may be served where it is the local planning authority for the area in which the building and land in question are situated.

(15) S.I. 1992/1492.

(16) S.I. 1995/419. Section 67(5) of the 1995 Act inserts section 147A of the Town and Country Planning Act 1990 (c. 8) which applies Chapter I of Part VI of that Act to National Park authorities.

**Changes to legislation:** *There are currently no known outstanding effects for the The New Forest National Park Authority (Establishment) Order 2005, SCHEDULE 3. (See end of Document for details)*

Part 2 of Schedule 1 to that Order were, where the land is situated in the New Forest National Park, a reference to the Authority.

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