
STATUTORY INSTRUMENTS

2010 No. 497

**The South Downs National Park
Authority (Establishment) Order 2010**

PART 1

Introductory

Citation and commencement

1. This Order may be cited as the South Downs National Park Authority (Establishment) Order 2010, and comes into force on 24th March 2010.

Interpretation

2. 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 1995 Act” means the Environment Act 1995;

“the 2000 Act” means the Countryside and Rights of Way Act 2000 ^{M3};

“the acting National Park officer” means the officer appointed by the Secretary of State in accordance with article 11;

“the Authority” means the South Downs National Park Authority established by article 3;

“the establishment date” means 1st April 2010;

“the National Park” means the South Downs National Park ^{M4};

“the National Park officer” means the officer appointed by the Authority in accordance with paragraph 14 of Schedule 7 to the 1995 Act;

“the operational date” means 1st April 2011;

“the relevant functions” means the functions which under Part 3 of the 1995 Act or this Order become, on the operational date, functions of the Authority;

“a South Downs local authority” means a council mentioned in article 5; and

“the transitional period” means the period beginning with the establishment date and ending with 31st March 2011.

Marginal Citations

M1 1972 c. 70.

M2 1989 c. 42.

M3 2000 c. 37.

M4 The South Downs National Park was designated by order of the Countryside Agency (predecessor to Natural England) on 18th December 2002 under section 7 of, and Schedule 1 to, the National Parks and Access to the Countryside Act 1949 (c. 97), and the designation was varied by the South Downs National Park (designation) Variation Order 2004; both orders were confirmed, with modifications, by the Secretary of State under paragraph 2(2) of Schedule 1 to that Act on 12th November 2009 and take effect from 31st March 2010.

PART 2

Establishment, constitution and administration of the Authority

Establishment

3. On the establishment date, an authority for the National Park, to be known as “the South Downs National Park Authority”, is established.

Membership of the Authority

4.—(1) The specified number of local authority members of the Authority is fourteen.

(2) The specified number of parish members of the Authority to be appointed by the Secretary of State is six.

(3) The specified number of other members of the Authority to be appointed by the Secretary of State is seven.

Appointment of local authority members of the Authority

5. The local authority members of the Authority are to be appointed as follows—

- (a) one member is to be appointed by East Sussex County Council;
- (b) one member is to be appointed by Hampshire County Council;
- (c) one member is to be appointed by West Sussex County Council;
- (d) one member is to be appointed by Arun District Council;
- (e) one member is to be appointed by Brighton and Hove City Council;
- (f) one member is to be appointed by Chichester District Council;
- (g) one member is to be appointed by Eastbourne Borough Council;
- (h) one member is to be appointed by East Hampshire District Council;
- (i) one member is to be appointed by Horsham District Council;
- (j) one member is to be appointed by Lewes District Council;
- (k) one member is to be appointed by Mid Sussex District Council;
- (l) one member is to be appointed by Wealden District Council;
- (m) one member is to be appointed by Winchester City Council; and
- (n) one member is to be appointed by Adur District Council and Worthing Borough Council acting jointly.

First appointment of members of the Authority

6.—(1) The Secretary of State and each of the South Downs local authorities must appoint their respective first members of the Authority before the establishment date, and those appointments take effect on that day.

(2) But no appointment on or after that date is to be treated as invalid by reason only of a failure to make the appointment as required by this article.

Resignation of office

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

Vacancies

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

- (a) where the vacancy is for a local authority member, by the council in whose representation the vacancy arises in accordance with paragraph 2(4) to (5B) and (7) (local authority members) of Schedule 7 to the 1995 Act; and
- (b) where the vacancy is for 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) a member is appointed to the Authority, or
- (b) a vacancy arises in the membership of the Authority for any reason other than resignation—

the relevant authority must as soon as practicable give notice in writing to the Authority stating the information specified in paragraph (2).

(2) The information mentioned in paragraph (1) is—

- (a) in a case within paragraph (1)(a), the name of the member and the date of that member's appointment; and
- (b) in a case within paragraph (1)(b), the occurrence of the vacancy

(3) As soon as practicable after receiving a notice under article 7 or this article, the Authority must 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.

(4) In paragraph (1), “the relevant authority” means—

- (a) where the member, or the former member, was a local authority member, the council by whom that member was appointed; or
- (b) where the member, or the former member, was appointed by the Secretary of State, the Secretary of State;

and for this purpose “the former member” means the member the ending of whose membership gives rise to the vacancy.

Meetings and proceedings

10. Schedule 1 contains provisions about the meetings and proceedings of the Authority.

Acting National Park officer

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

(2) Until the appointment of a National Park officer as described in paragraph (1), the acting National Park officer has the powers of the National Park officer for the Authority and is to act as that officer.

Reports and returns

12. The Authority must, if so requested by the Secretary of State, forthwith send or give to Natural England and to each South Downs 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 ^{M5} (reports and returns).

Marginal Citations

M5 Section 230 of the 1972 Act applies to the Authority by virtue of paragraph 17(2)(c) of Schedule 7 to the 1995 Act.

Accounts, etc.

13.—(1) Subject to paragraphs (2) and (3), the Authority must—

- (a) keep a fund (known as the general fund) to which all income of the Authority must be carried, and from which all expenditure discharging liabilities must 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) is to 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. Schedule 2 contains provisions in relation to the transfer of staff to the Authority.

PART 3

Functions

Application of section 4A of the Town and Country Planning Act 1990

15. In relation to the South Downs National Park, the date specified as the time from which section 4A of the Town and Country Planning Act 1990 (National Parks with National Park authorities) ^{M6} applies is 1st April 2011.

Marginal Citations

M6 From the time specified, and subject to section 4A(4) and (5), the Authority becomes the sole local planning authority.

PART 4

Application of enactments, transitional and supplemental provision etc.

Application of enactments

16. Schedule 3 applies various enactments to the Authority with specified modifications.

Transitional and supplemental provision

17. Schedule 4 contains transitional and supplemental provisions.

Continuity of exercise of functions

18.—(1) The validity of anything done by or in relation to a South Downs local authority before the operational date is not affected by the vesting in the Authority on that date of the relevant functions of the South Downs local authorities.

(2) The Authority may continue, on or after the operational date, any action or matter commenced before that date by a South Downs local authority in relation to any relevant function, and anything done by that local authority in relation to that action or matter has effect, so far as is required for continuing its effect on and after the operational date, as if done by the Authority.

(3) Any reference, however framed, to a South Downs local authority in any document relating to any of the relevant functions is to be construed, so far as is required for giving effect to this article, as a reference to the Authority.

(4) The provisions of this article are without prejudice to any other provision made under this Order in relation to any particular relevant function.

(5) The provisions of this article are not to be taken to continue in force any contract of employment (but see paragraph 3 of Schedule 2).

Signed by authority of the Secretary of State

Department for Environment, Food and Rural
Affairs

Huw Irranca-Davies
Parliamentary Under Secretary of State

Changes to legislation:

There are currently no known outstanding effects for the The South Downs National Park Authority (Establishment) Order 2010.