STATUTORY INSTRUMENTS

2015 No. 770

COUNTRYSIDE, ENGLAND

The National Park Authorities (England) Order 2015

Made - - - -	*16th March 2015*
Laid before Parliament	*19th March 2015*
Coming into force - -	*1st July 2015*

The Secretary of State makes this Order in exercise of the powers conferred by sections 241 and 266(2) of the Local Government Act 1972 [F1], section 4A(1) of the Town and Country Planning Act 1990 [F2] and sections 63(1) and (2) and 75(3) to (7) and paragraphs 1(2) and (3) and 2(1) to (3) of Schedule 7 to the Environment Act 1995 [F3].

The Secretary of State has consulted with the council for every principal area the whole or any part of which is comprised in a National Park to which this Order applies, as required by paragraph 2(3) of Schedule 7 to the Environment Act 1995.

F1 1972 c.70 ("the 1972 Act").

F2 1990 c.8. Section 4A was inserted by section 67(1) of the Environment Act 1995 ("the 1995 Act") and amended by Schedule 24 to that Act.

F3 1995 c.25. Paragraph 1(2) and (3) of Schedule 7 was substituted by section 61(1) and (2) of the Natural Environment and Rural Communities Act 2006 (c.16).

Citation and commencement

1. This Order may be cited as the National Park Authorities (England) Order 2015 and comes into force on 1st July 2015.

Interpretation

2. In this Order—

"the 1972 Act" means the Local Government Act 1972;

"the 1995 Act" means the Environment Act 1995;

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

"National Park authority" means a National Park authority for a National Park;

"National Park officer" means the officer appointed by a National Park authority in accordance with paragraph 14 of Schedule 7 to the 1995 Act [F4];

"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 National Park, excluding any area in respect of which the council for that area is for the time being excluded under paragraph 2(3) of Schedule 7 to the 1995 Act (exclusion at the request of the council) from the councils by whom the local authority members of the National Park authority are to be appointed.

F4 Paragraph 14(3) of Schedule 7 was amended by paragraph 146 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c.16).

Continuation of National Park authorities

3. The National Park authorities established by the National Park Authorities (England) Order 1996 [F5] continue to exist and section 4A of the Town and Country Planning Act 1990 [F6] continues to apply to them.

F5 S.I. 1996/1243, as amended by S.I. 1996/2546, 1997/633, 1999/416, 2006/3165, 2009/557, 2009/837, 2010/490 and 2014/571. The National Park authorities to which this Order applies were established by article 3 of that Order.

F6 1990 c.8. Section 4A was applied to National Park authorities established by S.I. 1996/1243 by article 16 of that Order.

Membership of National Park authorities

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

(a) the number specified in column 3 is the number of local authority members;

(b) the number specified in column 4 is the total number of members appointed by the Secretary of State; and

(c) the number specified in column 5 is the number of members appointed by the Secretary of State as parish members.

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

Resignation of office

5. A member may at any time resign membership of a National Park authority by notice in writing delivered to the National Park officer and that resignation takes effect on receipt of the notice by the National Park officer.

Vacancies

6. Where a vacancy arises in the membership of a National Park 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; and

(b) where the vacancy is for a member appointed by the Secretary of State, by the Secretary of State, after consultation with Natural England where the appointment falls to be made in accordance with paragraph 4 of Schedule 7 to the 1995 Act (members other than parish members appointed by the Secretary of State).

Notice of appointment, etc.

7.—(1) Subject to paragraph (3), where—

(a) a member is appointed to a National Park authority; or

(b) a vacancy arises in the membership of a National Park authority for any reason other than resignation,

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

(2) The information is—

(a) where paragraph (1)(a) applies, the name of the member and the date of that member's appointment; and

(b) where paragraph (1)(b) applies, the occurrence of the vacancy.

(3) 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) of that Schedule (political balance), or

(b) the Secretary of State, in accordance with paragraph 6 of that Schedule (variation of area or number of members etc.),

the council or, as the case may be, the Secretary of State, must immediately give notice in writing to the National Park authority of the name of the member and the date of termination of membership.

(4) As soon as practicable after receiving a notice under article 5 or this article, a National Park 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.

(5) In paragraph (1), "the relevant authority" means—

(a) where the member, or the member giving rise to the vacancy, was a local authority member, the council by whom that member was appointed; or

(b) where the member, or as the case may be, the member giving rise to the vacancy, was appointed by the Secretary of State, the Secretary of State.

Meetings and proceedings

8. Schedule 2 contains provisions about the meetings and proceedings of a National Park authority.

Reports and returns

9. A National Park authority must, if so requested by the Secretary of State, immediately send or give to Natural England 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 [F7].

F7 Section 230 was amended by paragraph 26 of Schedule 14 to the Local Government Act 1985 (c.51). (There are other amendments which are not relevant to this Order). It applies to a National Park authority by virtue of paragraph 17(2)(c) of Schedule 7 to the 1995 Act.

Accounts etc.

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

(a) specific 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 a National Park 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.

Application of enactments etc.

11. Schedule 3 applies various enactments to a National Park authority with specified modifications.

Revocations

12. The following Orders are revoked—

(a) the National Park Authorities (England) Order 1996;

(b) the National Park Authorities (England) (Amendment) Order 1996 [F8];

(c) the National Park Authorities (Amendment) (England) Order 2009 [F9];

(d) the National Park Authorities (England) (Amendment) Order 2014 [F10].

F8 S.I. 1996/2546.
F9 S.I. 2009/557.
F10 S.I. 2014/571.

Department for Environment, Food and Rural Affairs

de Mauley
Parliamentary Under Secretary

SCHEDULE 1 Article 2 and 4(1) and (2)

PART 1

Membership of National Park authorities

Name of National Park	*Total membership of authority*	*Number of local authority members*	*Total number of members appointed by the Secretary of State*	*Number of members appointed by the Secretary of State as parish members*
Dartmoor	19	10	9	4
Exmoor	22	12	10	5
Lake District	20	10	10	5
Northumberland	18	6	12	6
North York Moors	20	11	9	4
Peak District	30	16	14	6
Yorkshire Dales	[F11 25]	[F12 15]	10	4

F11 Word in Sch. 1 Pt. 1 substituted (31.7.2016) by The National Park Authorities (England) (Amendment) Order 2016 (S.I. 2016/703), arts. 1, **2(2)(a)**

F12 Word in Sch. 1 Pt. 1 substituted (31.7.2016) by The National Park Authorities (England) (Amendment) Order 2016 (S.I. 2016/703), arts. 1, **2(2)(b)**

PART 2

Appointment of local authority members

Authority	*Appointing Council*	*Number of Members*
Dartmoor National Park Authority	Devon County Council	5
	South Hams District Council	1
	Teignbridge District Council	2
	West Devon Borough Council	2
Exmoor National Park Authority	Devon County Council	2
	Somerset County Council	4
	North Devon District Council	2
	West Somerset District Council	4
Lake District National Park Authority	Cumbria County Council	5
	Allerdale Borough Council	1