

NATIONAL PARKS (SCOTLAND) ACT 2000

EXPLANATORY NOTES

INTRODUCTION

Section 3: Reports on National Park proposals

8. This section sets out the process through which the Scottish Ministers may obtain from a public body with the relevant expertise a report on a National Park proposal, prepared following consultation. The Scottish Ministers must publish that report.
9. *Subsection (2)* sets out the matters which the report must cover. These include at *paragraph (b)* the specific question whether or not the area set out in the proposal should be designated as a National Park. *Paragraph (e)* allows the Scottish Ministers to specify any other particular matters which the report should cover. These might include, for example, the number of members a particular National Park authority should have.
10. *Subsection (3)* requires the Scottish Ministers to send a copy of the proposal to the person who is to provide the report.
11. *Subsection (4)* covers the situation in which more than one body/person (“the reporter”) is required to report (for example, to ensure that certain areas of expertise are adequately addressed). This subsection therefore makes clear that where a requirement is addressed to more than one body/person, it can impose different requirements on each, and can modify the requirements set out in subsection (5) regarding publication and consultation, to avoid having more than one set of consultation and publicity arrangements. It provides though that in these circumstances the requirement will be for one reporting document.
12. *Subsection (5)* sets out the duties on a reporter with respect to publicity and consultation. The reporter must send a copy of the proposal and the Scottish Ministers’ requirement to every local authority which has at least part of its area covered by the proposal; determine the period (which must be at least 12 weeks) for which the proposal and requirement are to be made available for public inspection under subsection (7) and notify every such local authority of that period. The reporter must publicise the proposal as it sees fit; and must consult every local authority and community council, people representative of those living and working in the area covered by the proposal, and anyone else it sees fit, on the proposal.
13. *Subsection (6)* allows the Scottish Ministers to direct the reporter on the conduct of the consultation.
14. *Subsection (7)* requires local authorities which receive a copy of the proposal and the requirement under subsection (5) to make these available for public inspection over a period specified by the reporter.
15. *Subsection (8)* requires the reporter, when preparing a report, to take account of a number of factors: whether the matters in section 2(2) are satisfied in relation to the proposed area; the aims of National Parks (in section 1); views expressed during the consultation period; and anything else the reporter considers relevant (such as administrative boundaries).

*These notes relate to the National Parks (Scotland) Act 2000
(asp 10) which received Royal Assent on 14 August 2000*

16. *Subsection (9)* requires the report to include the views of the reporter on the matters specified in the requirement by the Scottish Ministers (i.e. those set out in subsection (2)), but also allows the reporter to include consideration of other matters thought to be relevant. This means that while the reporter has some discretion in deciding what issues have a bearing on the question of whether the area should be designated as a National Park, advice must nevertheless be given on the matters set out under subsection (2) as required by the Scottish Ministers.
17. *Subsection (10)* requires the Scottish Ministers to publish the report and lay it before the Parliament.