

NATIONAL PARKS (SCOTLAND) ACT 2000

EXPLANATORY NOTES

INTRODUCTION

Section 30: Modification and revocation of designation orders

74. *Subsection (1)* allows the Scottish Ministers to make an order modifying or revoking an existing designation order. *Subsection (2)* provides if the Scottish Ministers propose to revoke a designation order, or if the modifications are of a certain type, then the procedures set out in the following subsections (2) and (3) must be followed. Those modifications are changes to:
- the area of the National Park;
 - the functions of the National Park authority set out in the designation order and conferred under sections 9(2)(d) or 10;
 - the local authority membership of a National Park authority (under section 7(1)(c) or (d)).
75. *Subsection (3)* requires that before making an order, the Scottish Ministers must set out in writing how they wish to modify an existing designation order, or that they wish to revoke the designation order, and in either case give reasons. The process which applies to the making of such a modification/revocation order is that set out in sections 3 to 7 of the Act, appropriately modified (*subsection (4)*). This means that generally the same requirements will apply for publication and consultation as for the making of a designation order. *Subsection (5)* provides that where the modifications are not of the type listed in subsection (2), sections 2 to 7 of the Act do not apply in relation to a modification order. The effect of subsections (2) to (5) is to allow for a minor changes to a designation order to be handled in a proportionate manner, without the need for the full process which applies when making a designation order. In both cases, however, the orders are subject to the affirmative resolution procedure (under section 34(5)).