

SCHEDULE 5

(introduced by section 36)

MODIFICATION OF ENACTMENTS

Local Government (Scotland) Act 1966 (c. 51)

- 1 Section 35 (agreements for secondment of local authority staff) of the Local Government (Scotland) Act 1966 has effect as if references to a local authority included references to a National Park authority.

Countryside (Scotland) Act 1967 (c. 86)

- 2 (1) In section 46 (protection and maintenance of rights of way) of the Countryside (Scotland) Act 1967, subsections (1) and (2) have effect as if references to a planning authority and the authority's area included references to a National Park authority and the National Park.
- (2) In the application of subsection (1) of that section to a National Park authority, for the words from the beginning to "to" there is substituted "A National Park authority may".
- (3) Sections 48 and 48A (country and regional parks) of that Act cease to have effect in respect of any land in a National Park.
- (4) Sub-paragraph (3) does not affect the continued operation of those sections in relation to any country park or regional park in existence on the date when the designation of the National Park takes effect.
- (5) Section 54(1)(d) (byelaws) of that Act ceases to have effect in respect of any part of a country park which is in a National Park.
- (6) Sub-paragraph 5 does not affect any byelaw made under that section prior to the date when the designation of the National Park takes effect.
- (7) In section 54(3) and in the proviso to section 55(1) (byelaws and default powers of Scottish Ministers as to byelaws) of that Act—
- (a) after "with" insert "(a)", and
 - (b) at the end insert
- "and
- (b) where a byelaw is to apply in any part of a National Park, the National Park authority."

Local Government (Scotland) Act 1973 (c. 65)

- 3 Section 65 (agreements for secondment of local authority staff) of the Local Government (Scotland) Act 1973 has effect as if references to a local authority included references to a National Park authority.

Control of Pollution Act 1974 (c. 40)

- 4 In paragraph 3 of Schedule 1A (orders designating nitrate sensitive areas) to the Control of Pollution Act 1974—
- (a) after sub-paragraph (2)(b)(ii) insert—

Status: This is the original version (as it was originally enacted).

- “(iia) the National Park authority for any National Park which includes the whole or any part of that locality;”,
- (b) in sub-paragraph (2)(c)(i), after “authority” insert “and National Park authority”.

Local Government (Scotland) Act 1975 (c. 30)

- 5 (1) The Local Government (Scotland) Act 1975 is amended as follows.
- (2) In section 23(1) (authorities subject to investigation under Part II of that Act), after paragraph (j) insert—
- “(k) a National Park authority”.
- (3) In section 24 (matters subject to investigation), after subsection (7) insert—
- “(7A) Where the complaint relates to a National Park authority, the reference in subsection (7) above to the area of the authority is a reference to the National Park.”

Refuse Disposal (Amenity) Act 1978 (c. 3)

- 6 (1) In the Refuse Disposal (Amenity) Act 1978—
- (a) sections 3 to 5 (abandoned and removed vehicles) and 8 (powers of entry etc.), and
- (b) sections 10 and 11 (orders and regulations and interpretation) so far as they apply to those sections,
- have effect as if references to a local authority and the authority’s area included references to a National Park authority and the National Park.
- (2) In the application of section 3 to a National Park authority—
- (a) in subsection (1), for the words “it shall be the duty of the authority” there is substituted “the authority may”, and the word “to” in the third place where it appears is omitted,
- (b) in subsection (2), for the words from “the authority” to “above” there is substituted “and they propose to remove the vehicle in pursuance of subsection (1) above, they shall give him notice of their proposal”,
- (c) subsections (3) and (4) are omitted.

Ancient Monuments and Archaeological Areas Act 1979 (c. 46)

- 7 The Ancient Monuments and Archaeological Areas Act 1979 (except Part II) has effect as if references to a local authority and the authority’s area included references to a National Park authority and the National Park.

Wildlife and Countryside Act 1981 (c. 69)

- 8 (1) In section 28 (areas of special scientific interest) of the Wildlife and Countryside Act 1981, after paragraph (a) of subsection (1) insert—
- “(aa) where the land is situated in a National Park in Scotland, the National Park authority for the National Park;”.

- (2) In section 41 (duties of agriculture Ministers with respect to the countryside) of that Act, in subsection (3), after “Park” insert “(including a National Park in Scotland)”.

Civic Government (Scotland) Act 1982 (c. 45)

- 9 (1) In section 62 (notification of processions) of the Civic Government (Scotland) Act 1982—
- (a) in subsection (1), after paragraph (a) insert—
 - “(aa) if the procession is to be held to any extent in a National Park, to the National Park authority for the National Park;”,
 - (b) in subsection (2)(a), after “authority” insert “and (where subsection (1)(aa) above applies) of the National Park authority”,
 - (c) in subsection (4), after paragraph (a) insert—
 - “(aa) if the procession is to be held to any extent in a National Park, intimated to the National Park authority for the National Park;”.
- (2) In section 63 (functions of local authorities in relation to processions) of that Act—
- (a) in subsection (1), after “constable” insert “and (where section 62(1)(aa) of this Act applies) the National Park authority”,
 - (b) in subsection (1A), after “constable” in both places where it appears insert “and (where subsection (1)(aa) of that section applies) the National Park authority”.

Litter Act 1983 (c. 35)

- 10 In section 4 (consultation and proposals for abatement of litter) of the Litter Act 1983—
- (a) after subsection (4) insert—
 - “(4ZA) In preparing or revising a statement under subsection (4)(a) above, the local authority shall consult with the National Park authority for any National Park in which any of the steps are to be taken.”,
 - (b) in subsection (4A), for “subsection (4)” there is substituted “subsections (4) and (4ZA)”.

Road Traffic Regulation Act 1984 (c. 27)

- 11 (1) In section 14 (temporary prohibition or restriction on roads) of the Road Traffic Regulation Act 1984, after subsection (1) insert—
 - “(1A) Before making an order under subsection (1) above, the authority shall consult the National Park authority for any National Park which would be affected by the order.”
- (2) In section 17 (traffic regulation on special roads) of that Act, after subsection (3) insert—
 - “(3A) Before making regulations under subsection (2) above, the Scottish Ministers shall consult the National Park authority for any National Park which would be affected by the regulations.”
- (3) In section 22 (traffic regulation for special areas in the countryside) of that Act—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1)(b), after sub-paragraph (i) insert—
 “(ia) a National Park;”,
- (b) after subsection (3) insert—

“(3A) A National Park authority for a National Park in Scotland may make submissions to the Scottish Ministers as to the desirability of a road traffic regulation order being made in relation to a road in, forming part of, adjacent to or contiguous with the National Park whether or not it is a road for which the Scottish Ministers are the traffic authority.”

Roads (Scotland) Act 1984 (c. 54)

- 12 In section 151 (interpretation) of the Roads (Scotland) Act 1984, in the definition of “consultation bodies”, after paragraph (a) insert—
 “(aa) the National Park authority for any National Park where the proposed project is likely to affect land in the National Park;”.

Local Government Act 1988 (c. 9)

- 13 In Schedule 2 (bodies to which Part II of the Act applies) to the Local Government Act 1988, after the entry for the Strathclyde Passenger Transport Authority insert—
 “A National Park authority in Scotland”.

Electricity Act 1989 (c. 29)

- 14 (1) In sub-paragraph (a) of paragraph 8 of Schedule 5 (water rights for hydro-electric generating stations) to the Electricity Act 1989—
 (a) the word “and” at the end of paragraph (i) is omitted,
 (b) after paragraph (ii) insert “; and
 (ia) any National Park authority”.
- (2) In paragraph 4(2) of Schedule 9 (preservation of amenities and fisheries) to that Act, at the end insert “and with the National Park authority for any National Park which would be affected by the relevant proposals”.

Local Government and Housing Act 1989 (c. 42)

- 15 (1) Section 5 (designation and reports of monitoring officer) of the Local Government and Housing Act 1989 has effect as if a National Park authority were a relevant authority for the purposes of that section.
- (2) In the application of that section to a National Park authority—
 (a) in subsection (1), the words after “performed” are omitted,
 (b) in subsection (3)(a), for the words from “head” to “officer” there is substituted “authority’s chief executive (except where the monitoring officer is the chief executive)”,
 (c) in subsection (5), the words from “without” to “otherwise” and from “and nothing” to the end are omitted,
 (d) in subsection (8), the definition of “chief finance officer” is omitted.

Enterprise and New Towns (Scotland) Act 1990 (c. 35)

- 16 In sections 5(1)(b) and 6(1) (consultation by Scottish Enterprise and Highlands and Islands Enterprise in relation to certain functions) of the Enterprise and New Towns (Scotland) Act 1990, after “authorities” insert “, National Park authorities,”.

Environment Act 1995 (c. 25)

- 17 In paragraph 1 of Schedule 11 (air quality) to the Environment Act 1995—
- (a) in sub-paragraph (3), at the beginning insert “Except in its application to Scotland,”,
 - (b) after sub-paragraph (4) insert—

“(5) In the application of this paragraph to Scotland “National Park authority” means a National Park authority established by virtue of section 7(1)(b) of the National Parks (Scotland) Act 2000 (asp 10).”

Town and Country Planning (Scotland) Act 1997 (c. 8)

- 18 After section 264 of the Town and Country Planning (Scotland) Act 1997 insert—

“National Parks

264A National Parks

In the exercise, with respect to any land in a National Park, of any power under the planning Acts, special attention shall be paid to the desirability of exercising the power consistently with the National Park Plan as adopted under section 12(7)(a) of the National Parks (Scotland) Act 2000 (asp 10).”