

## SCHEDULE 6

article 19(1)

### Transitional provisions: General

#### Section 116 of the 1972 Act

1. A person who on, or before, 1st April 1996 has ceased to be a member of a National Park authority shall not be disqualified by section 116 of the 1972 Act <sup>M1</sup> from being appointed by that National Park authority to a paid office.

##### Marginal Citations

**M1** Section 116 of the 1972 Act is applied to a National Park authority by virtue of paragraph 13(6) of Schedule 7 to the 1995 Act.

#### Disclosure of officers' interests

2. For the purposes of section 117 of the 1972 Act (disclosure by officers of interests in contracts) <sup>M2</sup> any contract which—

- (a) was entered into by an existing council; and
- (b) to which a National Park authority becomes a party by virtue of this Order or any provision made by or under the 1994 Act or Part III of the 1995 Act,

shall be treated as a contract entered into by that National Park authority.

##### Marginal Citations

**M2** Section 117 of the 1972 Act is applied to a National Park authority by paragraph 13(6) of Schedule 7 to the 1995 Act.

#### Application of Secretary of State directions etc to a National Park authority during the transitional period

3. Where under any provision relating to any relevant functions the Secretary of State is empowered to give directions or issue guidance to an existing council, or is otherwise empowered to make a decision on such functions in relation to an existing council, that power may be exercised during the transitional period in relation to a National Park authority to the extent that it is consistent with the powers and duties conferred and imposed on such authority.

#### Duty of existing councils to assist a National Park authority

4. Each existing council the whole or any part of whose area lies within a National Park shall provide the National Park authority established for that National Park with such assistance and information as that authority may reasonably request for the purposes of discharging any of its functions.

#### Access by a National Park authority to information held by existing councils

5.—(1) The right conferred by this paragraph shall be exercisable by a National Park authority against any existing council the whole or any part of whose area lies within the National Park for which that authority has been established.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Park Authorities (Wales) Order 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(2) Upon giving reasonable notice, a National Park authority (acting through any authorised officer) shall have the right at all reasonable times to inspect and take copies of recorded information (wherever held and in whatever form), or otherwise extract information therefrom, to which access is necessarily required for the proper discharge of its functions.

(3) The existing council against whom the right is exercised shall supply all such information and assistance as may reasonably be required in relation to the exercise of the right.

(4) The duty imposed upon an existing council, when a National Park authority exercises its rights under this article, is in addition to, and without prejudice to, the duty is imposed upon that council by paragraph 4 above or any other duty otherwise imposed.

### **Registers and similar records required to be maintained**

6.—(1) This paragraph applies to a National Park authority which does not, or will not, receive from an existing council all of the material comprised in any register maintained by that council so far as relevant to the National Park for which that National Park authority is established.

(2) Upon giving reasonable notice, a National Park authority (acting through any authorised officer) shall at all reasonable times be entitled to access to such material as is referred to in sub-paragraph (1) which it has not received, or will not receive, whether in the possession of an existing council or of a county or county borough council established under the 1994 Act, to enable copies to be taken or information extracted.

(3) In fulfilling its obligation to maintain a register, a National Park authority may incorporate with any material copied or extracted in accordance with sub-paragraph (2) a certificate that is a true copy of, or extract from, the register from which it has been copied or extracted and thereafter the certified copy or extract may be maintained as the register, or as the case may be, part of the register, that the National Park authority is required to maintain.

(4) Nothing in this article shall affect the operation of any other provision in relation to any register which a National Park authority is required to maintain.

(5) For the purposes of this paragraph “register” means any register, map, list or other document of whatever form and in whatever medium which a local authority is required to maintain.

### **Interim monitoring officer**

7.—(1) If, at the time of the holding of the first meeting of a National Park authority in accordance with paragraph 1 of Schedule 3 to this Order, the authority is not in a position to designate a monitoring officer as required by section 5(1) of the 1989 Act<sup>M3</sup>, it shall appoint an interim monitoring officer in accordance with the provisions of this paragraph.

(2) The obligation for a National Park authority to have an interim monitoring officer shall continue until the designation of a monitoring officer by the authority under section 5(1) of the 1989 Act.

(3) Subject to the provisions of this article, section 5 of the 1989 Act shall apply to an interim monitoring officer in the same way as it applies to a monitoring officer, and the interim monitoring officer shall, for all purposes, be treated as the National Park authority’s monitoring officer.

(4) An interim monitoring officer shall be paid such remuneration and allowances (if any) as the National Park authority appointing him think fit.

(5) The duties of an interim monitoring officer shall be performed by him personally.

(6) A National Park authority shall not appoint as its interim monitoring officer a person who holds any other paid office or employment with that authority.

(7) During the period of his appointment an interim monitoring officer shall not be appointed to any other paid office or employment of the National Park authority.

(8) Any person who ceases to be an interim monitoring officer shall be disqualified from being appointed to any paid office or employment with that National Park authority until 1st April 1996.

(9) A member of a National Park authority shall be disqualified from being appointed as an interim monitoring officer for the authority.

(10) The National Park authority may revoke the appointment of an interim monitoring officer if—

(a) he becomes bankrupt or makes an arrangement with his creditors; or

(b) he is, in the opinion of the authority, unable or unfit to discharge his duties.

(11) If the appointment of an interim monitoring officer is ended other than by reason of the designation of a monitoring officer a National Park authority shall, unless they designate a monitoring officer, appoint a further person to be an interim monitoring officer and the provisions of this paragraph shall have effect in relation to that further appointment.

#### Marginal Citations

**M3** Section 5 of the 1989 Act is applied to a National Park authority by paragraph 13(7)(b) of Schedule 7 to the 1995 Act.

#### Audit of first accounts

**8.** The accounts of a National Park authority for the transitional period shall be audited with the accounts of that authority for the financial year beginning on 1st April 1996 and shall be treated for all purposes as if they were accounts for that financial year.

#### Reports and returns

**9.** For the purposes of section 230 of the 1972 Act, a National Park authority shall, on or after 1st April 1996, send the Secretary of State such reports and returns in relation to the relevant functions of an existing council and give him such information with respect to those functions of an existing council, as have been required but not supplied before 1st April 1996 or as the Secretary of State may require or as may be required by either House of Parliament subsequently.

#### The Local Authorities (Standing Orders) Regulations 1993

**10.—(1)** During the transitional period, the Local Authorities (Standing Orders) Regulations 1993 shall have effect as if paragraphs 1 and 2 of Part I of and paragraph 3(a) of Part II of the Schedule to those Regulations were omitted.

(2) On and after the 1st April 1996, the said paragraphs 1 and 2 of Part I of and paragraph 3(a) of Part II of the Schedule to the 1993 Regulations shall apply to a National Park authority and, in consequence, a National Park authority shall no later than its first meeting after the 1st April 1996 take all the action required by regulations 2 and 4 of the 1993 Regulations in respect of the standing orders provided for in those paragraphs.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The National Park Authorities (Wales) Order 1995. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. 3 para. 6(2A)-(2D) inserted by [S.I. 2021/356 reg. 6\(4\)](#)
- Sch. 5 para. 22 added by [S.I. 1996/1224 art. 2\(b\)](#)
- Sch. 5 para. 11-21 added by [S.I. 1996/534 Sch. para. 2](#)
- Sch. 5 para. 2E inserted by [S.I. 1996/1224 art. 2\(a\)](#)
- Sch. 5 para. 2A-2D inserted by [S.I. 1996/534 Sch. para. 1](#)
- Sch. 5 para. 16 omitted by [S.I. 1997/633 art. 3\(1\)](#)
- Sch. 5 para. 21 revoked by [S.I. 2012/801 art. 33Sch. 8](#)