

## THE SCHEDULE

### PART 2

#### APPLICATION OF OTHER INSTRUMENTS WITH MODIFICATIONS

2. After paragraph 10 of Schedule 5 to the principal Order add the following paragraphs—

##### **“The Commons (Schemes) Regulations 1982**

11. The Commons (Schemes) Regulations 1982(1) shall apply as if—

- (a) a National Park authority were a council for the purposes of those Regulations;
- (b) In paragraph 1 of Form I (Form of Scheme) of the Schedule the words “or National Park authority” were inserted after the words “district council”; and
- (c) In Form II (Form of Notice) of the Schedule the words “or National Park authority” were inserted after the words “district council”.

##### **The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984**

12. The Operations in Areas of Archaeological Importance (Forms of Notice etc.) Regulations 1984(2) shall apply as if—

- (a) in regulation 4 (prescribed steps to be taken by local councils) the words “or National Park authority” were inserted after the “council”; and
- (b) in Part I of Schedule I (form of notice of carrying out operations) in Service of This Notice—
  - (i) after the words “London borough council or” there were inserted the words “where the site of the operations is within a National Park, the notice is to be served instead on the National Park authority or”;
  - (ii) after the word “situated” there were inserted the words “*except* that where the site is partially within a National Park the notice is to be served on the National Park authority to the extent that the site is within its area and”; and
  - (iii) after the words “such council” there were inserted “or authority”.

##### **The Removal and Disposal of Vehicles Regulations 1986**

13. The Removal and Disposal of Vehicles Regulations 1986(3) shall apply as if in paragraph (cc) of the definition of “local authority” in regulation 12(1)(e) after the word “Wales,” there were inserted “a National Park authority or”.

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- (1) S.I.1982/209. Paragraph 1 of Schedule 9 to the 1995 Act provides that section 1 of the Commons Act 1899 (c. 30) (scheme for regulation) shall have effect in relation to a registered common as if the National Park authority were a local authority for the purpose of that enactment.
  - (2) S.I. 1984/1285. Paragraph 10(2) of Schedule 9 to the 1995 Act provides that section 35 of the Ancient Monuments and Archaeological Areas Act 1979 (c. 46) (Archaeological Areas) shall have effect as if any notice required to be served on a local authority under that section were required, instead, to be served on the National Park authority.
  - (3) S.I. 1986/183, to which there are amendments not relevant to this Order. Paragraph 9(1) of Schedule 9 to the 1995 Act provides that references to a local authority in the Refuse Disposal (Amenity) Act 1978 (c. 3) shall have effect in relation to land in a National Park for which a National Park authority is the local planning authority as if they included references to that authority and as if the relevant Park were the authority’s area.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

### **The Set-Aside Regulations 1988**

14. The Set-Aside Regulations 1988(4) shall apply as if in regulation 2(1) the definition of “National Park Authority” included a National Park authority established by this Order.

### **The Planning (Listed Buildings and Conservation Areas) Regulations 1990**

15. The Planning (Listed Buildings and Conservation Areas) Regulations 1990(5) shall apply as if—

- (a) in regulation 9(1) (claims for compensation and listed building purchase notices) after the words “London borough” there were inserted “or a National Park authority”; and
- (b) in paragraph (2) of the form set out in Part II of Schedule I (notification of refusal of listed building consent or conservation area consent) after the words “council of the district” there were inserted the words “or National Park authority”.

### **The Litter Control Areas Order 1991**

16. The Litter Control Areas Order 1991(6) shall apply as if in paragraph (1)(j) of article 2 (land which may be designated as a litter control area) there were added at the end—

“(xiii) a National Park authority”.

### **The Town and Country Planning General Regulations 1992**

17. The Town and Country Planning General Regulations 1992(7) shall apply as if in regulation 12(1) after “London borough” there were inserted the words “or National Park authority”.

### **The Transport and Works (Model Clauses for Railways and Tramways) Order 1992**

18. The Transport and Works (Model Clauses for Railways and Tramways) Order 1992(8) shall have effect as if paragraph 12(7)(a) of Schedule 1 (model clauses for railways) and paragraph 17(7)(a) of Schedule 2 (model clauses for tramways) included a reference to a sewer or drain which belongs to a National Park authority.

### **The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993**

19. The Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993(9) shall apply as if a National Park authority were an authority for the purposes of the Regulations.

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(4) S.I. 1988/1352, to which there are amendments not relevant to this Order.

(5) S.I. 1990/1519. Paragraph 33 of Schedule 10 to the 1995 Act makes a National Park authority a body on whom a listed building purchase notice may be served where it is the local planning authority for the area in which the building and land in question are situated.

(6) S.I. 1991/1325.

(7) S.I. 1992/1492, to which there are amendments not relevant to this Order.

(8) S.I. 1992/3270.

(9) S.I. 1993/407. Paragraph 11 of Schedule 9 to the 1995 Act provides that specified provisions in the Highways Act 1980 (c. 66) relating to footpaths and bridleways shall have effect as if references to a local authority or council included references to a National Park authority. Paragraph 11 of Schedule 8 to the 1995 Act provides that section 152(2) of the Local Government and Housing Act 1989 (c. 42) (provision as to charges) includes a National Park authority.

### **The Conservation (Natural Habitats, &c.) Regulations 1994**

**20.** The Conservation (Natural Habitats, &c.) Regulations 1994<sup>(10)</sup> shall apply as if the definition of “local authority” in regulation 6(3)(b) (competent authorities) included a National Park authority.

### **Town and Country Planning (General Development Procedure) Order 1995**

**21.** The Town and Country Planning (General Development Procedure) Order 1995<sup>(11)</sup> shall apply as if in Part 2 of Schedule I to that Order (notification to be sent to applicant when planning permission is refused or granted subject to conditions) in the final paragraph after the words “City of London” there were inserted “or National Park authority”.

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<sup>(10)</sup> S.I. [1994/2716](#).

<sup>(11)</sup> S.I. [1995/419](#). Section 67(5) of the 1995 Act inserted section 147A into the Town and Country Planning Act 1990 (c. 8) which applies Chapter I of Part VI (interests affected by planning decisions or orders) of that Act to National Parks.