

Draft 17/4/03 -1

Draft Order laid before Parliament under section 88(2) of the Countryside and Rights of Way Act 2000, for approval by resolution of each House of Parliament.

STATUTORY INSTRUMENTS

[2003] No.

COUNTRYSIDE, ENGLAND

The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order
[2003]

Made - - - - 2003

Coming into force -- 2003

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The Secretary of State, in exercise of the powers conferred on her by sections 86(1), 86(2), 86(3), 86(5), 87(7), 88(5) to (9) of, and Schedule 13 to, the Countryside and Rights of Way Act 2000 **(a)** (“the 2000 Act”), and of all other powers enabling her in that behalf, considering it expedient under section 86(3) of the 2000 Act for both of the purposes mentioned in section 87(1) of the 2000 Act, and having under section 86(6) of the 2000 Act consulted the Countryside Agency **(b)** and every local authority whose area consists of or includes the whole or part of the Chilterns Area of Outstanding Natural Beauty and being satisfied that the majority of those local authorities consent, hereby makes the following Order, a draft of which has been laid before and approved by a resolution of each House of Parliament.

(a) 2000 c.37.

(b) See section 1(1) of the National Parks and Access to the Countryside Act 1949 (c.97) as amended by the Development Commission (Transfer of Functions and Miscellaneous Provisions) Order 1999, S.I. 1999/416, Schedule 1, paragraph 1.

PART I
INTRODUCTORY

Citation and commencement

1. This Order may be cited as the Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order [2003] and shall come into force on the [14th] day after the day on which it is made.

Interpretation

2. In this Order –

“the 2000 Act” means the Countryside and Rights of Way Act 2000;

“the 1972 Act” means the Local Government Act 1972 (a);

“the Chilterns Area of Outstanding Natural Beauty” means the area designated by order under that name on 26 May 1964 and confirmed on 16 December 1965 under section 87 of the National Parks and Access to the Countryside Act 1949 (b);

“the Board” means the Conservation Board for the Chilterns Area of Outstanding Natural Beauty as established by Article 3;

“the establishment day” means [.....];

“the operative day” means the [1 April 2004].

PART II

ESTABLISHMENT, CONSTITUTION AND ADMINISTRATION OF THE BOARD

Establishment of the Board

3. On the establishment day there shall be established a conservation board for the Chilterns Area of Outstanding Natural Beauty to be known as “the Conservation Board for the Chilterns Area of Outstanding Natural Beauty”.

Specified number of Board members.

4.—(1) The specified number of local authority members of the Board shall be 15.

(2) The specified number of members of the Board to be appointed by the Secretary of State shall be 8.

(3) The specified number of parish members of the Board shall be 6.

(a) 1972 c.70.

(b) 1949 c.97. Paragraph 16 of Schedule 15 to the 2000 Act provides that any order under section 87 of the National Parks and Access to the Countryside Act 1949 which is in force immediately before the commencement of section 82 of the 2000 Act is to be taken to have been made under section 82 of the 2000 Act.

Appointment of local authority members

5. Each local authority specified in Schedule 1 (being collectively the local authorities for the areas wholly or partly comprised in the Chilterns Area of Outstanding Natural Beauty) shall appoint one member to the Board.

Appointment of parish members

6. The parish members of the Board shall be appointed in accordance with the provisions of Schedule 2.

First appointment of members

7. Each local authority specified in Schedule 1, the Secretary of State, and the parish councils and parish meetings specified in Part II of Schedule 2 (acting in accordance with the provisions of Part I of that Schedule), shall appoint their respective first members before the establishment day and those appointments shall take effect on that day; but no appointment shall be treated as invalid by reason only of a failure to make the appointments required by this article.

Resignation of office

8. A member of the Board may at any time resign his membership by giving notice in writing to the chief officer of the Board, and his resignation shall take effect on the receipt of that notice by that officer.

Vacancies

9.—(1) Where a vacancy arises in the membership of the Board, it shall be filled as soon as practicable –

- (a) where the vacancy is created by a local authority member, by the authority in whose representation the vacancy arises,
- (b) where the vacancy is created by a member appointed by the Secretary of State, by the Secretary of State,
- (c) where the vacancy is created by a parish member, by the parish councils and parish meetings referred to in Schedule 2,

in accordance with the appropriate provisions of this Order and of Schedule 13 to the 2000 Act.

(2) Where, by virtue of paragraph 4(4)(a) of Schedule 13 to the 2000 Act a vacancy arises in the membership of the Board as a result of a local authority member ceasing to be a member of the local authority, that person shall nevertheless continue to be a local authority member of the Board until -

- (a) notice is given to the Board under article 10(1)(a) of the appointment of a new local authority member of the Board to fill that vacancy, or
- (b) the expiration of 3 months from the day that vacancy arises,

whichever is the earlier.

(3) Where by virtue of paragraph 5(3) or (4) of Schedule 13 to the 2000 Act a vacancy arises in the membership of the Board as a result of a parish member of the Board ceasing to be a member of the parish council or chairman of the parish meeting (as the case may be), that person shall nevertheless continue to be a parish member of the Board until –

- (a) notice is given to the Board under article 10(1)(c) of the appointment of a new local authority member of the Board to fill that vacancy, or
- (b) the expiration of 3 months from the day that vacancy arises,

whichever is the earlier.

Notice of appointment, etc.

10.—(1) Where a member is appointed to the Board, or a vacancy arises in the membership of the Board, for any reason other than resignation -

- (a) where the member, or the member giving rise to the vacancy, was a local authority member, the council by whom he was appointed,
- (b) where the member, or the member giving rise to the vacancy, was appointed by the Secretary of State, the Secretary of State,
- (c) where the member, or the member giving rise to the vacancy, was a parish member by virtue of membership of a parish council or his chairmanship of a parish meeting, that parish council or meeting (as the case may be),

shall as soon as practicable give notice in writing to the Board and that notice shall state the date of his appointment or, as the case may be of the occurrence of the vacancy.

(2) As soon as practicable after receiving notice under article 8 (resignation) or this article, the Board shall give public notice of –

- (a) the appointment, or as the case may be, of the resignation, termination or vacancy, and
- (b) the name of the person concerned.

Removal of members appointed by the Secretary of State

11. The Secretary of State may remove from office any member of the Board appointed by her either –

- (a) by giving that member three months' written notice of the termination of the appointment; or
- (b) in such other manner as may be provided for in the terms of that members' appointment.

Disqualification of members

12.—(1) A person is disqualified from becoming or remaining a member of the Board if he holds any paid office or employment, appointments to which are or may be made or confirmed by -

- (a) the Board itself or any council by whom a local authority member of the authority is appointed;
 - (b) any committee or sub-committee of the Board or of any such council;
 - (c) any joint committee on which the Board or any such council is represented;
 - (d) any parish council for, or parish meeting of, a parish the whole or any part of which is comprised in the Chilterns Area of Outstanding Natural Beauty;
 - (e) any committee or sub-committee of any such parish council or parish meeting;
 - (f) any joint committee on which any such parish council or parish meeting is represented;
- or
- (g) any person himself holding an office or employment which disqualifies him for becoming a member of the Board.

(2) A person is also disqualified for becoming or remaining a member of the Board if he holds any employment in a company which, in accordance with Part V of the Local Government and Housing Act 1989 (a) other than section 73, would be under the control of the Board.

(3) Section 92 of the 1972 Act (proceedings for disqualification) shall apply in relation to a person who acts or claims to be entitled to act as a member of the Board as it applies in relation to a person who acts or claims to be entitled to act as a member of a local authority, but as if-

(a) references in that section to a local government elector for the area concerned were references to a local government elector for any area the whole or any part of which is comprised in the Chilterns Area of Outstanding Natural Beauty, and

(b) in subsection (6)(b) of that section (failure to deliver declaration of acceptance of office), the words from “of failure” to “or by reason” were omitted.

(4) Sections 1 to 3 of the Local Government and Housing Act 1989 (disqualification of persons holding politically restricted posts) shall have effect as if a the Board were a local authority for the purposes of Part 1 of that Act.

Vacation of office for failure to attend meetings

13. Section 85 of the 1972 Act (failure to attend meetings) shall apply in relation to the Board as if the Board were a local authority for the purposes of that section.

Conduct of members and employees

14.—(1) Part III of the Local Government Act 2000 (b) (conduct of local government members and employees) shall apply in relation to the board as if the Board were a relevant authority within the meaning of section 49(6) of that Act.

(2) Until such time as the Board pass a resolution adopting a code as regards conduct in accordance with section 51(1) of the Local Government Act 2000, the following provisions shall apply in relation to the Board as if the Board were a local authority –

(a) section 31 of the Local Government and Housing Act 1989 (code of conduct);

(a) 1989 c.42.
(b) 2000 c.22.

(b) sections 94 to 98 and 105 of the 1972 Act (restrictions on voting on account of interests);

and

(c) section 19 of the Local Government and Housing Act 1989 (members' interests)

(3) Where the Board has passed a resolution adopting a code as regards conduct in accordance with section 51(1) of the Local Government Act 2000, the following provisions shall, where applicable to the Board, be disapplied as respects the Board –

(a) section 17(1)(b), (3), (5)(b), (7) and (8) of the Audit Commission Act 1998 **(a)**

(b) in section 17(2) of that Act, the words “subject to subsection (3)” and paragraph (a) and (b); and

(c) section 18 of that Act.

[Note- the Audit Commission Act 1998 will already apply to the Board – see Schedule 2, paragraph 1(jj) as introduced by para 8 of Schedule 13 to CROW Act 2000].

Allowances and time off for members

15.—(1) The Board shall be a body to which sections 174 to 176 of the 1972 Act (allowances for travelling, conferences and visits) shall apply and shall also be deemed to be a relevant authority for the purposes of section 18 of the Local Government and Housing Act 1989 (basic attendance and special responsibility allowances).

(2) For the purposes of paragraph (1) references in section 18 of that Act of 1989 to a member of an authority who is a councillor shall be deemed, in relation to the Board, to include references to a member of the Board who is appointed by the Secretary of State.

(3) Section 10 of that Act of 1989 (limit on paid leave for local authority duties) shall apply in relation to the Board as if the Board were a relevant council for the purposes of that section.

Meetings and proceedings of the Board

16. Schedule 3 shall have effect in relation to the meetings and proceedings of the Board.

Committees and sub-committees, officers and staff

17.—(1) Sections 101 to 104 and 106 of the 1972 Act (arrangements for committees and sub-committees) shall apply in relation to the Board as if the Board were a local authority for the purposes of those sections.

(2) Accordingly, section 13 of the Local Government and Housing Act 1989 (voting rights of members of certain committees) shall apply as if the Board were a relevant authority for the purposes of that section.

(3) It shall be the duty of the Board in relation to any committee or sub-committee to which this paragraph applies, to secure-

(a) that the membership of the committee or subcommittee consists at least one local authority member of the Board, one parish member of the Board and one member of the Board appointed by the Secretary of State;

(b) that the division of members of the Board who are members of the committee or sub-committee between-

(i) local authority members,

(ii) parish members, and

(iii) members appointed to the Board by the Secretary of State,

is (as nearly as possible using whole numbers) in the same proportions as required, by virtue of article 4, in the case of the Board itself; and

(c) that the quorum of the committee or sub-committee includes at least one local authority member of the Board, one parish member of the Board and one member of the Board appointed by the Secretary of State .

(4) Paragraph (3) applies to the following committees and sub-committee of the Board except those appointed under section 102(4) or (4A) of the 1972 Act (advisory committees), that is to say-

(a) any committee or sub-committee of the Board;

(a) 1998 c.18.

(b) any joint committee on which the Board is represented; and

(c) any sub-committee of such a joint committee.

(5) The proceedings of a committee or sub-committee to which paragraph (3) applies shall not be invalidated by any failure of the Board to perform its duty under that paragraph.

(6) Sections 112 to 119 of the 1972 Act (staff of local authorities) and of section 30 of the Local Government (Miscellaneous Provisions) Act 1976 **(a)** (power to forgo repayment of remuneration) shall apply in relation to the Board as if the Board were a local authority for the purposes of those sections.

(7) The following provisions of the Local Government and Housing Act 1989 shall apply in relation to the Board as if the Board were a relevant authority for the purposes of those provisions-

(a) section 4 (designation and reports of head of paid service);

(b) section 5 (designation and reports of monitoring officer);

(c) section 7 (staff to be appointed on merit);

(d) section 8 (standing orders with respect to staff) with the omission of subsection (4)(d) (assistants for political groups); and

(e) section 12 (conflict of interest in staff negotiations)..

Chief Officer

18.—(1) There shall, be a chief officer of the Board.

(2) The first appointment of a chief officer shall be made by the Secretary of State after consultation with the Countryside Agency.

(3) The Board shall, with the approval of the Secretary of State, make all subsequent appointments of the chief officer of the Board.

(a) 1976 c.57.

Personal liability of members and officers

19. Section 265 of the Public Health Act 1875 **(a)** (personal liability of members and officers of certain authorities) shall apply as if-

- (a) the Board were an authority such as is mentioned in that section;
- (b) the references in that section to a member of the authority included, in relation to the Board, references to any person who is not such a member but for the time being serves as a member of a committee or sub-committee of the Board;
- (c) the references in that section to the purpose of executing that Act and to the purposes of that Act were each, in relation to the Board references to the purpose of carrying out the functions of the Board; and
- (d) the words “or rate” were omitted.

Liaison with parish councils and parish meetings

20. The Board shall make arrangements with-

- (a) each parish council for a parish the whole or any part of which is comprised in the Chilterns Area of Outstanding Natural Beauty, and
- (b) the parish meeting of any of those parishes which do not have separate parish councils,

for the purpose of informing and consulting those councils or meetings about the Board’s discharge of its functions.

Documents, notices, records etc.

21.—(1) The Local Government (Records) Act 1962 **(b)** shall apply in relation to the Board as if the Board were a local authority for the purposes of that Act.

(2) The following provisions of the 1972 Act—

- (a) Part VA **(a)** (access to meetings and documents);
- (b) sections 224 and 225(1) (custody and deposit of documents);
- (c) section 230 (reports and returns);

(a) 1875 c.55.
(b) 1962 c.56.

- (d) sections 231 to 234 (service and authentication of documents), and
- (e) sections 236 to 238 (byelaws).

shall apply as if for the purposes of those provisions the Board were a local authority or, in the case of Part VA and section 224, a principal council.

(3) Section 41 of the Local Government (Miscellaneous Provisions) Act 1976 (evidence of resolutions and minutes of proceedings) shall apply as if the Board were a local authority for the purposes of that Act.

(4) Where the Board has made any byelaws and those byelaws have been confirmed, the Board shall send a copy of the byelaws as confirmed to every council for a principal area the whole or any part of which is comprised in the Chilterns Area of Outstanding Natural Beauty.

Reports and returns

22. The Board shall, if so requested by the Secretary of State, forthwith give to -

- (a) the Countryside Agency,
- (b) each of the local authorities specified in Schedule 1,
- (c) each parish council and parish meeting specified in Part II of Schedule 2,

a copy of any report, return or information which the Board is required to send or give to the Secretary of State in accordance with section 230 of the 1972 Act (reports and returns).

Financial administration and accounts, etc.

23.—(1) Sections 151 (financial administration) and 168 (financial returns) of the 1972 Act shall apply in relation to the Board as if the Board were a local authority for the purposes of those sections.

(2) Subject to paragraphs (3) and (4), the Board shall-

- (a) keep a fund (to be known as the general fund) to which all income of the Board shall be carried, and from which all expenditure discharging liabilities shall be met; and
- (b) keep accounts of income and expenditure of the general fund.

(a) Part VA of the 1972 Act was inserted by the Local Government (Access to Information) Act 1985 (c.43), section 1.

(3) The provisions of paragraph (1) are without prejudice to any provision contained in any enactment or instrument requiring the Board to keep –

- (a) a specific fund or funds in respect of specified income and expenditure of the Board;
- (b) or specific accounts in respect of specified income and expenditure of any funds of the Board.

(4) Nothing in paragraph (2)(a) shall be construed as requiring or authorising the Board to apply or dispose of the surplus revenue arising from any undertaking carried on by it otherwise than in accordance with any enactment or instrument applicable to the undertaking.

Provision of information and encouragement of visitors

24. Sections 142 and 144 of the 1972 Act (provision of information about local services and encouragement of visitors) shall have effect (subject to paragraph 36) as if the Board were a local authority for the purposes of that Act and as if the Chilterns Area of Outstanding Natural Beauty were the authority's area.

Maladministration

25. Part III of the Local Government Act 1974 **(a)** shall apply in relation to the Board as if the Board were a local authority for the purposes of that Part and as if a reference to a member of an authority was a reference to a member of the Board.

PART III

CONCURRENT FUNCTIONS OF THE BOARD

Concurrent Functions

26.—(1) On and after the operative day the functions to which paragraph (2) applies shall be exercisable concurrently by the local authority and by the Board.

(2) This paragraph applies to the functions of any local authority, so far as relating to the Chilterns Area of Outstanding Natural Beauty, under the following enactments -

(a) 1974 c.7.

- (i) section 164 of the Public Health Act 1875 **(a)** as extended by section 180 of the 1972 Act Local Government Act 1972, (byelaws);
- (ii) sections 1 to 3 of the Commons Act 1899 **(b)** (regulation of commons);
- (iii) section 15 of the Open Spaces Act 1906 **(c)** (byelaws for regulation of open spaces etc.);
- (iv) section 194 of the Law of Property Act 1925 **(d)** (restriction on enclosure of Commons);
- (v) section 12 of the National Parks and Access to the Countryside Act 1949 **(e)** (provision for accommodation, refreshments, camping sites, and parking places);
- (vi) section 21 of the National Parks and Access to the Countryside Act 1949 (establishment of nature reserves);
- (vii) section 64 of the National Parks and Access to the Countryside Act 1949 (access agreements);
- (viii) section 89(1) to section 89(4) of the National Parks and Access to the Countryside Act 1949 (tree planting and work to derelict land);
- (ix) section 90 of the National Parks and Access to the Countryside Act 1949 (byelaws);
- (x) section 92 of the National Parks and Access to the Countryside Act 1949 (wardens);
- (xi) section 99 of the National Parks and Access to the Countryside Act 1949 (contributions to expenses);
- (xii) section 235 of the 1972 Act (byelaws for good rule and government and suppression of nuisances);
- (xiii) section 23 of the Caravan Sites and Control of the Development Act 1960 **(a)** (to prohibit caravans on Commons);

(a) 1875 c.55.
(b) 1899 c.30.
(c) 1906 c.25.
(d) 1925 c.20.
(e) 1949 c.97.

- (xiv) section 9 of the Commons Registration Act 1965 **(b)** (protection of unclaimed common land);
- (xv) section 4 of the Countryside Act 1968 **(c)** (experimental projects and schemes);
- (xvi) section 7 of the Countryside Act 1968 (provision of country parks);
- (xvii) section 9 of the Countryside Act 1968 (powers over or near common land);
- (xviii) section 10(1) to (3) of the Countryside Act 1968 (camping and picnic sites);
- (xix) section 41 of the Countryside Act 1968 (byelaws and wardens);
- (xx) section 45 of the Countryside Act 1968 (agreements with landowners);
- (xxi) sections 6 & 8 of the Refuse Disposal (Amenity) Act 1978 **(d)** (removal and disposal of certain refuse);
- (xxii) section 19 of the Ancient Monument and Archaeological Areas Act 1979 **(e)** (public access to monuments);
- (xxiii) section 20 of the Ancient Monuments and Archaeological Areas Act 1979 (provision of facilities for the public);
- (xxiv) section 21 of the Ancient Monuments and Archaeological Areas Act 1979 (transfer of monuments and land);
- (xxv) section 50 of the Wildlife and Countryside Act 1981 **(f)** (payments under certain agreements);
- (xxvi) section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 **(g)** (urgent works of preservation);
- (xxvii) sections 57 & 58 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (grants for repair and maintenance); and

(a) 1960 c.62.
(b) 1965 c.64.
(c) 1968 c.41.
(d) 1978 c.3.
(e) 1979 c.46.
(f) 1981 c.69.
(g) 1990 c.9.

(xxviii) section 94 of the 2000 Act (local access forums).

PART IV

INCIDENTAL, SUPPLEMENTAL, CONSEQUENTIAL AND TRANSITIONAL PROVISIONS

Land, enforceability of covenants

27. Section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (a) (enforceability by local authorities of certain covenants relating to land) shall have effect as if references to a principal council included references to the Board; and for the purposes of this paragraph the reference in subsection (1) of that section to section 111 of the 1972 Act shall have effect as a reference to the powers and functions of the Board.

Agreements as to incidental matters

28.—(1) The Board may from time to time make agreements in consequence of this Order with any public body (within the meaning of section 85(3) of the 2000 Act) with respect to-

- (a) any property, income, rights or liabilities (so far as affected by this Order) of the parties to the agreement; or
- (b) any financial relations between those parties.

(2) Such an agreement may provide-

- (a) for the transfer or retention of any property, rights and liabilities, with or without conditions, and for joint use of any property;
- (b) for the making of payments by any party to the agreement in respect of-
 - (i) property, rights and liabilities transferred or retained,
 - (ii) the joint use of any property, or
 - (iii) remuneration or compensation payable to any person.

(a) 1982 c 30.

Miscellaneous transactions and powers

29.—(1) The following provisions of the 1972 Act shall have effect as if the Board were a principal council for the purposes of that Act –

- (a) section 132 (use of premises); [*Note: for provision of offices for the Board see para 2, Sched. 14 of the 2000 Act*]
- (b) section 135 (contracts of local authorities);
- (c) section 136 (contributions towards expenditure on concurrent functions);
- (d) section 139 (acceptance of gifts of property);
- (e) section 140, 140A and 140C (insurance); and
- (f) sections 222 and 223 (conduct of prosecutions and participation in other legal proceedings).

(2) Section 38 of the Local Government (Miscellaneous Provisions) Act 1976 **(a)** (use of spare capacity of local authority computers) shall have effect as if the Board were a local authority for the purposes of that Act.

(3) Section 41 of the Local Government (Miscellaneous Provisions) Act 1982 **(b)** (lost property) shall have effect as if the Board were a local authority for the purposes of that Act.

(4) Section 45 of that Act of 1982 (arrangements under the Employment and Training Act 1973**(c)**) shall have effect as if the Board were a local authority to which that section applies.

Supply of goods and services

30. The Local Authorities (Goods and Services) Act 1970 **(c)** (supply of goods and services by local authorities) shall have effect as if the Board were both a local authority and a public body for the purposes of that Act.

(a) 1976 c.57.
(b) 1982 c.30.
(c) 1973 c.50.
(c) 1970 c.39.

Power to execute works outside the Chilterns Area of Outstanding Natural Beauty

31. Any power to execute works which is conferred on the Board by virtue of this Order or any other enactment shall be taken, except in so far as the contrary intention appears, to include power, for the purposes of the carrying out of the Board's functions, to execute works of the relevant description outside, as well as inside, the Chilterns Area of Outstanding Natural Beauty.

Power to promote Bills

32.—(1) Subject to paragraph (2), section 239 of the 1972 Act (power of local authority to promote local or personal Bills) shall have effect in relation to the Board as if it were a local authority for the purposes of that Act.

(2) The Board shall have no power to promote a Bill for-

- (a) modifying the Chilterns Area of Outstanding Natural Beauty;
- (b) modifying the Board's own constitution; or
- (c) modifying the status or the electoral arrangements of any of the local authorities, parish councils or parish meetings mentioned, or referred to, in articles 5 and 6.

(3) In sub-paragraph (2) above-

“electoral arrangements” means any electoral arrangements within the meaning of section 14(4) of the Local Government Act 1992 (a).

Restrictions on publicity

33. Part II of the Local Government Act 1986 (b) (restrictions on publicity) shall have effect as if the Board were a local authority for the purposes of that Part.

Contracting out

34. Part II of the Deregulation and Contracting Out Act 1994 (c) (contracting out) shall have effect as if the Board were a local authority for the purposes of that Part.

(a) 1992 c.19.
(b) 1986 c.10.
(c) 1994 c.40.

Continuity of exercise of functions

35.—(1) The concurrent exercise of functions by the Board under article 26 shall not affect the validity of anything done in relation to any of those functions before the operative day.

(2) Anything which on the operative day is in the process of being done by a local authority in relation to the functions to which paragraph (1) applies may be continued by, or in relation to, the Board and shall, so far as is required for continuing its effect on and after that day, have effect as if done by or in relation to the Board.

(3) Any reference, however framed, to a local authority in any document relating to any of the functions to which paragraph (1) applies shall, so far as is required for giving effect to this article, be construed as a reference to the Board.

(4) The provisions of this article shall not be construed as continuing in force any contract of employment made by a local authority.

Signed on behalf of the Secretary of State

_____ 2003

.....
Minister of State
Department for Environment, Food and Rural Affairs

SPECIFIED LOCAL AUTHORITIES

Hertfordshire County Council
Bedfordshire County Council
Buckinghamshire County Council
Oxfordshire County Council
Aylesbury Vale District Council
Chiltern District Council
Dacorum Borough Council
Luton Borough Council
Mid Bedfordshire District Council
North Hertfordshire District Council
South Bedfordshire District Council
South Buckinghamshire District Council
South Oxfordshire District Council
Three Rivers District Council
Wycombe District Council

PROVISIONS FOR APPOINTMENT OF PARISH MEMBERS OF THE BOARD

PART 1

1. The parish members of the Board shall be appointed at a meeting (“the appointment meeting”) of the parish councils and parish meetings for the parishes specified in Part II of this Schedule in accordance with paragraphs 2 to 6 of this Schedule.

2. The Countryside Agency shall convene an appointment meeting by giving not less than [21] days written notice of that meeting to the parish councils and parish meetings specified in Part II of this Schedule.

3. The Chairman of the appointment meeting shall be a member of the Countryside Agency or such officer or employee of the Agency as the Agency may appoint.

4. At the appointment meeting each of the parish councils and parish meetings specified in Part II of this Schedule shall have one vote.

5. Subject to paragraph 7, the Chairman of the appointment meeting shall not be entitled to give any vote at the meeting.

6. The appointment of each parish member of the Board is to be decided by a majority of those present at the appointment meeting and voting thereon, and the decision of the Chairman of the appointment meeting as to the result of the voting shall be final.

7. In the case of an equality of votes at an appointment meeting, the Chairman of that meeting shall have a casting vote.

8. At the end of the appointment meeting the Chairman of that meeting shall record in writing the parish members of the Board who were appointed by that meeting.

9. Within 7 days of the end of an appointment meeting, the Chairman of that meeting shall notify the Board in writing of the parish members of the Board who were appointed by that meeting.

PART II

PARISH COUNCILS

Aldbury Parish Council	Harpsden Parish Council
Amersham Town Council	Henley on Thames Town Council
Ashley Green Parish Council	Hexton Parish Council
Aston Clinton Parish Council	Highmoor Parish Council
Aston Rowant Parish Council	Hughenden Parish Council
Barton le Clay Parish Council	Ibstone Parish Council
Benson Parish Council	Ipsden Parish Council
Berkhamsted Town Council	Ivinghoe Parish Council
Bix/Assendon Parish council	Kensworth Parish Council
Bledlow cum Saunderton Parish council	Kidmore End Parish Council
Bradenham Parish Council	Lacey Green Parish Council
Brightwell Baldwin Parish Council	Latimer Parish Council
Britwell Salome Parish Council	Lewknor Parish Council
Buckland Parish Council	Lilley Parish Council
Caddington Parish council	Little Gaddesden Parish Council
Chalfont St Giles Parish Council	Little Marlow Parish Council
Chalfont St Peter Parish Council	Little Missenden Parish Council
Chartridge Parish Council	Mapledurham Parish Council
Checkendon Parish Council	Markyate Parish Council
Chenies Parish Council	Marlow Town Council
Chepping Wycombe Parish Council	Marsworth Parish Council
Chesham Bois Parish Council	Medmenham Parish Council
Chesham Town Council	Nettlebed Parish Council
Chinnor Parish Council	Nettleden & Potten End Parish Council
Cholesbury cum St Leonards Parish Council	Northchurch Parish Council
Cholsey Parish Council	Nuffield Parish Council
Chorleywood Parish Council	Offley Parish Council
Coleshill Parish Council	Oxfordshire Association of Local Councils
Crowell Parish Council	Penn Parish Council
Crowmarsh Parish Council	Piddington & Wheeler End Parish Council
Downley Parish Council	Pirton Parish Council
Drayton Beauchamp Parish Council	Pishill with Stonor Parish Council
Dunstable Town Council	Pitstone Parish Council
Eaton Bray Parish Council	Princes Risborough Town Council
Edlesborough, Northall & Dagnall Parish Council	Pyrton Parish Council
Ellesborough Parish Council	Radnage Parish Council
Ewelme Parish Council	Rotherfield Greys Parish Council
Eye and Dunsden Parish Council	Rotherfield Peppard Parish Council
Fawley Parish Council	Sarratt Parish Council
Fingest & Lane End Parish Council	Seer Green Parish Council
Flamstead Parish Council	Shillington Parish Council
Flaunden Parish Council	Shiplake Parish Council
Goring Heath Parish Council	Shirburn Parish Council
Goring Parish Council	Slip End Parish Council
Great and Little Hampden Parish Council	Sonning Common Parish Council
Great and Little Kimble Parish Council	South Stoke Parish Council
Great Gaddesden Parish Council	Stoke Row Parish Council
Great Marlow Parish Council	Stokenchurch Parish Council
Great Missenden Parish Council	Streatley Parish Council
Halton Parish Council	Studham Parish Council
Hambleden Parish Council	Sundon Parish Council
Harlington Parish Council	Swyncombe Parish Council
	The Lee Parish Council

Totternhoe Parish Council
Tring Rural Parish Council
Tring Town Council
Turville Parish Council
Wallingford Town Council
Watlington Parish Council
Wendover Parish Council

West Wycombe Parish Council
Whipsnade Parish Council
Whitchurch Parish Council
Wiggington Parish Council
Woodcote Parish Council

PARISH MEETINGS

Parish of Brightwell Baldwin
Parish of Britwell Salome
Parish of Crowell

Parish of Fawley
Parish of Hexton
Parish of Shirburn

SCHEDULE 3

Article 16

MEETINGS AND PROCEEDINGS OF THE BOARD

First meeting of the Board

1.—(1) The first meeting of the Board shall be convened by the chief officer as soon as practicable and, in any event, within 60 days beginning on the establishment day, and shall be held at such place and hour as may be fixed by him.

(2) Until completion of the election of a chairman of the Board at that meeting (as provided for at paragraph 5(1)), the chief officer shall exercise any functions falling to be exercised by the chairman and the deputy chairman of the Board.

(3) So far as is consistent with the preceding provisions of this paragraph, the following provisions of this Schedule shall apply to the calling and conduct of the first meeting of the Board.

Annual general meetings and other meetings of the Board

2.—(1) The first meeting of the Board, as provided for by paragraph 1(1), shall be the annual general meeting of the Board for 2004.

(2) In 2005 and each subsequent year the Board shall hold an annual general meeting.

(3) An annual general meeting shall be held at such hour as the Board may fix or, if no hour is so fixed, at twelve noon.

3.—(1) In 2004 and in each succeeding year the Board shall hold, in addition to the annual general meeting for that year, at least [two] other meetings for the transaction of business.

(2) Those other meetings shall be held at such hour and on such days as the Board may determine but shall be held as near as may be at regular intervals.

4.—(1) The chairman of the Board or, if the office of chairman is vacant, the deputy chairman of the Board may call an extraordinary general meeting of the Board at any time.

(2) If the offices of chairman and deputy chairman are vacant, the chief officer of the Board may call an extraordinary general meeting of the Board at any time.

(3) Not less than five members of the Board may requisition an extraordinary general meeting of the Board.

(4) The requisition referred to in sub-paragraph (3) shall be in writing and shall be presented to the chairman of the Board or, if the office of chairman is vacant, to the deputy chairman of the Board or, if the offices of chairman and deputy chairman are vacant, to the chief officer of the Board.

(5) Where the chairman, deputy chairman or chief officer (as the case may be) have not called an extraordinary general meeting within seven days of the presentation of a requisition as mentioned in sub-paragraphs (3) and (4), any five members of the Board may forthwith call an extraordinary general meeting of the Board.

Chairman and deputy chairman

5.—(1) The first chairman and deputy chairman of the Board shall be elected by the members of the Board (in accordance with paragraph 7 of Schedule 13 to the 2000 Act) at the first meeting of the Board as provided for at paragraph 1(1) above.

(2) Subsequent chairmen and deputy chairmen of the Board shall be elected by the members of the Board at a meeting of the Board.

(3) A person elected as a chairman or deputy chairman of the Board may at any time resign his office by notice in writing given to the proper officer of the Board.

(4) Where a casual vacancy in the office of chairman or deputy chairman of the Board is filled the person so appointed shall hold office until the date upon which the person in whose place he is elected would regularly have retired.

(5) Where necessary, the meeting at which such a casual vacancy is to be filled shall be convened by the chief officer of the Board.

Calling of meetings

6.—(1) Meetings of the Board shall be held at such place, either within or without the Chilterns Area of Outstanding Natural Beauty, as it may direct.

(2) At least three clear days (excluding any day which is a Saturday, Sunday, bank holiday, Christmas Day or Good Friday) before a meeting of the Board-

(a) notice of the time and place of the intended meeting shall be published at the principal offices of the Board and, where the meeting is called by members of the Board, the notice shall be signed by those members and shall specify the business proposed to be transacted; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted and signed by the chief officer of the Board shall, subject to sub-paragraphs (3) and (4) be left at or sent by post to the usual place of residence of every member of the Board with a copy given to the proper officer for each local authority specified in Schedule 1, to the Countryside Agency and to the Secretary of State.

(3) If a member of the Board gives notice in writing, to the chief officer of the Board that he desires summonses to attend meetings of the Board to be sent to him at some address specified in the notice other than his usual place of residence, any summons addressed to him and left at or sent by post to that address shall be deemed sufficient service of the summons.

(4) Where a member and the chief officer agree in writing, summonses to attend meetings of the Board may be given to that member by electronic communication.

(5) Want of service of a summons on any member of the Board shall not affect the validity of such a meeting.

(6) Except in the case of business required by or under this Order or any other statutory provision to be transacted at the annual general meeting of the Board and other business brought before that meeting as a matter of urgency in accordance with the Board's standing orders, no business shall be transacted at a meeting of the Board other than that specified in the summons relating thereto.

Conduct of meetings

7.—(1) At a meeting of the Board the chairman, if present, shall preside.

(2) If the chairman is absent from a meeting of the Board the deputy chairman, if present, shall preside.

(3) If both the chairman and the deputy chairman of the Board are absent such other member of the Board as the members present shall choose shall preside.

(4) Subject to the provisions of paragraph 45 of Schedule 12 to the 1972 Act (quorum), no business shall be transacted at a meeting of the Board unless -

- (a) at least one third of the whole number of members of the Board are present; and
- (b) of those present at least one is a local authority member, one a member appointed by the Secretary of State, and one, a parish member.

(5) The following provisions-

- (a) Part VI of Schedule 12 to the 1972 Act (proceedings and meetings of local authorities) and of section 99 of that Act so far as it relates to that Part of that Schedule; and
- (b) section 100 of that Act (admission of the public and press),

shall have effect as if the Board were a local authority for the purposes of those provisions.

(6) Section 20 of the Local Government and Housing Act 1989 (power to require adoption of certain procedural standing orders) shall have effect as if the Board were a relevant authority for the purposes of that section.

(7) The validity of any proceedings of the Board shall not be affected by a vacancy amongst its members, by any defect in the appointment of a member of the Board or by the want of qualification, or the disqualification, of any such member.

Minutes of proceedings of meetings

8. A copy of the minutes of the proceedings at each meeting of the Board shall be sent to the proper officer for each local authority specified in Schedule 1 and to each parish council and parish meeting specified in Part II of Schedule 2 and to the Countryside Agency.

EXPLANATORY NOTE

(This note is not part of the Order)

The Chilterns Area of Outstanding Natural Beauty was designated by order under section 87 of the National Parks and Access to the Countryside Act 1949 on 26th May 1964; that order was confirmed on 16th December 1965.

This Order, which is made under Part IV of the Countryside and Rights of Way Act 2000, establishes the Conservation Board for the Chilterns Area of Outstanding Natural Beauty (“the Board”), (article 3).

Part II of this Order (articles 3 to 25) makes provision for the constitution and administration of the Board, including provision concerning: membership of the Board (articles 4 to 15), meetings and proceedings of the Board (article 16 and Schedule 3) and appointment of the chief officer and staff (articles 17 and 18).

Part III of the Order (article 26) provides for certain functions of local authorities, so far as relating to the Chilterns Area of Outstanding Natural Beauty, to be exercisable concurrently by the local authority concerned and by the Board.

Part IV of the Order (articles 26 to 35) provides for incidental, supplemental, consequential and transitional provisions.