



**LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY**

**SCHEME OF DELEGATION RELATIVE TO:**

**SECTIONS 33A AND 88 OF THE ENVIRONMENTAL PROTECTION ACT 1990**

## ENVIRONMENTAL PROTECTION ACT 1990 (CONTROLLED WASTE)

### SCHEME OF OFFICER DELEGATION OF LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY (THE “PARK AUTHORITY”)

#### PART 1: GENERAL REQUIREMENTS

1. The Scheme of Officer delegation is prepared in accordance with the provisions of Section 8 of and Paragraph 17 of Schedule 1 to the National Parks (Scotland) Act 2000 (the “**2000 Act**”).
2. The Park Authority remains responsible for all the functions of the Park Authority. Notwithstanding the provisions of this Scheme of Officer Delegation, the Park Authority may at any time determine any matter within the competence of the Park Authority either at the Park Authority’s own initiative or on the recommendation of an officer to whom the matter is delegated.
3. The Park Authority may from time to time make a direction in respect of a delegated officer that the authority of the person(s) specified in that direction to act as delegated officer shall be:
  - a) suspended;
  - b) reduced;
  - c) subject to conditions; and/or
  - d) exercisable by another person or class of persons,in each case as specified in the direction.
4. In exercising the delegated power set out below, the Appointed Officer of the Park Authority shall observe the following general requirements:
  - a) all notices shall be issued in accordance with the provisions of sections 33 and 33A of the Environmental Protection Act 1990 (the “**1990 Act**”) and the Controlled Waste (Fixed Penalty Notices)(Scotland) Order 2014 (the “**Controlled Waste Order**”);and
  - b) all notices issued under the Scheme of Officer Delegation shall be reported to the Board, for information.
5. In a number of the categories of delegation there is the need for a degree of judgement in interpretation on the part of Park Authority officers. Park Authority officers will have to use their professional discretion to determine which matters should best be considered by the Board. The Scheme of Delegation does not prevent a matter being determined by the Board even if the decision could otherwise be taken by a Park Authority officer.
6. The meaning of all words and phrases used within this Scheme of Delegation, where not otherwise given, will be as provided for under the various Acts and Regulations referred to. References to any Act of Parliament (or associated secondary legislation) shall include any modification, extension or re-enactment thereof for the time being in force.

## **PART 2: DELEGATED POWERS TO ISSUE FIXED PENALTY NOTICES UNDER SECTION 33A OF THE 1990 ACT**

1. Part 2 of this Scheme of Delegation is prepared in accordance with the provisions of Sections 33 and 33A of the 1990 Act, the Controlled Waste Order and Section 8 of and Paragraph 17 of Schedule 1 to the 2000 Act.
2. The **Appointed Officer** who shall be entitled to exercise the delegated power set out below shall be the Chief Executive Officer, and where he/she so determines, the Director of Conservation and Visitor Operations or such other appropriate Director, Head of Service or Manager (as determined by the Appointed Officer from time to time) on behalf of the Park Authority.
3. The following matter is delegated to the Appointed Officer:

Power to issue notices to offer an opportunity to discharge the liability under Section 33 of the 1990 Act by payment of a fixed penalty, along with the power to sign any and all documentation on behalf of the Park Authority relating to Sections 33 and 33A of the 1990 Act.
4. Authority is given to the Appointed Officer to authorise any other Park Authority officer to act as a duly authorised officer of the Park Authority under 33A of the 1990 Act, and any such duly authorised officer shall be entitled to enforce the terms of Section 33 of the 1990 Act, and shall be entitled to sign any and all documentation on behalf of the Park Authority relating to Sections 33 and 33A of the 1990 Act.
5. This Scheme of Officer Delegation may be varied or revoked by the Park Authority.

## ENVIRONMENTAL PROTECTION ACT 1990 (LITTER)

### SCHEME OF OFFICER DELEGATION OF LOCH LOMOND & THE TROSSACHS NATIONAL PARK AUTHORITY (THE “PARK AUTHORITY”)

#### PART 1: GENERAL REQUIREMENTS

1. The Scheme of Officer delegation is prepared in accordance with the provisions of Section 8 of and Paragraph 17 of Schedule 1 to the National Parks (Scotland) Act 2000 (the “**2000 Act**”).
2. The Park Authority remains responsible for all the functions of the Park Authority. Notwithstanding the provisions of this Scheme of Officer Delegation, the Park Authority may at any time determine any matter within the competence of the Park Authority either at the Park Authority’s own initiative or on the recommendation of an officer to whom the matter is delegated.
3. The Park Authority may from time to time make a direction in respect of a delegated officer that the authority of the person(s) specified in that direction to act as delegated officer shall be:
  - a) suspended;
  - b) reduced;
  - c) subject to conditions; and/or
  - d) exercisable by another person or class of persons,in each case as specified in the direction.
4. In exercising the delegated power set out below, the Appointed Officer of the Park Authority shall observe the following general requirements:
  - a) all notices shall be issued in accordance with the provisions of sections 87 and 88 of the 1990 Act and the Litter (Fixed Penalty Notices)(Scotland) Order 2014 (the “**Litter Order**”); and
  - b) all notices issued under the Scheme of Officer Delegation shall be reported to the Board, for information.
5. In a number of the categories of delegation there is the need for a degree of judgement in interpretation on the part of Park Authority officers. Park Authority officers will have to use their professional discretion to determine which matters should best be considered by the Board. The Scheme of Delegation does not prevent a matter being determined by the Board even if the decision could otherwise be taken by a Park Authority officer.
6. The meaning of all words and phrases used within this Scheme of Delegation, where not otherwise given, will be as provided for under the various Acts and Regulations referred to. References to any Act of Parliament (or associated secondary legislation) shall include any modification, extension or re-enactment thereof for the time being in force.

## **PART 2: DELEGATED POWERS TO ISSUE FIXED PENALTY NOTICES UNDER SECTION 88 OF THE 1990 ACT**

1. Part 2 of this Scheme of Delegation is prepared in accordance with the provisions of Sections 87 and 88 of the Environmental Protection Act 1990, the Litter Order and Section 8 of and Paragraph 17 of Schedule 1 to the 2000 Act.
2. The **Appointed Officer** who shall be entitled to exercise the delegated power set out below shall be the Chief Executive Officer and where he/she so determines, the Director of Conservation and Visitor Operations or such other appropriate Director, Head of Service, or Manager (as determined by the Appointed Officer from time to time) on behalf and the Head of Visitor Management of the Park Authority.
3. The following power is delegated to the Appointed Officer:

Power to issue notices to offer an opportunity to discharge the liability under Section 87 of the 1990 Act by payment of a fixed penalty, along with the power to sign any and all documentation on behalf of the Park Authority relating to Sections 87 and 88 of the 1990 Act.
4. Authority is given to the Appointed Officer to authorise any other Park Authority officer to act as a duly authorised officer of the Park Authority under Section 88 of the 1990 Act, and any such duly authorised officer shall be entitled to enforce the terms of Section 87 of the 1990 Act and shall be entitled to sign any and all documentation on behalf of the Park Authority relating to Sections 87 and 88 of the 1990 Act.
5. This Scheme of Officer Delegation may be varied or revoked by the Park Authority.