



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

**SCHEME OF DELEGATION RELATIVE TO:**

**LOCH LOMOND BYELAWS 2013**

## **LOCH LOMOND BYELAWS 2013**

### **SCHEME OF OFFICER DELEGATION**

#### **PART 1: GENERAL REQUIREMENTS**

1. The Scheme of officer Delegation is prepared in accordance with the provisions of Section 8 and in Schedule 1 (Paragraph 17) of the National Parks (Scotland) Act 2000.
2. The Loch Lomond & The Trossachs National Park Authority (the “Park Authority”) remains responsible for all the functions of the Park Authority. Notwithstanding the provisions of this Scheme of 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 powers set out below, the Director of Conservation and Visitor Operations and the Visitor Operations Manager, (or other appropriate officer(s) as determined by the Chief Executive Officer ("CEO") from time to time) shall observe the following general requirements:
  - a) All determinations shall be carried out in accordance with the provisions of the Loch Lomond Byelaws 2013; (the “2013 Byelaws”)
  - b) No determination shall be made which conflicts with a decision made by the Park Authority Board (“the Board”) or the Planning & Access Committee (“the Committee”) on a previously similar application or enforcement matter in the same location;
  - c) All determinations made under the Scheme of Officer Delegation, shall be reported to the Board, for information

Any reference in this Scheme of Delegation to a “Byelaw” is to a byelaw in the 2013 Byelaws.

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. As with all Schemes of Delegation this is unavoidable. Park Authority officers will have to use their professional discretion to determine if any 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.

The weekly planning schedule will be used to note decisions made by officers under this scheme.

**PART 2: DELEGATED POWERS TO DETERMINE APPLICATIONS  
TEMPORARILY EXEMPTING CRAFT FROM SPEED LIMITS (BYELAW 3.6(2)).**

6. Authority is hereby delegated to the Director of Conservation and Visitor Operations and the Visitor Operations Manager, under Byelaw 3.6(2). A decision to exempt craft from Byelaw 3.6(2) will, where reasonably practicable, be taken following consultation between the relevant authorised Park Authority officers. In the event of holidays, illness or other absence, this Scheme of Delegation specifically authorises either officer (or another appropriate officer(s) as determined by the CEO from time to time) to take the decision without recourse to the other(s), provided always that reasonable efforts will have been made to ensure proper consultation. The relevant authorised Park Authority officers are hereby authorised to sign any and all documentation on behalf of the Park Authority relating to exemption under Byelaw 3.6(2).
7. All applications will be determined (either approved or refused), subject to the general requirements of the operation of the Scheme as outlined in Part 1 above.

**PART 3: DELEGATED POWERS TO DETERMINE APPLICATION TEMPORARILY  
EXEMPTING CRAFT FROM RECREATIONAL TOWING (BYELAW 3.7(5))**

8. Authority is hereby delegated to the Director of Conservation and Visitor Operations and the Visitor Operations Manager, under Byelaw 3.7(5). A decision to exempt craft from Byelaw 3.7(5) will, where reasonably practicable, be taken following consultation between the relevant authorised Park Authority officers. In the event of holidays, illness or other absence, this Scheme of Delegation specifically authorises either officer (or another appropriate officer(s) as determined by the CEO from time to time) to take the decision without recourse to the other(s), provided always that reasonable efforts will have been made to ensure proper consultation. The relevant authorised Park Authority officers are hereby authorised to sign any and all documentation on behalf of the Park Authority relating to exemption under Byelaw 3.7(5).
9. All applications will be determined (either approved or refused), subject to the general requirements of the operation of the Scheme as outlined in Part 1 above.

**PART 4: DELEGATED POWERS TO DETERMINE APPLICATIONS  
TEMPORARILY GRANTING CRAFT PERMISSION TO PARASCEND (BYELAW 3.8)**

10. Authority is hereby delegated to the Director of Conservation and Visitor Operations and the Visitor Operations Manager under Byelaw 3.8. A decision to exempt craft from Byelaw 3.8 will, where reasonably practicable, be taken following consultation between the relevant authorised Park Authority officers. In the event of holidays, illness or other absence, this Scheme of Delegation specifically authorises either officer (or another appropriate officer(s) as determined by the CEO from time to time) to take the decision without recourse to the other(s), provided always that reasonable efforts will have been made to ensure proper consultation. The relevant authorised Park Authority officers are hereby authorised to sign any and all documentation on behalf of the Park Authority relating to exemption under Byelaw 3.8.

11. All applications will be determined (either approved or refused), subject to the general requirements of the operation of the Scheme as outlined in Part 1 above.

**PART 5: DELEGATED POWERS TO DETERMINE APPLICATIONS GRANTING PERMISSION TO TRADE OR OPERATE A BUSINESS ON THE SHORE (BYELAW 3.13(1))**

12. Authority is hereby delegated to the Director of Conservation and Visitor Operations and the Visitor Operations Manager under Byelaw 3.13(1). A decision to exempt craft from Byelaw 3.13(1) will, where reasonably practicable, be taken following consultation between the relevant authorised Park Authority officers. In the event of holidays, illness or other absence, this Scheme of Delegation specifically authorises either officer (or another appropriate officer(s) as determined by the CEO from time to time) to take the decision without recourse to the other(s), provided always that reasonable efforts will have been made to ensure proper consultation. The relevant authorised Park Authority officers are hereby authorised to sign any and all documentation on behalf of the Park Authority relating to exemption under Byelaw 3.13(1).

13. All applications will be determined (either approved or refused), subject to the general requirements of the operation of the Scheme as outlined in Part 1 above.

**PART 6: AUTHORISATION OF OFFICERS UNDER THE 2013 BYELAWS**

14. Authority is hereby delegated to the CEO to authorise Park Authority Rangers, Ranger Team Leaders, Ranger Service Manager and any other Park Authority officer to act as duly authorised officers of the Park Authority under Byelaw 3.16, and any such duly authorised officer shall be entitled to enforce the terms of Byelaw 3.16 and shall be entitled to sign any and all documentation on behalf of the Park Authority relating to the enforcement of the terms of Byelaw 3.16.
15. This Scheme of Officer Delegation may be varied or revoked by the NPA.