



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

**SCHEME OF DELEGATION RELATIVE TO:**

**LOCH LOMOND BYELAWS 2023**

## **LOCH LOMOND BYELAWS 2023**

### **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 “National Park Authority”) remains responsible for all the functions of the National Park Authority. Notwithstanding the provisions of this Scheme of Delegation, the National Park Authority may at any time determine any matter within the competence of the National Park Authority either at the National Park Authority’s own initiative or on the recommendation of an officer to whom the matter is delegated.
3. The National 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 Environment and Visitor Services, Head of Visitor Services, and the Visitor Operations Manager, (or other appropriate officer(s) as determined by the Chief Executive Officer ("CEO") from time to time, in writing) shall observe the following general requirements:
  - a) All determinations shall be carried out in accordance with the provisions of the Loch Lomond Byelaws 2023; (the “2023 Byelaws”)
  - b) No determination shall be made which conflicts with a decision made by the National 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 2023 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 National Park Authority officers. As with all Schemes of Delegation this is unavoidable. National Park Authority officers will have to use their professional discretion to determine if any matters should best

be considered by the Board. Any matter can be considered by the Board, should any four Board members request it is referred to the Board for decision. Such a call-in must be exercised within 5 days of being informed about an application and must give clear related reasons for doing so. Board Members should contact the Visitor Operations Manager and Corporate Performance Manager when making such requests. National Park Authority officers will then consult with the Convener and Depute Convener on whether an application should be referred to the Board in light of the reasons given. The final decision on accepting applications will rest with the Convener or Depute Convener

6. The weekly planning schedule will be used to notify of any exemption requests received and any decisions made under Parts 2, 3, 4, 5, 6 and 7 of this Scheme of Delegation.

## **PART 2: DELEGATED POWERS TO DETERMINE APPLICATIONS TEMPORARILY EXEMPTING YOUNG PEOPLE FROM ENGINE HORSEPOWER LIMITS (BYELAW 3.5(4))**

7. Authority is hereby delegated to the Director of Environment and Visitor Services, Head of Visitor Services, and the Visitor Operations Manager, under Byelaw 3.5(4). A decision to exempt young people from Byelaw 3.5(4) will, where reasonably practicable, be taken following consultation between the relevant authorised National 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, in writing) 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 National Park Authority officers are hereby authorised to sign any and all documentation on behalf of the National Park Authority relating to exemption under Byelaw 3.5(4).
8. 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 APPLICATIONS TEMPORARILY EXCLUDING THE CARRYING OF LIFEJACKETS ON VESSELS (BYELAW 3.5(6))**

9. Authority is hereby delegated to the Director of Environment and Visitor Services, Head of Visitor Services, and the Visitor Operations Manager, under Byelaw 3.5(6). A decision to exempt the master of any vessel from Byelaw 3.5(6) will, where reasonably practicable, be taken following consultation between the relevant authorised National 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, in writing) 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 National Park Authority officers are hereby

authorised to sign any and all documentation on behalf of the National Park Authority relating to exemption under Byelaw 3.5(6).

10. 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 EXEMPTING VESSELS FROM SPEED LIMITS (BYELAWS 3.6(1), 3.6(2) AND 3.6(3))**

11. Authority is hereby delegated to the Director of Environment and Visitor Services, Head of Visitor Services, and the Visitor Operations Manager, under Byelaw 3.6(1), 3.6(2) or 3.6(3). A decision to exempt vessels or the master of a power-driven vessel from Byelaw 3.6(1), 3.6(2) or 3.6(3). will, where reasonably practicable, be taken following consultation between the relevant authorised National 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, in writing) 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 National Park Authority officers are hereby authorised to sign any and all documentation on behalf of the National Park Authority relating to exemption under Byelaw 3.6(1), 3.6(2) or 3.6(3).
12. 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 APPLICATION TEMPORARILY EXEMPTING POWER-DRIVEN VESSELS FROM RECREATIONAL TOWING (BYELAW 3.7(3))**

13. Authority is hereby delegated to the Director of Environment and Visitor Services, Head of Visitor Services, and the Visitor Operations Manager, under Byelaw 3.7(3). A decision to exempt power driven vessels from Byelaw 3.7(3) will, where reasonably practicable, be taken following consultation between the relevant authorised National 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, in writing) 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 National Park Authority officers are hereby authorised to sign any and all documentation on behalf of the National Park Authority relating to exemption under Byelaw 3.7(3).
14. 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: DELEGATED POWERS TO DETERMINE APPLICATIONS  
TEMPORARILY GRANTING POWER-DRIVEN VESSELS PERMISSION TO  
PARASCEND (BYELAW 3.8)**

15. Authority is hereby delegated to the Director of Environment and Visitor Services, Head of Visitor Services, and the Visitor Operations Manager under Byelaw 3.8. A decision to exempt power-driven vessels from Byelaw 3.8 will, where reasonably practicable, be taken following consultation between the relevant authorised National 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, in writing) 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 National Park Authority officers are hereby authorised to sign any and all documentation on behalf of the National Park Authority relating to exemption under Byelaw 3.8.
16. 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 7: AUTHORISATION OF OFFICERS UNDER THE 2023 BYELAWS  
(BYELAW 3.16)**

17. Authority is hereby delegated to the CEO to authorise National Park Authority Rangers, Ranger Team Leaders, Ranger Service Manager and any other Park Authority officer to act as duly authorised officers of the National 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 National Park Authority relating to the enforcement of the terms of Byelaw 3.16.
18. This Scheme of Officer Delegation may be varied or revoked by the National Park Authority.