Draft Regulations laid before Parliament under section 6(2) of the Statutory Instruments Act 1946 (superseding section 2(2) of the Parks Regulation (Amendment) Act 1926) on 1st February 2010; draft to lie for forty days pursuant to section 6(1) of the said Act of 1946, during which either House of Parliament may resolve that the Regulations be not made.

DRAFT STATUTORY INSTRUMENTS

2010 No.

OPEN SPACES

The Royal Parks and Other Open Spaces (Amendment) etc. Regulations 2010

Made - - - - ***

Coming into force in accordance with Regulation 1(1)

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(1) of the Parks Regulation (Amendment) Act 1926(**a**) as extended by section 7(5) of the Crown Estate Act 1961(**b**) and by section 62 of the Road Traffic Regulation Act 1984(**c**).

A draft of these Regulations has been laid before Parliament for a period of forty days pursuant to section 6 of the Statutory Instruments Act 1946, and that period has expired without either House resolving that the Regulations be not made.

Citation, Commencement and Interpretation

1.—(1) These Regulations may be cited as The Royal Parks and Other Open Spaces (Amendment) etc. Regulations 2010 and shall come into force for the purposes of regulations 1 to 4 on 6th April 2010 and for all other purposes on 1st October 2010.

(2) In these Regulations–

"parking permit" means a permit issued by or on behalf of the Secretary of State for the parking of a vehicle;

"parking place" means a place shown on a notice exhibited by or on behalf of the Secretary of State as being appointed under these Regulations as a place where a person may park a vehicle; and

"vehicle" means a mechanically propelled vehicle intended or adapted for use on a road.

(**a**) 1926 c. 36, as amended by the Criminal Justice Act 1982 c. 48 and extended by section 7(5) of the Crown Estate Act 1961 c. 55.
(**b**) 1961 c. 55.
(**c**) 1984 c. 27.

Amendment of the Royal Parks and Other Open Spaces Regulations 1997

2.—(1) The Royal Parks and Other Open Spaces Regulations 1997(**a**) are amended in accordance with this regulation.

(2) After the definition of "Park Road" insert–

> ""private hire vehicle" means a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998(**b**);".

(3) In regulation 3(6) after "deposited by any animal" insert "(other than a horse)".

(4) In regulation 4(8) after "pictorial matter" add "(other than a notice or advertisement approved by Transport for London and exhibited on a taxi or private hire vehicle)".

(5) In regulation 4(23) for "Heron Pond" substitute "Model Boating Pond".

(6) In Part 1 of Schedule 2 after "A taxi" add "or a private hire vehicle".

(7) For Part 2 of Schedule 2 substitute–

"PART II Regulation 4(28)

Speeds at which a vehicle may be driven or ridden on a Park road

1. On a Park road in The Green Park, Hyde Park (other than the Serpentine Road), St James's Park or The Regent's Park, at a speed not exceeding 30 mph.

2. On a Park road in Bushy Park, Greenwich Park or Richmond Park, at a speed not exceeding 20 mph.

3. On the Serpentine Road in Hyde Park, and on the Park road from Kingston Gate leading to the Home Park Golf Club in Hampton Court Park, at a speed not exceeding 15 mph.

4. On a Park road (other than one mentioned in paragraphs 1, 2 or 3), at a speed not exceeding 10 mph.".

Amendment of the Greenwich Park (Vehicle Parking) Regulations 2000

3.—(1) The Greenwich Park (Vehicle Parking) Regulations 2000(**c**) are amended in accordance with this regulation.

(2) In regulation 5 for "25 pence" substitute "30 pence".

(3) For regulation 6 substitute–

"**6.**—(1) Subject to paragraph (3), an excess charge of £80 is payable in respect of any vehicle which is allowed to remain parked in contravention of regulation 3 or 4.

(2) The excess charge shall be paid to the Secretary of State (or to a person authorised by him to receive such charge on his behalf) by the person who parked the vehicle in the Park within 28 days of the date of a written demand for the same.

(3) If the excess charge is paid within 14 days of the date of the written demand, the amount payable is £40.

(4) Payment of the excess charge in accordance with this regulation precludes proceedings being commenced for contravention of regulation 3 or 4.".

(**a**) S.I. 1997/1639, as amended by S.I. 2004/1308.
(**b**) 1998 c.34, as amended by the Greater London Authority Act 1999 c.29.
(**c**) S.I. 2000/934, as amended by S.I. 2004/1307.

Amendment of the Hyde Park and The Regent's Park (Vehicle Parking) Regulations 1995

4.—(1) The Hyde Park and The Regent's Park (Vehicle Parking) Regulations 1995(**a**) are amended in accordance with this regulation.

(2) In regulation 6(a) for "30 pence" substitute "35 pence".

(3) In regulation 6(b) for "50 pence" substitute "60 pence".

(4) For regulation 7 substitute–

> "**7.**—(1) Subject to paragraph (3), an excess charge of £80 is payable in respect of any vehicle which is allowed to remain parked in contravention of regulation 3 or 4.
>
> (2) The excess charge shall be paid to the Secretary of State (or to a person authorised by him to receive such charge on his behalf) by the person who parked the vehicle in the Park within 28 days of the date of a written demand for the same.
>
> (3) If the excess charge is paid within 14 days of the date of the written demand, the amount payable is £40.
>
> (4) Payment of the excess charge in accordance with this regulation precludes proceedings being commenced for contravention of regulation 3 or 4.".

Bushy Park and Richmond Park Vehicle Parking Charges

5.—(1) In respect of a vehicle parked in a parking place in Bushy Park or Richmond Park at any time between 08:30 hours and 18:30 hours (or the time at which the Park in question closes if that is earlier), a parking charge is payable.

(2) In respect of a vehicle parked in a parking place in Bushy Park, the charge payable is twenty five pence for every thirty minutes or part thereof, subject to a maximum payment of £2.

(3) In respect of a vehicle parked in a parking place in Richmond Park, the charge payable is twenty five pence for every fifteen minutes or part thereof, subject to a maximum payment of £3.

(4) The charge shall be paid to the Secretary of State (or to a person authorised by him to receive such a charge on his behalf) by the person who parked the vehicle in the Park.

(5) The Secretary of State (or a person authorised by him to receive such a charge on his behalf) may refuse to accept as payment of a charge a payment made other than by such means as are described in a notice exhibited by or on behalf of the Secretary of State in or at a parking place as means by which payment may be made.

Excess Charge

6.—(1) An excess charge of £80 is payable in respect of a vehicle which is allowed to remain parked in contravention of regulation 5.

(2) The excess charge shall be paid to the Secretary of State (or to a person authorised by him to receive such charge on his behalf) by the person who parked the vehicle in the Park within 28 days of the date of a written demand for the same.

(3) If the excess charge is paid within 14 days of the date of the written demand, the amount payable is £40.

(4) Payment of the excess charge in accordance with this regulation precludes proceedings being commenced for contravention of regulation 5.

(**a**) S.I. 1995/993, as amended by S.I. 1999/392 and S.I. 2004/1307.

Exemptions

7.—(1) No parking charge is payable in respect of a vehicle in or on which a badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970(**a**) is displayed in accordance with regulations made under that section.

(2) No parking charge is payable in respect of a motor cycle.

(3) No parking charge is payable in respect of a vehicle in or on which a parking permit is displayed in such a way that it is clearly visible to a person outside the vehicle and which is allowed to remain parked in a parking place in accordance with the terms of that permit.

General

8.—(1) Where a constable has reasonable grounds to believe that a person has contravened regulation 5 that person shall give on demand his name and address to that constable.

(2) Where in any proceedings for a contravention of regulation 5 it is proved that the amount which has become due, or any part of that amount, has not been duly paid the court shall order the payment of the sum not paid and any sum so ordered to be paid shall be recoverable as a penalty.

(3) Nothing in regulations 5, 6 or 7 shall be taken to authorise any act which is prohibited under the Royal Parks and Other Open Spaces Regulations 1997.

Margaret Hodge
Minister for Culture and Tourism
Department for Culture, Media and Sport

Date

(**a**) 1970 c.44.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make a series of amendments to existing Royal Parks legislation and introduce new provisions in respect of car parking charges in Bushy Park and Richmond Park.

Regulation 2 of these Regulations amends the Royal Parks and Other Open Spaces Regulations 1997 ("the 1997 Regulations"). It makes provision so that licensed private hire vehicles ("PHVs"), as well as Hackney cabs, are able to enter the Royal Parks in the course of their business. It also makes provision to the effect that PHVs, and Hackney cabs, exhibiting an external notice or advertisement will not require written permission to use the Royal Parks. It further provides that the requirement imposed on a person to remove any faeces deposited by an animal of which he is in charge does not apply if the animal is a horse. It also provides that it is permissible to sail a model in the Model Boating Pond in Bushy Park (rather than in the Heron Pond, as previously). Lastly, it reduces the speed limit at which a vehicle may be driven or ridden on a Park Road in Greenwich Park and Bushy Park from 30 mph to 20 mph.

Regulation 3 amends the Greenwich Park (Vehicle Parking) Regulations 2000 ("the 2000 Regulations") to increase the parking charge payable in respect of a vehicle parked in a parking place in Greenwich Park during prescribed hours from 25 pence to 30 pence per 15 minutes (or part thereof). It also increases the level of excess charge payable for parking in contravention of the 2000 Regulations from £50 to £80. It extends the time permitted for payment of that excess charge from 14 days to 28 days and provides that the amount of charge shall be reduced by 50% where it is paid within 14 days of the written demand.

Regulation 4 amends the Hyde Park and The Regent's Park (Vehicle Parking) Regulations 1995 ("the 1995 Regulations") to increase the parking charges payable in respect of a vehicle parked in a parking place in Hyde Park between 08:30 hours and 18:30 hours, or The Regent's Park between 09:00 hours and 18:30 hours. The parking charge increases from 30 pence to 35 pence for every fifteen minutes (or part thereof) on a Sunday or Holiday and from 50 pence to 60 pence on any other day. This regulation makes identical provision in respect of an excess charge payable for contravention of the 1995 Regulations as regulation 3 does in respect of the 2000 Regulations.

Regulation 5 introduces car parking charges for cars parked in a parking place in Richmond and Bushy Parks and specifies the rates payable in each of them. Regulation 6 provides for an excess charge payable for a vehicle parked in Richmond or Bushy Park in the same terms as those in respect of Greenwich Park, Hyde Park and The Regent's Park.

Regulation 7 provides for certain exemptions to the charges in regulation 5.

Regulation 8 makes provision concerning the powers of constables, the recovery of penalties and the effect of regulations 5, 6 and 7 in relation to the 1997 Regulations.

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