EXPLANATORY MEMORANDUM

The Recreation Grounds (Revocation of Parish Council Byelaws) (No.2) Order 2004 No.1281

PURPOSE OF INSTRUMENT

1. The Order revokes the byelaw specified in article 2 of the Order, which was made in exercise of the powers conferred on a parish council by section 262(8)(d) of the Local Government Act 1894. The relevant part of that section was repealed by section 272(1) of, and Schedule 30 to, the Local Government 1972. The byelaw continued in force notwithstanding the repeal by virtue of section 262(1) of the 1972 Act. The byelaw is revoked as being obsolete.

COMPATIBILITY

2. This Statutory Instrument is compatible with the European Convention on Human Rights.

POWERS

3. The Order is made under section 262(8)(d) of the Local Government Act 1972.

POLICY BACKGROUND

4. The byelaw, byelaw no. 4, is one in a series of byelaws relating to Milnthorpe Village Green which was made by the Parish Council of Milnthorpe in the County of Westmoreland on 13 October 1930 and allowed by the Minister of Health on 2 December 1930. The series was made under section 8(1)(d) of the Local Government Act 1894. The byelaw was repealed and a new byelaw substituted for it by the Parish Council under section 8(1)(d) of that Act on 11 September 1961 and confirmed by the Secretary of State on 18 June 1962.

5. The byelaw prohibits bringing or causing to be brought on to the Green vehicles, barrows, machines and trucks, save for the purpose of parking where certain specified conditions are met. The byelaw also prohibits the riding of bicycles on the Green except with lawful right or privilege.

6. The Parish Council considers the byelaw to be obsolete.

7. Byelaws are normally revoked by new byelaws made under the same enabling legislation, but the Parish Council cannot adopt this course of action because section 8(1)(d) of the 1894 Act was repealed by the 1972 Act. The byelaw must therefore be revoked by an order made under section 262(8)(d) of the 1972 Act.

REGULATORY IMPACT ASSESSMENT

8. A regulatory impact assessment has not been produced as there are no implications for business, charities or voluntary bodies.

FINANCIAL IMPLICATIONS

9. There are no identifiable costs to the public or to the Exchequer.

OFFICE OF THE DEPUTY PRIME MINISTER

6th May 2004