EXPLANATORY MEMORANDUM TO

THE ROYAL PARKS AND OTHER OPEN SPACES (AMENDMENT) REGULATIONS 2012

2012 No. 98

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1. To extend the coverage of the Royal Parks and Other Open Spaces Regulations 1997 ("1997 Regulations") to Canning Green, and to remove Abingdon Street Garden from the list of parks and open spaces in those regulations.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1. None.

4. Legislative Context

4.1. The Parks Regulation (Amendment) Act 1926 allows the Secretary of State to make regulations to be observed by persons using any park, garden, recreation ground, open space or other land vested in, or under the control or management of the Secretary of State for Culture, Olympics, Media and Sport ("Secretary of State"). The 1997 Regulations, which this instrument amends, are an example of such regulations.

5. Territorial Extent and Application

5.1. This instrument extends to all of the United Kingdom, but there is no effect anywhere other than England.

6. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1. The 1997 Regulations set out a series of acts that must not be committed, or which may only be committed with the prior written approval of the Secretary of State, in parks to which those regulations apply. The 1997 Regulations only apply to those parks vested in, or under the control or management of the Secretary of State

that are listed in Schedule 1 to those regulations. Canning Green is not listed in Schedule 1, but as it is a park under the control of the Secretary of State, and as it is in the vicinity of other parks listed in the Schedule, the Secretary of State wishes to ensure it is covered in the same way as other nearby parks under his control.

7.2. Abingdon Street Garden is not vested in, or under the control or management of the Secretary of State, and therefore it should be removed from Schedule 1. It was not under the control of the Secretary of State's predecessor at the time the 1997 Regulations were made, and it appears it was included in Schedule 1 by oversight. The nearby gardens around the Jewel Tower and George V statue are in the Secretary of State's control, and should be retained in Schedule 1.

- Consolidation

7.3. The Secretary of State does not intend to consolidate the 1997 Regulations at this time.

8. Consultation outcome

8.1. The Secretary of State has decided there is no need for consultation.

9. Guidance

9.1. No formal or statutory guidance is being issued. The Royal Parks Agency already publishes the 1997 Regulations and other Parks Regulations on its website. Park Regulations are also displayed on some park notice boards.

10. Impact

10.1. The impact on business, charities or voluntary bodies is considered to be nil.

10.2. The impact on the public sector is considered to be nil.

10.3. An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1. The legislation applies to small business, because the 1997 Regulations apply to anyone visiting or conducting a business in the parks the regulations cover. The Government considers the addition of Canning Green will have no impact on business because no businesses are currently licensed to operate on Canning Green.

12. Monitoring & review

12.1. This legislation will be monitored by the Deputy Chief Executive of the Royal Parks Agency within 18 months of its introduction and any observations will be published on the Agency's website.

13. Contact

Colin Buttery at The Royal Parks Tel: 0300 061 2087 or email: cbuttery@royalparks.gsi.gov.uk can answer any queries regarding the instrument.