EXPLANATORY MEMORANDUM TO

THE WORMLEY RECREATION GROUND (REVOCATION OF PARISH COUNCIL BYELAWS) ORDER 2006

2006 No. 1462

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.

2. Description

This Order revokes the byelaws specified in article 2 of the Order. They are revoked as being superseded by byelaws made under other enactments.

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

None.

4. Legislative Background

The byelaws revoked by this Order were made in the exercise of the powers conferred on Wormley Parish Council by section 8(1)(d) of the Local Government Act 1894. The relevant part of section 8(1)(d) of the 1894 Act was repealed by section 272(1) of, and Schedule 30 to, the Local Government Act 1972 ("the 1972 Act"). The byelaws which are to be revoked continued in force by virtue of section 262(1) of the 1972 Act notwithstanding the repeal.

5. Extent

This instrument applies to England only.

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

New byelaws to replace those being revoked have been made by Wormley Parish Council under other enactments and have been confirmed by the Department. Byelaws are normally revoked by new byelaws made under the same enabling legislation, but the parish council cannot adopt this course of action in this case because the power under which the existing byelaws were made - section 8(1)(d) of the 1894 Act - was repealed by the 1972 Act. It is therefore necessary to revoke the existing byelaws by an order made under section 262(8)(d) of the 1972 Act.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Jeya Nadanakumaran at the Department for Communities and Local Government Tel: 020 7944 8154 or e-mail: jeya.nadanakumaran@odpm.gsi.gov.uk, can answer any queries regarding the instrument.

date