

*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 8<sup>th</sup> February 2012; 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.*

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## DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

## **OPEN SPACES**

### **The Royal Parks and Other Open Spaces (Amendment) (No. 2) Regulations 2012**

*Made* - - - -

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*Coming into force in accordance with regulation 1*

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 2(1) and 2(1A) of the Parks Regulation (Amendment) Act 1926(1) and now vested in the Secretary of State.

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(2), and that period has expired without either House resolving that the Regulations not be made.

#### **Citation and commencement**

1. These Regulations may be cited as the Royal Parks and Other Open Spaces (Amendment) (No. 2) Regulations 2012 and come into force on the day after the day on which they are made.

#### **Amendment of the Royal Parks and Other Open Spaces Regulations 1997**

2.—(1) The Royal Parks and Other Open Spaces Regulations 1997(3) are amended in accordance with this regulation.

(2) After regulation 3, insert—

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- (1) 1926 c.36 (16 & 17 Geo 5); section 2(1) was extended by section 1 of the Royal Parks (Trading) Act 2000 (c.13) and section 2(1A) was inserted by section 150(1) of the Police Reform and Social Responsibility Act 2011 (c.13). The functions of the Commissioners of Works were transferred to the Minister of Works by section 1 of the Minister of Works Act 1942 (c.23) (repealed), and the Ministry of Works (Transfer of Powers) (No 1) Order 1945, SR & O 1945/991. The Minister of Works was renamed the Minister of Public Building and Works by the Minister of Works (Change of Style and Title) Order 1962, S.I. 1962/1549. The functions of the Minister of Public Building and Works were transferred to the Secretary of State by virtue of the Secretary of State for the Environment Order 1970, S.I. 1970/1681.
- (2) 1946 c.36 (9 & 10 Geo 6).
- (3) S.I. 1997/1639, amended by S.I. 2000/2949, 2004/1308, 2004/3168, 2010/1194, 2010/2695 and 2012/98.

**“Acts prohibited in designated parks**

**3A.**—(1) A constable who has reasonable grounds for believing that a person is doing, or is about to do, a prohibited activity may direct the person—

- (a) to cease doing that activity; or
- (b) (as the case may be) not to start doing that activity.

(2) For the purposes of this regulation, a “prohibited activity” is any of the following—

- (a) operating any amplified noise equipment in a designated park;
- (b) erecting or keeping erected in a designated park—
  - (i) any tent; or
  - (ii) any other structure that is designed, or adapted, (solely or mainly) for the purpose of facilitating sleeping or staying in a place for any period;
- (c) using any tent or other such structure in a designated park for the purpose of sleeping or staying in that area;
- (d) placing or keeping in place in a designated park any sleeping equipment with a view to its use (whether or not by the person placing it or keeping it in place) for the purpose of sleeping overnight in that area; and
- (e) using any sleeping equipment in a designated park for the purpose of sleeping overnight in that area.

(3) But an activity is not to be treated as a “prohibited activity” within paragraph (2) if it is done—

- (a) for police, fire and rescue authority or ambulance purposes;
- (b) by or on behalf of a relevant authority; or
- (c) by a person so far as that person has the prior written permission of the Secretary of State.

(4) In paragraph (2)(a) “amplified noise equipment” means any device that is designed or adapted for amplifying sound, including (but not limited to)—

- (a) loudspeakers; and
- (b) loudhailers.

(5) In paragraph (3)(b) “relevant authority” means any of the following—

- (a) a Minister of the Crown or a government department;
- (b) the Greater London Authority; or
- (c) Westminster City Council.

(6) In this regulation “sleeping equipment” means any sleeping bag, mattress or other similar item designed, or adapted, (solely or mainly) for the purpose of facilitating sleeping in a place.

(7) No person may without reasonable excuse fail to comply with a direction under paragraph (1).

(8) For the purposes of the prohibited activities in paragraph 2(a) to (e), a “designated park” is any Park listed in paragraphs 1, 3A and 20 of Schedule 1.

**Directions under regulation 3A: further provision**

**3B.**—(1) A direction requiring a person to cease doing a prohibited activity may include a direction that the person does not start doing that activity again after having ceased it.

(2) A direction requiring a person not to start doing a prohibited activity continues in force until—

- (a) the end of such period beginning with the day on which the direction is given as may be specified by the constable giving the direction; or
- (b) if no such period is specified, the end of the period of 90 days beginning with the day on which the direction is given.

(3) A period specified under paragraph (2)(a) may not be longer than 90 days.

(4) A direction may be given to a person to cease operating, or not to start operating, any amplified noise equipment only if it appears to the constable giving the direction that the following condition is met.

(5) The condition is that the person is operating, or is about to operate, the equipment in such a manner as to produce sound that other persons in or in the vicinity of the designated park can hear or are likely to be able to hear.

(6) A direction—

- (a) may be given orally;
- (b) may be given to any person individually or to two or more persons together; and
- (c) may be withdrawn or varied by the person who gave it.

(7) In this regulation—

“amplified noise equipment” has the meaning given by regulation 3A(4);

“designated park” has the meaning given by regulation 3A(8); and

“direction” means a direction given under regulation 3A(1).

### **Seizure, retention, disposal and forfeiture of property**

**3C.** Sections 4, 5 and 6 of the Royal Parks (Trading) Act 2000(4) apply in relation to an offence under the Parks Regulation (Amendment) Act 1926 relating to a breach of regulation 3A(7) as if that offence were a park trading offence under the Royal Parks (Trading) Act 2000.”

Date

*John Penrose*  
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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations amend the Royal Parks and Other Open Spaces Regulations 1997 ([S.I. 1997/1639](#)) (“the 1997 Regulations”) to introduce a prohibition against certain acts in parks in the vicinity of Parliament Square. No person may fail to comply with a police direction to cease, or not to start, a prohibited activity in these parks. The prohibited activities are camping or using amplified noise equipment without permission.

Anyone who fails, without reasonable excuse, to comply with such a direction will be in breach of the 1997 Regulations. Breach of the 1997 Regulations is an offence under the Parks Regulation (Amendment) Act 1926.

The prohibited activities introduced by these regulations apply in Canning Green, Victoria Tower Gardens, the garden around the Jewel Tower, and the lawn around the statue of George V.

These regulations also amend the 1997 Regulations to introduce powers of seizure, retention, disposal and forfeiture under the Royal Parks (Trading) Act 2000 over objects used in offences that relate to the prohibited activities.

An Impact Assessment has not been prepared for this instrument as there is no impact on business, charities, voluntary bodies or the public sector. The Explanatory Memorandum is published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).