

**EXPLANATORY MEMORANDUM TO THE  
RECREATION GROUNDS (REVOCATION OF PARISH COUNCIL BYELAWS)  
ORDER 2005**

**2005 No.867**

**1.** This explanatory memorandum has been prepared by the Office of the Deputy Prime Minister and is laid before Parliament by Command of Her Majesty.

**2. Description**

This Order revokes the byelaws specified in the Schedule to the Order. The byelaws were made in the exercise of the powers conferred on parish councils 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 The relevant part of section 8(1)(d) of the 1894 Act was repealed by section 272(1) of, and Schedule 30 to, the Local Government Act 1972 (“the 1972 Act”).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 continue in force by virtue of section 262(1) of the 1972 Act notwithstanding the repeal. The byelaws are revoked as being superseded by byelaws made under other enactments.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**

This Order is being made under the powers in section 262(8) of the Local Government Act 1972.

**5. Extent**

This instrument applies to England only.

**6. European Convention on Human Rights**

Not applicable.

**7. Policy background**

**7.1.** New byelaws to replace those being revoked have been made by the parish councils under other enactments and have been submitted to us for confirmation. Byelaws are normally revoked by new byelaws made under the same enabling legislation, but the parish councils cannot adopt this course of action in these cases because the power under which the existing byelaws were made - section 8(1) (d) of the 1894 Act - was repealed by the 1972 Act.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.

**7.2.** So as to comply with section 262(8) (d) of the 1972 Act, the new byelaws are to be brought into force shortly before the order comes into force. It would clearly be undesirable to have two overlapping sets of byelaws in existence in respect of each

recreation ground for longer than is strictly necessary to comply with section 262(8) (d) of the 1972 Act. Such a situation could confuse the public and lead to legal difficulties.

**8. Impact**

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

**9. Contact**

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