STATUTORY INSTRUMENTS

2017 No. 34

LOCAL GOVERNMENT, ENGLAND

The Harrogate Stray Act 1985 (Tour de Yorkshire) Order 2017

Made - - - - 19th January 2017

Coming into force in accordance with article 1

The Secretary of State, in exercise of the powers conferred by section 5(1), (5)(b) and (6) of the Localism Act 2011(**1**), makes the following Order.

The Secretary of State considers that provisions of, or made under, the Harrogate Stray Act 1985(**2**) prevent or restrict the general power conferred by section 1 of the Localism Act 2011 which Harrogate Borough Council seeks to exercise for the purpose specified in this Order.

The Secretary of State considers the conditions contained within section 6(2) of the Localism Act 2011 are satisfied.

The Secretary of State has consulted in accordance with section 5(7) of the Localism Act 2011 and has, following this consultation and in accordance with section 7(2) of the Localism Act 2011, laid a draft Order and explanatory document before Parliament.

Pursuant to section 15 of the Legislative and Regulatory Reform Act 2006(**3**), the negative resolution procedure (within the meaning of Part 1 of that Act) applies in relation to the making of the Order.

Neither House of Parliament resolved within the 40-day period referred to in section 16(3) of that Act that the Secretary of State should not make the Order(**4**).

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Harrogate Stray Act 1985 (Tour de Yorkshire) Order 2017 and comes into force on the day after the day on which it is made.

(2) In this Order—

"the Act" means the Harrogate Stray Act 1985(**5**);

"the Council" means Harrogate Borough Council; and

(**1**) 2011 c. 20.
(**2**) 1985 c. xxii.
(**3**) 2006 c. 51.
(**4**) The expression "40-day period" is defined in section 16(7)(b) of the Legislative and Regulatory Reform Act 2006.
(**5**) 1985 c. xxii.

"the Tour de Yorkshire" means the elite men's and women's multi stage cycle races held annually in Yorkshire and organised by Amaury Sport Organisation (ASO) and Welcome to Yorkshire.

Temporary disapplication and amendment of provisions of the Harrogate Stray Act 1985 and related byelaws

2.—(1) To enable the Council to host the 2017 Tour de Yorkshire, the following provisions of the Act are disapplied for the period specified in paragraph (5) in relation to the areas specified in paragraph (6)—

(a) section 4(2) to (4) (management of the Stray);

(b) section 5 (access to the Stray);

(c) section 6(4) (limitations on the ability of the Council to grant a licence to inclose the Stray for specified purposes).

(2) To enable the Council to host the 2017 Tour de Yorkshire, section 6(1)(d) of the Act is amended for the period specified in paragraph (5) in relation to the areas specified in paragraph (6) so that the words "not more than 12" and "in any year" are omitted.

(3) The following are to be disregarded for the purposes of section 6 of the Act as it applies to the year in which the period specified in paragraph (5) falls (other than to that period)—

(a) any temporary encroachments of the kind mentioned in subsection (1)(d) of that section during that period;

(b) any period during that period for which the Harrogate Stray is inclosed.

(4) To enable the Council to host the 2017 Tour de Yorkshire, the following provisions of the byelaws relating to the Harrogate Stray made by the Council on 8th February 2011(**6**) are disapplied for the period specified in paragraph (5) in relation to the areas specified in paragraph (6)—

(a) byelaw 3 (prohibition of removal of soil or plants);

(b) byelaw 17 (prohibition of use of radios etc. causing annoyance).

(5) The period specified for the purposes of paragraphs (1) to (4) begins at 07:00 on Sunday 23rd April 2017 and ends at 22:00 on Wednesday 3rd May 2017.

(6) The areas specified for the purpose of paragraphs (1), (2) and (4) are the areas identified as Areas 1 and 2 (shown by green shading in the case of Area 1 and by orange shading in the case of Area 2 and outlined, in both cases, with a thick black line) on the map prepared by the Council marked "Map referred to by the Harrogate Stray Act 1985 (Tour de Yorkshire) Order 2017" of which prints, signed by a member of the Senior Civil Service in the Department for Communities and Local Government and dated 24th March 2016, are deposited and available for inspection at the offices of the Secretary of State for Communities and Local Government and at the offices of the Council.

(**6**) A copy of the byelaws is available at the offices of Harrogate Borough Council, Springfield House, Kings Road, Harrogate HG1 5NX and at https://www.harrogate.gov.uk/downloads/file/332/stray_byelaws