STATUTORY INSTRUMENTS

2016 No. 1039

CONTRACTING OUT, ENGLAND

The Contracting Out (Functions relating to the Royal Parks) Order 2016

Made - - - - 26th October 2016

Coming into force in accordance with article 1(c)

The Secretary of State, in exercise of the powers conferred by sections 69(2) and (4) of the Deregulation and Contracting Out Act 1994(**1**), makes the following Order.

A draft of this Order was laid before Parliament in accordance with section 77(2) of the Deregulation and Contracting Out Act 1994 and approved by a resolution of each House.

Citation, extent, application and commencement

1. This Order—

(a) may be cited as the Contracting Out (Functions relating to the Royal Parks) Order 2016;

(b) extends to England and Wales; and

(c) comes into force on the day after the day on which it is made.

Interpretation

2. In this Order "the functions" means the functions now vested in the Secretary of State, and referred to in the following provisions—

(a) section 22 of the Crown Lands Act 1851 (duties of Commissioners of Woods, &c. in relation to Royal Parks, &c., and under the Acts in Schedule, vested in Commissioners of Works)(**2**), in relation to—

(i) Saint James's Park;

(ii) Hyde Park;

(**1**) 1994 c.40.

(**2**) 1851 c.42 (14 & 15 Vict). Section 22 was amended by section 1 of and the Schedule to the Statute Law Revision Act 1892 (55 & 56 Vict c.19) and section 1 of and the Schedule to the Statute Law (Repeals) Act 1993 (c.50). The functions of the Commissioners of Works were transferred to the Minister of Works by the Ministry of Works (Transfer of Powers) (No 1) Order 1945 (S.R. & 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).

(iii) Green Park;

(iv) Regent's Park;

(v) Primrose Hill;

(vi) Greenwich Park;

(vii) Richmond Park(**3**); and

(viii) Bushy Park.

(b) section 23 of the Crown Lands Act 1851 (powers as to parts of the parks preserved to Commissioners of Woods &c. under this Act)(**4**);

(c) sections 45 and 48 of the Burial Act 1852 (which conferred certain functions in relation to Brompton Cemetery on the Commissioners of Works)(**5**);

(d) section 10 of the Parks Regulation Act 1872 (publication of regulations)(**6**);

(e) section 1 of the Roosevelt Memorial Act 1946 (erection of statue and laying out of garden)(**7**);

(f) section 17(1) of the Park Lane Improvement Act 1958 (certain land to become part of Hyde Park)(**8**);

(g) sections 7(1), (2) and (3) of the Crown Estate Act 1961 (powers of Minister of Works in Regent's Park)(**9**);

(h) sections 5(1), (3), (5), (6) and (7) of the Royal Parks (Trading) Act 2000 (retention and disposal)(**10**);

(i) section 147 of the Police Reform and Social Responsibility Act 2011 (authorisation for operation of amplified noise equipment)(**11**);

(**3**) Richmond Green, which is also listed in section 22 of the Crown Lands Act 1851 (14 & 15 Vict c.42), was transferred to the management of the London Borough of Richmond under an agreement made pursuant to section 7(1) of the Crown Lands Act 1906 (6 Edw 7 c.28).

(**4**) Section 23 was amended by section 1 of and the Schedule to the Statute Law Revision Act 1892 (55 & 56 Vict c.19). The Commissioners of Her Majesty's Woods, Forests and Land Revenues were renamed the Commissioners of Woods under section 1 of and the Schedule to the Statute Law Revision Act 1892. The Commissioners of Woods were renamed the Commissioners of Crown Lands under the Forestry (Title of Commissioners of Woods) Order 1924 (S.R. & O. 1924/1370). Section 1(1) of the Crown Lands Act 1927 (17 & 18 Geo 5 c.23) constituted the persons holding office as Commissioners of Crown Lands as a body corporate by that same name. Section 1(1) of the Crown Estate Act 1956 (4 & 5 Eliz 2 c.73) reconstituted the Commissioners of Crown Lands and renamed them the Crown Estate Commissioners. The Crown Estate Act 1961 (c.55) repealed the Crown Estate Act 1956 and section 1(1) continued the Crown Estate Commissioners. The Regent's Park (Transfer of Powers of Management) Order 1979, an Order in Council made under section 9 of the Crown Lands Act 1936 (26 Geo 5 & 1 Edw 8 c.47), transferred the powers of management of some of the land within the Outer Circle of Regent's Park from the Crown Estate Commissioners to the Secretary of State.

(**5**) 1852 c.85 (15 & 16 Vict). Section 45 was amended by section 1 of and the Schedule to the Statute Law Revision Act 1892 (55 & 56 Vict c.19).

(**6**) 1872 c.15 (35 & 36 Vict). Section 10 was amended by section 4 of and the Schedule to the Parks Regulation (Amendment) Act 1926 (16 & 17 Geo 5 c.36).

(**7**) 1946 c.83 (9 & 10 Geo 6).

(**8**) 1958 c.63 (6 & 7 Eliz 2).

(**9**) 1961 c.55.

(**10**) 2000 c.13. Regulation 3C of the Royal Parks and Other Open Spaces Regulations 1997 (S.I. 1997/1639) provides that sections 4 to 6 of the Royal Parks (Trading) Act 2000 apply in relation to an offence under the Parks Regulation (Amendment) Act 1926 (c.36) relating to a breach of regulation 3A(7) of those Regulations as if that offence were a park trading offence under the Royal Parks (Trading) Act 2000.

(**11**) 2011 c.13. Section 147 was amended by section 153 of the Anti-social Behaviour, Crime and Policing Act 2014 (c.12). Under section 148(4)(a) of the Police Reform and Social Responsibility Act 2011 the Secretary of State is responsible authority for land in the Palace of Westminster controlled area (as defined by section 142A(1) of that Act) which is Royal Park land. "Royal Park land" is defined in section 148(5) as any land of a description specified in Schedule 1 to the Royal Parks and Other Open Spaces Regulations 1997 (S.I. 1997/1639), as that Schedule has effect on the day on which the Anti-social Behaviour, Crime and Policing Act 2014 is passed.