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 8th 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.

DRAFT STATUTORY INSTRUMENTS

2012 No.

OPEN SPACES

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

Made - - - - ***

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—

(**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Commissioners of Works were transferred to the Minister of Works by section 1 of the Minister of Works Act 1942 (c.23) (repealed), and the Ministry of Works (Transfer of Powers) (No 1) Order 1945, SR & O 1945/991.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.