

Parks and Playing Fields in Public Ownership (Protection from Sale) Bill

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Require public consultation to be carried out in local areas where the sale of park or playing field land owned by a public body is proposed; to require referendums on such proposals in certain circumstances; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 General duty

- (1) Public bodies which own park or playing field land shall not proceed to sell such land except in accordance with the provisions of this Act.
- (2) Except as provided by subsection (3), for the purposes of this Act—
 - (a) a “public body” is a body which receives the majority of its funding, directly or indirectly, from public funds, 5
 - (b) a “relevant public body” is a public body which proposes to sell land as described in paragraphs (c) and (d);
 - (c) “park land” is land that is or forms part of—
 - (i) a park owned by a council, 10
 - (ii) land registered under the Commons Act 2006, or
 - (iii) a greenway; and
 - (d) “playing field land” is land that is constituted of, or includes, one or more grassed sports pitches of at least 2,000m² with suitable configuration and topography, or a synthetic or artificial playing surface, or a dedicated hard games court set out for team games. 15
- (3) The Royal Parks and land in their ownership or control or under their management are excluded from the provisions of this Act.
- (4) The Secretary of State may by order add or subtract to the list of public bodies in subsection (3). 20
- (5) An order under subsection (4)—
 - (a) shall be made by statutory instrument; and

- (b) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.

2 Obligatory steps prior to sale

- (1) A public body proposing to proceed to sell land of a type described in Section 1(2)(c) or (d) must conduct a public consultation on the proposed sale. 5
- (2) A consultation under subsection (1) must include (but need not be limited to) consultation on –
- (a) the intended use or uses of –
 - (i) the land being sold, and
 - (ii) the proceeds of the sale; 10
 - (b) provision to replace or otherwise mitigate loss of amenity; and
 - (c) information about the procedure for making petitions of objection under section 3.

3 Duty to hold a referendum in certain circumstances

- (1) Once the public consultation has concluded, any person may submit a petition objecting to the sale (a “petition of objection”) to the relevant public body. 15
- (2) Where a relevant public body receives petitions of objection to the sale signed by, in aggregate, more than 10% of voters designated as eligible under subsection (3), it must hold a local referendum on the sale.
- (3) A person is eligible to sign a petition of objection under subsection (1) and to vote in a local referendum under subsection (2) if, on the date of signing or voting, the person – 20
- (a) was registered on the electoral roll for a ward that is specially and directly affected by the proposal for sale;
 - (b) was not subject to any legal incapacity to vote (age apart); 25
 - (c) was either a Commonwealth citizen or a citizen of the Republic of Ireland; and
 - (d) was of voting age.
- (4) A person is not entitled to sign the same petition of objection more than once, nor to sign more than one petition objecting to the same sale, nor to vote more than once in any local referendum. 30
- (5) The local authority in which the majority of the park or playing field land proposed for sale is located shall have a duty to make arrangements for the independent –
- (a) validation of signatures upon any petition of objection, and 35
 - (b) conduct of a referendum,
- required under subsections (2) and (3).

4 Outcome of referendum

- (1) A local referendum on the proposed sale of park or playing field land shall be decided by simple majority. 40
- (2) Where a local referendum decides against a proposal for the sale of park or playing field land that land, nor any part thereof, may be offered for sale for a

period of 10 years, save in extraordinary circumstances as provided for by regulations made under section 5(1)(b).

5 Regulations

- (1) The Secretary of State shall make regulations containing provisions—
 - (a) about the administration of petitions of objection and the conduct of local referendums, in particular arrangements for—
 - (i) establishing a process to determine in each case which wards are to be regarded as specially and directly affected under subsection 3(3)(a);
 - (ii) ensuring the independence of administrative functions in relation to the conduct of petitions and referendums; and
 - (iii) ensuring the separation of administrative functions from those responsible for the proposal to sell falling under section (1), where a single local authority is responsible for both; and
 - (b) arrangements for determining the criteria by which to decide when extraordinary circumstances have arisen (and of what such circumstances may comprise), as envisaged in section 4(2).
- (2) Before making regulations under subsection (1), the Secretary of State shall conduct a public consultation on those proposals and lay the report of the public consultation before each House of Parliament.
- (3) Regulations under subsection (1)—
 - (a) shall be made by statutory instrument; and
 - (b) may not be made unless a draft has been laid before and approved by a resolution of each House of Parliament.
- (4) The Secretary of State shall lay before Parliament the draft regulations mentioned under section 5(1) not later than the end of a period of 12 months following the laying of the report mentioned in section 5(2) before each House of Parliament.

6 Review

The Secretary of State shall arrange for the carrying out of a review of the implementation and working of the provisions of this Act, to commence not later than five years after it comes into force and shall lay a report of the findings of the review before each House of Parliament.

7 Extent, commencement, and short title

- (1) This Act extends to England only.
- (2) This Act comes into force on the day after it receives Royal Assent.
- (3) The Act may be cited as the Parks and Playing Fields in Public Ownership (Protection from Sale) Act 2016.

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To require public consultation to be carried out in local areas where the sale of park or playing field land owned by a public body is proposed; to require referendums on such proposals in certain circumstances; and for connected purposes.

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