

Kew Gardens (Leases) (No. 3) Bill [HL]

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Environment, Food and Rural Affairs, have been ordered to be published as Bill 401 – EN.

EUROPEAN CONVENTION ON HUMAN RIGHTS

Secretary Michael Gove has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the Kew Gardens (Leases) (No. 3) Bill [HL] are compatible with the Convention rights.

Kew Gardens (Leases) (No. 3) Bill [HL]

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TO

Provide that the Secretary of State's powers in relation to the management of the Royal Botanic Gardens, Kew, include the power to grant a lease in respect of land for a period of up to 150 years.

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 Power to grant a lease in respect of land at Kew Gardens

- (1) The Secretary of State's powers, in relation to the management of the Royal Botanic Gardens, Kew, include the power to grant a lease in respect of land for a period of up to 150 years.
- (2) Section 5 of the Crown Lands Act 1702 does not apply in respect of a lease granted in reliance on subsection (1). 5
- (3) The Secretary of State may grant a lease in reliance on subsection (1) only if satisfied that the lease would not have an adverse impact on—
 - (a) the outstanding universal value of the Royal Botanic Gardens, Kew, as a World Heritage Site, or 10
 - (b) the ability of the Board of Trustees of the Royal Botanic Gardens, Kew, to carry out its functions under section 24 of the National Heritage Act 1983.
- (4) In subsection (3), "World Heritage Site" means a property appearing on the World Heritage List kept under article 11(2) of the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage adopted at Paris on 16 November 1972 (list of properties recognised by the World Heritage Committee as having outstanding universal value). 15

2 Extent, commencement and short title

- (1) This Act extends to England and Wales only. 20
- (2) This Act comes into force at the end of the period of two months, beginning with the day on which it is passed.

(3) This Act may be cited as the Kew Gardens (Leases) Act 2019.

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Brought from the Lords, 11th June 2019

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