



department for
**culture, media
and sport**

Consultation on the Royal Parks and Other Open Spaces (Amendment) (No. 2) Regulations 2012

improving
the quality
of life for all

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

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1. The context for regulations

Introduction

- 1.1 The Government is committed to restoring rights to non-violent protest, but are also committed to ensuring that non protesters aren't prevented from enjoying our public spaces too, as has happened with encampments and other disruptive activities in and around Parliament Square.
- 1.2 The *Police Reform and Social Responsibility Act 2011*¹ ("2011 Act") contains provisions repealing section 132-138 of *Serious Organised Crime and Police Act 2005*² to remove unnecessary restriction on right to peaceful protest, whilst introducing measures to prevent disruptive activities such as erection of tents and use of sleeping equipment which prevents others from using public spaces in Parliament Square. The 2011 Act does so by replacing the ban on protests with a system under which it is an offence to refuse a direction not to undertake these disruptive activities in Parliament Square. The 2011 Act also creates a power of seizure, retention, disposal and forfeiture of items used in connection with such an offence.
- 1.3 The Secretary of State has powers under the *Parks Regulations (Amendment) Act 1926* to make regulations to secure the proper management of the Royal Parks. The current principal regulations are the *Royal Parks and Other Open Spaces Regulations 1997*³ ("the 1997 Regulations"), as amended. The Royal Parks is an Executive Agency of the Department for Culture, Media and Sport and manages the Royal Parks on behalf of the Secretary of State.
- 1.4 Amongst the Royal Parks are certain open spaces in the vicinity of Parliament Square. The 1997 Regulations, which are enforced by police constables, already prohibit a range of activities in these spaces, as well as in the larger Royal Parks, including camping, speechmaking, and using amplified noise equipment.⁴
- 1.5 Section 150 of the 2011 Act gives the Secretary of State the additional power to allow the seizure by police of items used in connection with any offence under any Royal Parks regulations, as appropriate and justified, and the retention, disposal and forfeiture of those items. Prior to the 2011 Act, the Secretary of State could only apply this seizure power to parks trading offences.

¹ www.legislation.gov.uk/ukpga/2011/13/contents/enacted

² www.legislation.gov.uk/ukpga/2005/15/contents

³ <http://www.legislation.gov.uk/ukpga/Geo5/16-17/36/contents>

⁴ Canning Green is to be added to the list of open spaces covered by the 1997 Regulations by way of the Royal Parks and Other Open Spaces (Amendment) Regulations 2012, laid before Parliament on 14 November 2011

- 1.6 This consultation is seeking your views on proposed amendments to the 1997 Regulations to do two things:
- To include new offences for the open spaces near Parliament Square mirroring the offences in the 2011 Act, to ensure consistency across the area, and
 - To attach powers of seizure, retention, disposal and forfeiture to these offences, in the same limited area.
- 1.7 The 2011 Act also enables local authorities in England and Wales to attach the power of seizure to their byelaws to effectively deal with such activities in their own areas. The Westminster City Council and Greater London Authority are using this power to amend their byelaws at the same time. This will allow these bodies to provide a consistent approach to the land around Parliament. You may want to also contribute to their consultations relating to land they manage, at these websites (note the consultations have different closing dates):
- Greater London Authority: <http://www.london.gov.uk/consultation/draft-byelaws-traffic-square-and-parliament-square-garden>
 - Westminster City Council: <http://www.westminster.gov.uk/services/transportandstreets/strategy/parliament-square-proposed-byelaws/>

What we are consulting on

- 1.8 We are consulting on regulations that provide the Police with seizure powers for items that can be used in association with offences relating to camping and using amplified noise equipment on Royal Parks land in the vicinity of Parliament.
- 1.9 The Royal Parks land in the vicinity of Parliament that the proposed regulations will cover is:
- Canning Green – the area of grass next to the Supreme Court
 - Victoria Tower Gardens – the park running from the south end of the Palace of Westminster to the roundabout at Lambeth Bridge
 - The lawn around the King George V statue, and
 - The garden around the Jewel Tower.

The additional powers proposed

- 1.10 The 1997 Regulations already prohibit camping, giving a public speech (other than in Speakers' Corner) or using amplified noise equipment without the prior written consent of the Secretary of State, or refusing the instructions of a police constable to

leave a park. Under the *Parks Regulations (Amendment) Act 1926* these are criminal offences, the penalty being a maximum fine of level 1 on the standard scale (presently £200).

- 1.11 The new regulations are very close to what is already prohibited. They create an offence specifically for the Parks in the vicinity of Parliament that mirrors the offences in the 2011 Act. That makes it an offence to fail, without reasonable excuse, to comply with a direction by a police constable to cease doing, or not to start doing, a prohibited activity. The prohibited activities include setting up or using camping or sleeping equipment, or using amplified noise equipment. The offences carry the same penalty as other offences under the 1997 Regulations.
- 1.12 The new regulations give police new powers of seizure of items used in connection with this offence, namely camping equipment and equipment used to amplify noise. They also give the Secretary of State the power to retain and dispose of the items, and the court the power to order their forfeiture. These powers mirror the powers of seizure, retention, disposal and forfeiture that exist in relation to park trading offences under the *Royal Parks (Trading) Act 2000*.

Why these powers are being proposed

- 1.13 The 2011 Act restores the ability to protest in Parliament Square, but subject to control to avoid the establishment of protest encampments.
- 1.14 The Department for Culture, Media and Sport wishes the public to continue to enjoy the use of the land around Parliament and avoid the displacement of protests from Parliament Square onto the Royal Parks land in the vicinity. The activities covered by the proposed new offences are already prohibited under the 1997 Regulations. However, the precise wording of the new offences will allow for more effective policing by ensuring the same powers apply across different areas in the vicinity, providing certainty to the police and to the public.
- 1.15 The 2011 Act gave additional seizure powers to the Police and authorised persons of Westminster City Council and Greater London Authority in relation to Parliament Square itself. These new powers are to be mirrored in bye laws that are being proposed by Westminster City Council and the Greater London Authority in relation to land under their authority in the vicinity.
- 1.16 To ensure consistency the Act has given us the ability to make regulations applying the seizure, retention, disposal and forfeiture powers under the Royal Parks (Trading) Act 2000, to other offences contravening Royal Parks regulations. We are proposing to do so in relation to the proposed new offences for Parks in the vicinity of Parliament. This will provide a consistent approach for all the land, regardless of ownership, around Parliament.

The scope to influence the regulations

- 1.17 This consultation is seeking your views about extending the powers in force as a result of the 2011 Act to the Royal Parks land around Parliament. Given the risk of displacement of protests to Royal Parks land, we do wish to bring in regulations, and there is very limited scope to influence what activities and places are regulated. However, we recognise the importance of the issue and wish to consider the public's views on the approach we propose to take.
- 1.18 The consultation will be run until the 24th January 2012. This time period is judged to be appropriate for the level of change proposed.
- 1.19 We welcome your views on the approach and any issues you envisage with its enforcement.

2. Questions for comment

Geographical area in scope

- 2.1 Are there any Royal Parks or parts of the Royal Parks covered by the proposed regulations that you think should not be so covered?
- 2.2 If so, please give your reasons.
- 2.3 Are there any Royal Parks or parts of the Royal Parks not covered by the proposed regulations that you think should be covered?
- 2.4 If so, please give your reasons.

The type of offences being created

- 2.5 Do you agree with the creation of the offence described in the draft regulation (**Annex A**)?
- 2.6 If you disagree, please give your reasons

The new powers attached to the offences

- 2.7 Do you agree with the attachment of seizure, retention, disposal and forfeiture powers to those offences described in the draft regulations (**Annex A**)?
- 2.8 If you disagree, please give your reasons.

Other comments

- 2.9 Is there anything else within these regulations that you would like to comment on?

3. Process going forward & timetable

Responding to the consultation

- 3.1 The consultation will run between the 14th December 2011 and the 24nd January 2012. We cannot guarantee that responses received after the deadline will be taken into consideration.
- 3.2 We would appreciate it if you structured your responses around the questions set out in section 2 (*Questions for comment*) of this document.
- 3.3 You can submit your comments via email or post.
- **Email:** TRPConsultation@culture.gsi.gov.uk
 - **Post:** TRP Consultation, Department for Culture Media and Sport, 2-4 Cockspur Street, London, SW1Y 5DH
- 3.4 We will send an acknowledgement response to all respondents.
- 3.5 Please note responses may be published, unless you ask us not to do so. In addition under the Freedom of Information Act 2000 all information in responses, including personal information, may be subject to publication or disclosure. If any correspondent requests confidentiality this cannot be guaranteed, and will only be possible if considered appropriate under the legislation.
- 3.6 We intend to publish a summary of responses and a Government response to the consultation. Given the time constraints, we will aim to do the two together.

Ministerial approval

- 3.7 Under the 2011 Act and the *Parks Regulation (Amendment) Act 1926*, the Secretary of State for the Olympics, Culture, Media, and Sport has the power to make regulations in relation to the Royal Parks. The current principal regulations are the *Royal Parks and Other Open Spaces Regulations 1997*, as amended.
- 3.8 Subject to changes following this consultation we intend to seek the Secretary of State's approval to the regulations set out in Annex A.

Legislative process

- 3.9 Under section 6 of the *Statutory Instruments Act 1946*, the draft regulations will need to be laid before Parliament for forty days before coming into effect.
- 3.10 During this time either House of Parliament may hold a debate and vote on the regulations, where they can resolve that the regulations are not made.

Timetable

- 3.11 We are aiming to have the new regulations in place as soon as possible. The timetable below sets out a broad framework on the basis that there are no substantive issues raised during the consultation that require further time to deal with, and Parliament has no objections to the regulations coming into force. We will review the timetable immediately after the consultation.

Date	Activity
14 December 2011	Consultation opens
24 January 2012	Consultation closes
24 to 27 January 2012	Assessment of consultation and revision of regulations
1 February 2012	Publication of summary consultation and the Government response
1 February 2012	Regulations laid in Parliament
13 March 2012	Regulations in force

- 3.12 For enquiries about the consultation (handling) process only, please email enquiries@culture.gsi.gov.uk heading your communication 'Royal Parks Consultation'.



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2-4 Cockspur Street
London SW1Y 5DH
www.culture.gov.uk