

**EXPLANATORY MEMORANDUM TO THE
ROYAL PARKS (REGULATION OF SPECIFIED PARKS) ORDER 2005**

2005 No. 1522

1. This explanatory memorandum has been prepared by the Department for Culture, Media and Sport and is laid before Parliament by Command of Her Majesty.

2. **Description**

This Order specifies those parks and open spaces managed by the Secretary of State for Culture, Media and Sport which are to be removed from the ambit of the Parks Regulation Act 1872 on a day to be appointed.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None.

4. **Legislative Background**

4.1 This Order is made under Section 162(4) of the Serious Organised Crime and Police Act 2005 and is required to implement the provisions in the 2005 Act dealing with the abolition of the Royal Parks Constabulary (“RPC”) and the transfer of the responsibility for policing the Royal Parks and certain other open spaces managed by the Secretary of State for Culture, Media and Sport to the Metropolitan Police Authority (“MPA”). These parks and open spaces are currently managed on behalf of the Secretary of State by the Royal Parks Agency, and the RPC forms part of that Agency.

4.2 The Order specifies those parks and open spaces managed by the Secretary of State for Culture, Media and Sport which are to be removed from the ambit of the Parks Regulation Act 1872 from a day to be appointed under s161(4) of the 2005 Act. This will have the effect that the Secretary of State will no longer be responsible for appointing park constables under the 1872 Act to police the specified parks. However, under s161(2) of the 2005 Act, she will continue to have power (under s2 of the Parks Regulation (Amendment) Act 1926) to make regulations for the management of the specified parks.

4.3 Paragraph 13 of Schedule 13 to the 2005 Act amends Schedule 4 to the Police Reform Act 2002, extending the powers of Community Support Officers (“CSOs”) by adding breaches of Park Regulations to the list of “relevant offences” in relation to which CSOs have certain powers, including limited powers of detention, and by giving CSOs the

power to take temporary possession of any items which they reasonably believe have been used in the commission of a park trading offence. The amendments to the CSO powers refer to the definition of “specified park” in s162 of the 2005 Act. These amendments are due to be brought into force on 1st July 2005.

4.4 In making this Order, the Department has relied on section 13 of the Interpretation Act 1978 (anticipatory exercise of powers) because the Order is made under section 162 (4) of the 2005 Act, which is not expected to come into force until 1st July 2005.

5. Extent

This Order applies to England and Wales.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 The Serious Organised Crime and Police Act 2005 gives effect to the policy of transferring responsibility for policing the Royal Parks and certain other open spaces which are under the management of the Secretary of State for Culture, Media and Sport from the RPC to the MPA. This will bring greater coherence to the policing of the Royal Parks as part of the policing of London, and improve accountability. This Order forms part of the implementation of the Royal Parks provisions of the 2005 Act, described in paragraphs 4.1 and 4.2 above.

7.2 The amendments to CSO powers, described in paragraph 4.3 above, are due to be brought into force on 1 July 2005, before the abolition of the Royal Parks Constabulary takes effect, because CSOs are already jointly policing the Royal Parks alongside constables from the MPA and RPC and need these increased powers in order to police the Royal Parks more effectively. The Specified Parks Order needs to come into force on 1 July 2005 in order for the extension of CSO powers to take effect from that date.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 There is no significant impact on the public sector.

9. Contact

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