

PLAYING FIELDS (COMMUNITY INVOLVEMENT IN DISPOSAL DECISIONS) (WALES) MEASURE 2010

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Playing Fields (Community Involvement in Disposal Decisions) (Wales) 2010 which was passed by the National Assembly for Wales on 6 October 2010 and approved by Her Majesty in Council on 15 December 2010. They have been prepared by Dai Lloyd AM, the proposer of the Measure. The Explanatory Notes should be read in conjunction with the Measure but are not part of it.

COMMENTARY ON SECTIONS

Section 1 – Community involvement in disposals by local authorities of playing fields

2. This section confers a power on Welsh Ministers to make regulations which provide for the involvement of communities in decisions by local authorities about disposals by them of land consisting or forming part of a playing field.
3. “Local authority” is defined in subsection (3) as a county or county borough council, a community council (including a town council) and a National Park authority, and “disposal” as the grant of any estate or interest in land or the entering into an agreement to do so. Subsection (3) also defines “playing field”. A playing field means an open space which includes one or more areas which have at any time been marked or otherwise set aside for sport or similar recreational activity.
4. Regulations made under this section may provide for their application to specific types of disposal or specific kinds of playing fields, and may make a disposal subject to consultation in accordance with the regulations, and require the giving of notice of the proposals. Local authorities may be required to provide information about the effect of a proposed disposal on any strategy, plan or assessment specified in the regulations, or about anything else connected with the disposal, and may be required to provide the information in the form and manner specified in the regulations.
5. If so provided by the regulations, a local authority must, in exercising its functions under the regulations, have regard to guidance given by the Welsh Ministers.
6. Regulations made under this section may make different provision for different cases or classes of cases, make provision generally or specifically, and may make such incidental, supplementary, consequential, transitional or saving provision as the Welsh Ministers think fit.

Section 2 – Amendment to the Local Government Act 1972 (c.70)

7. **Section 2** amends section 123 (disposal of land by principal councils) of the Local Government Act 1972 (“the 1972 Act”) which makes provision about the disposal of open space by local authorities. The amendment made by subsection (2) provides that disposals of land by principal councils i.e. county councils or county borough councils, in addition to being subject to the provisions of section 123, will also be subject to the provisions of the Measure. Subsection (3) makes a similar amendment to section 127 of the 1972 Act (disposal of land by parishes and communities).

Section 3 – Disposals by National Park authorities of playing fields

8. **Section 3** amends the Environment Act 1995. The effect of the amendment is to apply the provisions of the Measure to disposals of land by National Park authorities.

Section 4 – Procedure for regulations

9. Regulations made under the Measure are to be made by statutory instrument and are to be subject to annulment in pursuance of a resolution of the National Assembly.

Section 5 - Short title and commencement

10. This section provides that the Measure may be known as the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010. The Measure comes into force on the day on which it is approved by Her Majesty in Council.

RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES

The following table sets out the dates for each stage of the Measure’s passage through the National Assembly for Wales. The Record of Proceedings and further information on the passage of this Measure can be found on the National Assembly for Wales’ website at:

<http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-measures/bus-legislation-meas-pf.htm>

<i>Stage</i>	<i>Date</i>
Introduced	18 July 2008
Stage 1 - Debate	1 July 2009
Stage 2 - Scrutiny Committee – consideration of amendments	7 July 2009
Stage 3 - Plenary consideration of amendments	6 October 2010
Stage 4 - Approved by the Assembly	6 October 2010
Royal Approval in Privy Council	15 December 2010