

Proposed Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure

[AS AMENDED AT STAGE 2]

A Measure of the National Assembly for Wales to make provision in relation to community involvement in decisions by local authorities in Wales whether to dispose of playing fields; and for connected purposes.

1A Community involvement in disposals by local authorities of playing fields

- 5 (1) The Welsh Ministers may, by regulations, make provision for the involvement of communities in decisions by local authorities about disposals by them of land consisting or forming part of a playing field.
- (2) Regulations under subsection (1) may amongst other things –
- 10 (a) apply the regulations to specified kinds of disposals;
- (b) apply the regulations to disposals of specified kinds of playing field;
- (c) make a disposal to which the regulations apply subject to consultation in accordance with the regulations;
- 15 (d) specify persons or categories of person who must be consulted, those persons being those affected by, or interested in, a disposal to which the regulations apply;
- (e) provide for the form and manner of consultation;
- (f) provide for the giving of notice of proposed disposals, including the form and manner of notice;
- 20 (g) provide for section 123(2A) of the Local Government Act 1972 (c. 70) to be disapplied in the case of disposals to which the regulations apply;
- (h) require the provision of information about –
- (i) the effect of a proposed disposal on any strategy, plan or assessment specified in the regulations, or
- (ii) anything else connected to a proposed disposal;
- 25 (i) specify the form and manner in which information is to be provided;
- (j) provide that a local authority must, in exercising its functions under the regulations, have regard to guidance given from time to time by the Welsh Ministers;
- (k) make different provision for different cases or classes of case;
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- (l) make provision generally or subject to exceptions or only in relation to specific cases or classes of case;
- (m) make such incidental, supplementary, consequential, transitional or saving provisions as the Welsh Ministers think fit.

5 (3) In this Measure –

“disposal” (“*gwarediad*”) means a grant of any estate or interest in land or the entry into an agreement to do so;

“local authority” (“*awdurdod lleol*”) means –

- (i) a county or county borough council,
- 10 (ii) a community council (including a town council),
- (iii) a National Park authority;

“playing field” (“*cae chwarae*”) means an open space which includes one or more areas which have at any time been marked or otherwise set aside for sport or other similar recreational activity.

15 **2A Amendment to the Local Government Act 1972 (c. 70)**

(1) The Local Government Act 1972 (c. 70) is amended as follows.

(2) In section 123 (disposal of land by principal councils) –

(a) in subsection (1), after “Subject to the following provisions of this section,” insert –

20 “and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010, “,

(b) after subsection (2A), insert –

25 “(2AA) Subsection (2A) does not apply to a disposal to which the provisions of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010 apply.”, and

(c) in subsection (2B), after “by virtue of subsection (2A) above” insert –

“or in accordance with the provisions of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010.”.

30 (3) In section 127 (disposal of land by parishes and communities), in subsection (1), after “Subject to the following provisions of this section,” insert –

“and to those of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010,”.

3A Disposal by National Park authorities of playing fields

35 (1) The Environment Act 1995 (c. 25) is amended as follows.

(2) In Schedule 8, after paragraph 1(1) insert –

“(1A) The reference in sub-paragraph (1) to section 123 of the 1972 Act is to be interpreted as a reference to that section as amended by section (2A) of the Playing Fields (Community Involvement in Disposal Decisions)

(Wales) Measure 2010 in so far as that sub-paragraph applies to a National Park authority for a National Park in Wales.”.

9 Procedure for regulations

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- (1) The power to make regulations conferred by this Measure is exercisable by statutory instrument.
 - (2) A statutory instrument containing regulations made under this Measure is subject to annulment in pursuance of a resolution of the Assembly.

12 Short title and commencement

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- (1) This Measure may be referred to as the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2008.
 - (2) This Measure comes into force on the day on which it is approved by Her Majesty in Council.