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STATUTORY INSTRUMENTS

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**2012 No. 957**

**The Royal Parks and Other Open Spaces  
(Amendment) (No. 2) Regulations 2012**

**Amendment of the Royal Parks and Other Open Spaces Regulations 1997**

2.—(1) The Royal Parks and Other Open Spaces Regulations 1997<sup>(1)</sup> are amended in accordance with this regulation.

(2) After regulation 3, insert—

**“Acts prohibited in designated parks**

**3A.**—(1) A constable who has reasonable grounds for believing that a person is doing, or is about to do, a prohibited activity may direct the person—

- (a) to cease doing that activity; or
- (b) (as the case may be) not to start doing that activity.

(2) For the purposes of this regulation, a “prohibited activity” is any of the following—

- (a) operating any amplified noise equipment in a designated park;
- (b) erecting or keeping erected in a designated park—
  - (i) any tent; or
  - (ii) any other structure that is designed, or adapted, (solely or mainly) for the purpose of facilitating sleeping or staying in a place for any period;
- (c) using any tent or other such structure in a designated park for the purpose of sleeping or staying in that area;
- (d) placing or keeping in place in a designated park any sleeping equipment with a view to its use (whether or not by the person placing it or keeping it in place) for the purpose of sleeping overnight in that area; and
- (e) using any sleeping equipment in a designated park for the purpose of sleeping overnight in that area.

(3) But an activity is not to be treated as a “prohibited activity” within paragraph (2) if it is done—

- (a) for police, fire and rescue authority or ambulance purposes;
- (b) by or on behalf of a relevant authority; or
- (c) by a person so far as that person has the prior written permission of the Secretary of State.

(4) In paragraph (2)(a) “amplified noise equipment” means any device that is designed or adapted for amplifying sound, including (but not limited to)—

- (a) loudspeakers; and
- (b) loudhailers.

(5) In paragraph (3)(b) “relevant authority” means any of the following—

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<sup>(1)</sup> S.I. 1997/1639, amended by S.I. 2000/2949, 2004/1308, 2004/3168, 2010/1194, 2010/2695 and 2012/98.

- (a) a Minister of the Crown or a government department;
- (b) the Greater London Authority; or
- (c) Westminster City Council.

(6) In this regulation “sleeping equipment” means any sleeping bag, mattress or other similar item designed, or adapted, (solely or mainly) for the purpose of facilitating sleeping in a place.

(7) No person may without reasonable excuse fail to comply with a direction under paragraph (1).

(8) For the purposes of the prohibited activities in paragraph 2(a) to (e), a “designated park” is any Park listed in paragraphs 1, 3A and 20 of Schedule 1.

### **Directions under regulation 3A: further provision**

**3B.**—(1) A direction requiring a person to cease doing a prohibited activity may include a direction that the person does not start doing that activity again after having ceased it.

(2) A direction requiring a person not to start doing a prohibited activity continues in force until—

- (a) the end of such period beginning with the day on which the direction is given as may be specified by the constable giving the direction; or
- (b) if no such period is specified, the end of the period of 90 days beginning with the day on which the direction is given.

(3) A period specified under paragraph (2)(a) may not be longer than 90 days.

(4) A direction may be given to a person to cease operating, or not to start operating, any amplified noise equipment only if it appears to the constable giving the direction that the following condition is met.

(5) The condition is that the person is operating, or is about to operate, the equipment in such a manner as to produce sound that other persons in or in the vicinity of the designated park can hear or are likely to be able to hear.

(6) A direction—

- (a) may be given orally;
- (b) may be given to any person individually or to two or more persons together; and
- (c) may be withdrawn or varied by the person who gave it.

(7) In this regulation—

“amplified noise equipment” has the meaning given by regulation 3A(4);

“designated park” has the meaning given by regulation 3A(8); and

“direction” means a direction given under regulation 3A(1).

### **Seizure, retention, disposal and forfeiture of property**

**3C.** Sections 4, 5 and 6 of the Royal Parks (Trading) Act 2000(2) apply in relation to an offence under the Parks Regulation (Amendment) Act 1926 relating to a breach of regulation 3A(7) as if that offence were a park trading offence under the Royal Parks (Trading) Act 2000.”

