
WELSH STATUTORY INSTRUMENTS

2015 No. 1403

The Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015

Title and commencement

1. The title of these Regulations is the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2015, and they come into force on 1 October 2015.

Interpretation

2. In these Regulations—

“the 2013 Act” (“*Deddf 2013*”) means the School Standards and Organisation (Wales) Act 2013⁽¹⁾;

“the consultation period” (“*y cyfnod ymgynghori*”) means the period specified by a local authority in accordance with regulation 5(2)(c) and (5);

“decision to dispose” (“*penderfyniad i waredu*”) means where a local authority⁽²⁾ decides to enter into an agreement to dispose, or in the absence of such an agreement, decides to dispose;

“dispose” (“*gwaredu*”) means to grant any estate or interest in land, and “disposal” (“*gwarediad*”) is to be construed accordingly;

“playing field” (“*cae chwarae*”) means the whole of an open space which encompasses at least one playing pitch;

“playing pitch” (“*llain chwarae*”) means a delineated area which, together with any run-off area, is of—

(a) 0.2 hectares or more and which is used for sport including, but not limited to, association football, American football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, Gaelic football, shinty, hurling, polo, cycle polo, athletics or golf;

(b) 0.1 hectares or more and which is used for playing bowls; or

(c) 0.04 hectares or more and which is used for playing basketball, netball or tennis; and.

“proposed decision to dispose” (“*penderfyniad arfaethedig i waredu*”) means where a local authority is considering making a decision to enter into an agreement to dispose, or in the absence of such an agreement, is considering making a decision to dispose.

Application

3. A local authority must comply with the requirements contained in regulations 5 to 10—

(a) in relation to a proposed decision to dispose of a playing field or any part of a playing field;

(1) 2013 anaw 1.

(2) “Local authority” has the same meaning as defined in section 1(3) of the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010. It means a county or county borough council, a community council (including a town council) and a National Park authority.

- (b) where the playing field has been used as a sports or recreational facility by the public at any time in the previous 5 years; and
- (c) where none of the exceptions in regulation 4(1) apply.

Exceptions

- 4.—(1) The requirements contained in regulations 5 to 10 do not apply where—
- (a) the proposed decision to dispose relates to the grant of an interest in the playing field, or any part of the playing field, that does not have an adverse impact on the use of the playing field as a sports or recreational facility by the public;
 - (b) the playing field is to be retained as a sports or recreational facility for use by the public, whether or not such use is subject to a payment, and the proposed disposal is to be made to—
 - (i) a local authority; or
 - (ii) a body whose aims or objectives include the promotion of sporting or recreational activities;
 - (c) a county or county borough council has consulted on the proposed decision to dispose of the playing field under section 48(2) of the 2013 Act;
 - (d) the Welsh Ministers have consulted on the proposed decision to dispose of the playing field under section 72(1) of the 2013 Act; or
 - (e) the proposed decision to dispose of a playing field or any part of a playing field is pending.
- (2) For the purposes of paragraph (1)(e), a proposed decision to dispose is pending where—
- (a) the local authority has published a notice of disposal in accordance with section 123(2A) of the Local Government Act 1972(3) prior to these Regulations coming into force; and
 - (b) the local authority enters into an agreement to dispose, or completes the disposal, of the playing field referred to within that notice within 12 months following the first publication of that notice.

Notice and consultation arrangements

5.—(1) A local authority must before making a decision to dispose of a playing field, or any part of a playing field, publish a notice (“the notice”) on two consecutive weeks in at least one newspaper circulating in the local authority’s area.

- (2) The notice to which paragraph (1) refers must—
- (a) state that the local authority is proposing to dispose of a playing field;
 - (b) inform the public of the place or places and times at which details of the proposed disposal may be inspected, and the period for which the details of the proposed disposal will be available for inspection; and
 - (c) inform the public of their right to make representations to the local authority in relation to the proposed disposal, the means by which they must do so and the date by which representations must be received by the local authority.

(3) The local authority must make the details of the proposed disposal available for inspection during normal office hours at the local authority’s principal office, if it has one, and, if reasonably practicable, at one or more places in the local authority’s area.

(4) The local authority must specify a period of at least 6 weeks, starting from the date on which the notice is first published, for which the details of the proposed disposal must be available for inspection in accordance with paragraph (2)(b).

(5) The date specified by a local authority by which representations on the proposed disposal must be received by the local authority in accordance with paragraph (2)(c), must be at least 6 weeks after the date on which the notice is first published.

(6) No later than the day on which the notice is first published, the local authority must—

- (a) display a copy of the notice in at least one place on or near the playing field to which the proposed disposal relates, and in any event at each official entrance to the playing field, for at least 6 weeks;
- (b) where the local authority has a website, place a copy of the notice on that website for at least 6 weeks;
- (c) send a copy of the notice to any owner or occupier of land adjoining the playing field;
- (d) send a copy of the notice and details of the proposed disposal to—
 - (i) any local authority whose area includes any part of, or shares a boundary with any part of, the playing field to which the proposed disposal relates;
 - (ii) the Sports Council for Wales⁽⁴⁾;
 - (iii) the National Playing Fields Association⁽⁵⁾;
 - (iv) those persons as appear to the local authority to represent the interests of persons in the local authority’s area, or in the area of a local authority that shares a boundary with any part of the playing field, who make use of the playing field;
 - (v) any body whose main aims include preserving—
 - (aa) open spaces throughout Wales; or
 - (bb) play opportunities for children throughout Wales;
 - (vi) such other persons as the local authority considers appropriate.

(7) The local authority must provide (on payment if required by a local authority of a reasonable charge) a copy of the details of the proposed disposal to any person from whom the local authority receives a request during the consultation period.

Impact assessment

6.—(1) Details of the proposed disposal, prepared by a local authority for the purposes of regulation 5(2)(b), (3), (4), (6)(d) and (7), must include information about the effect a local authority considers the proposed disposal of a playing field, or any part of a playing field, would have on any relevant strategies, plans or assessments.

(2) The relevant strategies, plans or assessments for the purposes of paragraph (1) are—

- (a) the plan prepared for the area under section 62 of the Planning and Compulsory Purchase Act 2004⁽⁶⁾;
- (b) the assessment prepared for the area under section 11 of the Children and Families (Wales) Measure 2010⁽⁷⁾;

(4) Established by Royal Charter dated 4 February 1972, operating under the name “*Sports Wales*”.

(5) Founded in 1925 and incorporated by Royal Charter in 1933, operating under the name “*Fields in Trust*”.

(6) 2004 c. 5. Section 62 was amended by section 51(2) of and paragraphs 4, 5 and 6 of Schedule 2 to the Local Government (Wales) Measure 2009 (nawm 2).

(7) 2010 nawm 1.

- (c) the strategy prepared for the area under section 39 of the Local Government (Wales) Measure 2009⁽⁸⁾;
- (d) the strategy prepared for the area under section 40 of the National Health Service (Wales) Act 2006⁽⁹⁾; and
- (e) such other strategies, plans or assessments as the local authority considers appropriate.

Consideration of representations

7.—(1) The local authority must consider all representations received in relation to the proposed decision to dispose during the consultation period.

(2) The local authority may consider any representations received in relation to the proposed decision to dispose after the end of the consultation period.

Decision

8.—(1) If, having considered any representations which the local authority is required or empowered to consider under regulation 7, the local authority decides to proceed with the decision to dispose, the local authority must prepare a report of that decision (“the decision report”).

(2) The decision report must include—

- (a) a summary of the representations received and considered by the local authority; and
- (b) the reasons for the local authority’s decision.

(3) As soon as reasonably practicable after the local authority has made a decision to dispose of a playing field or any part of a playing field, the local authority must publish, on two consecutive weeks in at least one newspaper circulating in the local authority’s area, a notice of the local authority’s decision (“the decision notice”)—

- (a) informing the public of the local authority’s decision to dispose of the playing field or part of a playing field; and
- (b) informing the public of the place or places and times at which the decision report may be inspected, and the period for which the decision report will be available for inspection.

(4) The local authority must make the decision report available for inspection during normal office hours at the local authority’s principal office, if it has one, and, if reasonably practicable, at one or more places in the local authority’s area.

(5) The local authority must specify a period of at least 6 weeks, starting from the date on which the decision notice is first published, for which the decision report must be available for inspection in accordance with paragraph (3)(b).

(6) No later than the day on which the decision notice is first published, the local authority must—

- (a) display a copy of the decision notice in at least one place on or near the playing field to which the proposed disposal relates, and in any event at each official entrance to the playing field, for at least 6 weeks;
- (b) where a local authority has a website, place a copy of the decision notice and the decision report on that website for at least 6 weeks;
- (c) send a copy of the decision notice and the decision report to any person from whom the local authority received a substantive representation which the local authority considered in accordance with regulation 7.

⁽⁸⁾ 2009 nawm 2.

⁽⁹⁾ 2006 c. 42.

(7) The local authority must provide (on payment if required by a local authority of a reasonable charge) a copy of the decision report to any person that requests a copy of the decision report.

(8) The local authority may not proceed with the proposed disposal, or agreement to dispose, until a period of 12 weeks has elapsed from the day on which the decision notice is first published.

(9) If the local authority decides not to proceed with the decision to dispose, the local authority must—

- (a) prepare a report of that decision which complies with the requirements in paragraph (2);
- (b) send a copy of the report to any person from whom the local authority received a substantive representation which the local authority considered in accordance with regulation 7 as soon as reasonably practicable after the local authority has made the decision.

Electronic communications

9.—(1) Where, in accordance with these Regulations—

- (a) a local authority is required to—
 - (i) send a document, copy of a document or any notice to another local authority or person; or
 - (ii) notify another local authority or person of any matter; and
- (b) that other local authority or person has an address for the purposes of electronic communications,

the document, copy, notice or notification may be sent or made by way of electronic communications.

(2) Where, within these Regulations, another local authority or person may make representations to the local authority on any matter or documents, those representations may be made by way of electronic communications to the address provided by the local authority for that purpose.

(3) Any electronic communication received in accordance with these Regulations by the recipient outside the recipient's normal office hours will be taken to have been received on the next working day.

(4) In this regulation—

“electronic communication” (“*cyfathrebiad electronig*”) has the same meaning as in section 15(1) of the Electronic Communications Act 2000(10); and

“working day” (“*diwrnod gwaith*”) means a day which is not a Saturday, Sunday, Christmas Eve, Christmas Day, Good Friday, a bank holiday or a day appointed for public thanksgiving or mourning (and “bank holiday” (“*gwyl banc*”) means a day to be observed as such under the Banking and Financial Dealings Act 1971(11)).

Guidance

10. In exercising its functions under these Regulations, a local authority must have regard to any guidance given by the Welsh Ministers.

(10) 2000 c. 7. In section 15(1) of the Electronic Communications Act 2000, “electronic communication” means a communication transmitted (whether from one person to another, from one device to another or from a person to a device or vice versa) – (a) by means of an electronic communications network; or (b) by other means but while in an electronic form. The definition was amended by section 406 of, and paragraph 158 of Schedule 17 to, the Electronic Communications Act 2003 (c. 21).

(11) 1971 c. 80.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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Ministers