

English Devolution and Community Empowerment Bill

AMENDMENTS
TO BE MOVED
ON REPORT

[Supplementary to the Marshalled List]

Amendment
No.

After Clause 63

LORD LUCAS

As an amendment to Amendment 248

- 248A★** In subsection (2), in inserted section 128A(1), at end insert “provided always that the Secretary of State possesses satisfactory evidence of compensatory provision for the benefit of any community affected by the discharge of any such statutory trust.”

Member's explanatory statement

This amendment seeks to ensure that the Secretary of State takes full account of the interests of those affected by a proposal.

LORD LUCAS

As an amendment to Amendment 248

- 248B★** In subsection (2), after inserted section 128A(1), insert—
- “(1A) When the Secretary of State makes an order under subsection (1), they must publish in full—
- (a) the application,
 - (b) the representations and evidence submitted, and
 - (c) their reasoning in reaching their conclusion that the order should be made.”

Member's explanatory statement

This amendment seeks to increase transparency in the order-making process.

BARONESS SCOTT OF BYBROOK
LORD JAMIESON

As an amendment to Amendment 248

This amendment replaces Amendment 250 and corrects its position on the Marshalled List

248C★ In subsection (2), after inserted section 128A(2)(b), insert—

“(c) the Secretary of State has undertaken a review of the availability of open spaces in the United Kingdom and published a report on the findings of the review and laid copies of that report in the Libraries of both Houses of Parliament.”

Member's explanatory statement

This amendment would prevent regulations in respect of statutory trust orders from being made until the Government's review on open spaces has taken place.

LORD LUCAS

As an amendment to Amendment 248

250A★ In subsection (2), after inserted section 128A(4), insert—

“(4A) Section 266 of this Act (orders, rules and regulations) does not apply to a statutory trust discharge order made under this section.”

Member's explanatory statement

This amendment seeks to ensure that order cannot be made by statutory instrument.

LORD LUCAS

As an amendment to Amendment 248

250B★ In subsection (2), in inserted section 128A(6) leave out “may” and insert “must”

Member's explanatory statement

This amendment seeks to ensure that everything listed in subsection (6) is always included in regulations made under subsection (5) of inserted section 128A.

LORD LUCAS

As an amendment to Amendment 248

250C★ In subsection (2), in inserted section 128A(6)(c), at end insert “, including evidence as to the compensatory benefit to those adversely affected by such an application, if granted”

Member's explanatory statement

This amendment (along with another in the name of Lord Lucas) seeks to ensure that all evidence is considered by the Secretary of State.

LORD LUCAS

As an amendment to Amendment 248

250D★ In subsection (2), in inserted section 128A(6)(f), leave out “and the weight to be given to any evidence” and insert “, which must include any evidence referred to in subsection (6)(c) and all evidence submitted in response to the publicity referred to in section 128E”

Member's explanatory statement

This amendment (along with another in the name of Lord Lucas) seeks to ensure that all evidence is considered by the Secretary of State.

LORD LUCAS

As an amendment to Amendment 248

- 250E★** In subsection (2), in inserted section 128A(8)(a), at beginning insert “save for the requirement to demonstrate compensatory benefit for those to be affected by any statutory trust discharge order, and the requirement for due publication of an application,”

LORD LUCAS

As an amendment to Amendment 248

- 250F★** In subsection (2), in inserted section 128B(3), after “may” insert “not”

Member's explanatory statement

This amendment, connected with another in the name of Lord Lucas, seeks to ensure that variation of an application can only be achieved via a new application.

LORD LUCAS

As an amendment to Amendment 248

- 250G★** In subsection (2), in inserted section 128B(3), leave out from “made” to end

Member's explanatory statement

This amendment, connected with another in the name of Lord Lucas, seeks to ensure that variation of an application can only be achieved via a new application.

LORD LUCAS

As an amendment to Amendment 248

- 250H★** In subsection (2), in inserted section 128B(4), leave out “may” and insert “must”

Member's explanatory statement

This amendment seeks to ensure that the person making the application always pays a fee.

LORD LUCAS

As an amendment to Amendment 248

- 250J★** In subsection (2), in inserted section 128B(6), at end insert “, provided that a period of at least five calendar years has elapsed between the determination and the further application.”

Member's explanatory statement

This amendment seeks to ensure that five years has elapsed before an application can be re-submitted.

LORD LUCAS

As an amendment to Amendment 248

250K★ In subsection (2), in inserted section 128B(7), leave out “But”

LORD LUCAS

As an amendment to Amendment 248

250L★ In subsection (2), in inserted section 128B(8), leave out “appropriate” and insert “is likely to come to the attention of those affected by the application.”

LORD LUCAS

As an amendment to Amendment 248

250M★ In subsection (2), in inserted section 128D(2), after first “order” insert “unambiguously”

Member's explanatory statement

This amendment seeks to ensure that the land in question is properly identified in the application.

LORD LUCAS

As an amendment to Amendment 248

250N★ In subsection (2), in inserted section 128D(3)(a) leave out “or” and insert “, whether in the freeholder’s own right or at the behest of a leaseholder of a subordinate long leasehold in the relevant land”

Member's explanatory statement

This amendment, connected with another in the name of Lord Lucas, seeks to prevent an application being made by a leaseholder alone.

LORD LUCAS

As an amendment to Amendment 248

250P★ In subsection (2), in inserted section 128D(3), leave out paragraph (b)

Member's explanatory statement

This amendment, connected with another in the name of Lord Lucas, seeks to prevent an application being made by a leaseholder alone.

LORD LUCAS

As an amendment to Amendment 248

- 250Q★** In subsection (2), in inserted section 128D(4), at end insert “except that nothing in this subsection applies to any land in respect of which proceedings concerning any appropriation or disposal or the application of section 164 of the Public Health Act 1875 (provision of places of public recreation) or section 10 of the Open Spaces Act 1906 (maintenance of open spaces) started before the day on which this section comes into force.”

Member's explanatory statement

This amendment seeks to ensure that Qualifying Condition C does not apply to cases which are already before the courts.

LORD LUCAS

As an amendment to Amendment 248

- 250R★** In subsection (2), in inserted section 128D, leave out subsection (5) and insert –
- “(5) *Qualifying condition CA*: The appropriation or disposal of the land occurred before commencement.”

Member's explanatory statement

This amendment seeks to prevent this provision being used for future appropriations or disposals.

LORD LUCAS

As an amendment to Amendment 248

- 250S★** In subsection (2), in inserted section 128D(7)(a), at end insert “, and the Secretary of State shall take notice of any such want of advertising by the statutory trust”

Member's explanatory statement

This amendment, connected with others in the name of Lord Lucas, seeks to ensure that the applicant must prove that the advertisement procedure was not complied with.

LORD LUCAS

As an amendment to Amendment 248

- 250T★** In subsection (2), in inserted section 128D, leave out subsection (7)(b)

Member's explanatory statement

This amendment, connected with others in the name of Lord Lucas, seeks to ensure that the applicant must prove that the advertisement procedure was not complied with.

LORD LUCAS

As an amendment to Amendment 248

- 250U★** In subsection (2), in inserted section 128D, leave out subsection (8)

Member's explanatory statement

This amendment, connected with others in the name of Lord Lucas, seeks to ensure that the applicant must prove that the advertisement procedure was not complied with.

LORD LUCAS

As an amendment to Amendment 248

- 250V★** In subsection (2), in inserted section 128D(9), after “requirements” insert “set out in section 128E must”

LORD LUCAS

As an amendment to Amendment 248

- 250W★** In subsection (2), after inserted section 128D(10) insert—
- “(10A) *Qualifying condition G:* those being deprived of the benefit of the statutory trust have been appropriately compensated by the applicant, or provision has been made for such compensation.”

LORD LUCAS

As an amendment to Amendment 248

- 250X★** In subsection (2), after inserted section 128D(11)(c) insert—
- “(ca) whether the relevant land is needed as open space in the local area;”

Member's explanatory statement

This amendment seeks to ensure that the public interest test for an application for a statutory trust discharge order takes into account whether the relevant land is surplus to local requirements for open space.

LORD LUCAS

As an amendment to Amendment 248

- 250Y★** In subsection (2), after inserted section 128D(11)(f) insert—
- “(g) economic, environmental or social benefits which would be preserved if the order were not made.”

Member's explanatory statement

This amendment seeks to ensure that the public interest test takes into account detriments which might result from an application, as well as improvements.

LORD LUCAS

As an amendment to Amendment 248

250YA★ In subsection (2), leave out inserted section 128E(2)(b) and insert—

- “(b) on a website with a readership in the local area that is comparable to the readership of a local newspaper, if there is one;
- (c) if there is no local newspaper, in a national newspaper;
- (d) by a notice read out at a full, public meeting of all local councils, or trustees as the case may be, so affected.”

Member's explanatory statement

This amendment seeks to improve the arrangements for bringing the proposal to the notice of the affected public.

LORD LUCAS

As an amendment to Amendment 248

250YB★ In subsection (2), in inserted section 128E(4), leave out “28” and insert “56”

Member's explanatory statement

This amendment, connected to others in the name of Lord Lucas, seeks to increase the likelihood of a proposal coming to public notice and increase the time for a public response.

LORD LUCAS

As an amendment to Amendment 248

250YC★ In subsection (2), in inserted section 128E(5), leave out from second “of” to end and insert “56 days at each point of entry to the relevant land.”

Member's explanatory statement

This amendment, connected to others in the name of Lord Lucas, seeks to increase the likelihood of a proposal coming to public notice and increase the time for a public response.

LORD LUCAS

As an amendment to Amendment 248

250YD★ In subsection (2), in inserted section 128E(6), leave out “28” and insert “56”

Member's explanatory statement

This amendment, connected to others in the name of Lord Lucas, seeks to increase the likelihood of a proposal coming to public notice and increase the time for a public response.

LORD LUCAS

As an amendment to Amendment 248

250YE★ In subsection (2), after inserted section 128E(6) insert—

“(6A) The Secretary of State must serve a notice of the application by email on anyone who has previously asked to be informed of all applications, and who has given the Secretary of State an email address for that purpose.”

Member's explanatory statement

This amendment seeks to require the Secretary of State to serve notice of the application on all those who have asked to be informed of such applications. Any person would be able to ask MHCLG to be notified of applications, who would keep a list of such persons for the purpose. This would ensure that those interested in applications would be alerted to applications without having to monitor a website or local newspapers.

LORD LUCAS

As an amendment to Amendment 248

250YF★ In subsection (2), in inserted section 128E(7), after “must” insert “unambiguously”

LORD LUCAS

As an amendment to Amendment 248

250YG★ In subsection (2), in inserted section 128E(8)(b), at end insert “, which must include email”

LORD LUCAS

As an amendment to Amendment 248

250YH★ In subsection (2), in inserted section 128E(8), leave out “56” and insert “84”

LORD LUCAS

As an amendment to Amendment 248

250YJ★ In subsection (2), in inserted section 128F, in the heading, leave out “and presumption”

Member's explanatory statement

This amendment (connected to another in the name of Lord Lucas) seeks to remove a presumption that the previous advertisement procedure was not complied with.

LORD LUCAS

As an amendment to Amendment 248

250YK★ In subsection (2), in inserted section 128F(4), leave out “must presume” and insert “may, but is not required to, consider”

Member's explanatory statement

This amendment (connected to another in the name of Lord Lucas) seeks to remove a presumption that the previous advertisement procedure was not complied with.

LORD LUCAS

As an amendment to Amendment 248

250YL★ In subsection (2), in inserted section 128F(4), leave out from “disposal” to end of subsection

LORD LUCAS

As an amendment to Amendment 248

250YM★ In subsection (2), after inserted section 128G(1)(a), insert –

“(aa) the information provided under section 128A(6)(c), and all other requirements of sections 128A to 128F;”

LORD LUCAS

As an amendment to Amendment 248

250YN★ In subsection (2), in inserted section 128G(1)(b), after “(including” insert “specifically”

LORD LUCAS

As an amendment to Amendment 248

250YP★ In subsection (2), in inserted section 128G(1)(b), after second “order” insert –

- “(ii) leaseholders of all or part of the relevant land where such leaseholders have not supported the freeholder in making the application,
- (iii) owners of neighbouring land, and
- (iv) beneficiaries of the challenged statutory trust”

Member's explanatory statement

This amendment would ensure that the representations of others with a legitimate interest are taken into account in decisions about whether to make a statutory trust discharge order.

LORD LUCAS

As an amendment to Amendment 248

250YQ★ In subsection (2), in inserted section 128G(5), at end insert “, but in any event as extensively as the application was publicised”

LORD LUCAS

As an amendment to Amendment 248

250YR★ In subsection (2), in inserted section 128H(2), leave out “, or the tenant under a long lease,”

LORD LUCAS

As an amendment to Amendment 248

250YS★ In subsection (2), in inserted section 128H(2)(a), leave out “or long lease”

LORD LUCAS

As an amendment to Amendment 248

250YT★ In subsection (2), in inserted section 128H(2)(b), leave out “or long lease”

LORD LUCAS

As an amendment to Amendment 248

250YU★ In subsection (2), in inserted section 128H(2)(c), leave out “or long lease”

LORD LUCAS

As an amendment to Amendment 248

250YV★ In subsection (2), in inserted section 128H(2)(d), leave out “or long lease”

LORD LUCAS

As an amendment to Amendment 248

250YW★ In subsection (2), in inserted section 128H(2)(e), leave out “or long lease”

LORD LUCAS

As an amendment to Amendment 248

250YX★ In subsection (2), in inserted section 128H(2)(f), leave out “or long lease”

Schedule 29

BARONESS HOEY

263A★ Schedule 29, page 313, line 5, at end insert “and the market value is to be assessed assuming no planning permission would be granted for residential or commercial development on the asset of community value (but this shall not prevent unexpired planning permission that has already been granted being taken into account).”

BARONESS HOEY

263B★ Schedule 29, page 313, line 28, at end insert –

“(9A) Where –

- (a) there is disagreement between the owner of the land and the preferred community buyer regarding the market value as determined by the valuer,
- (b) the asset of community value is in danger of being lost, or
- (c) the owner of the asset is unwilling to sell,

the relevant local authority may use their power under section 226 of the Town and Country Planning Act 1990 to acquire compulsorily the relevant asset of community value, and pay the market value of the asset in accordance with section 14A of the Land Compensation Act 1961.”

After Clause 68

LORD MOYLAN

As an amendment to Amendment 280

280A★ Leave out subsection (3)

Member's explanatory statement

This amendment removes the power in Government Amendment 280 for an enforcement officer to temporarily suspend a regulated private hire vehicle operator licence.

After Clause 85

THE LORD BISHOP OF MANCHESTER

318A★ After Clause 85, insert the following new Clause –

“Duty relating to community empowerment

- (1) Within one year beginning on the date on which this Act is passed, and each year thereafter, the Secretary of State must publish and lay before Parliament a report assessing the effectiveness of Part 5 of the Localism Act 2011 (community empowerment).
- (2) The report must consider the effectiveness of the provisions in Part 5 of the Localism Act 2011 against the criteria in subsection (3), and set out a plan for better meeting those criteria, including potential legislative provision.
- (3) The criteria are, in relation to people in England –
 - (a) access to a clean and healthy environment;
 - (b) access to land or space to play, roam, and swim;
 - (c) access to land for food growing;
 - (d) the ability to contribute to and challenge decisions made at a local level;
 - (e) access to, use of, and ability to propose acquisition of assets of community value.

- (4) Within the period of 21 days beginning on the day on which a report is published under this section, a Minister of the Crown must move a motion in the House of Commons that the House has considered the report.
- (5) In reckoning any period of 21 days under subsection (4), no account is taken of any time during which Parliament is dissolved or prorogued, or during which the House of Commons is adjourned for more than four days.”

Member's explanatory statement

This new clause would require the Government to report annually on the effectiveness of community empowerment measures under the Localism Act 2011. It requires that Ministers assess how well communities can access land, green space, and local decision-making mechanisms. The report must include plans to strengthen these rights, including potential new legislation.

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24 March 2026
