

# English Devolution and Community Empowerment Bill

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AMENDMENTS  
TO BE MOVED  
ON REPORT

*[Supplementary to the Second Marshalled List]*

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**After Clause 63**

LORD LUCAS

*As an amendment to Amendment 248*

In subsection (2), in inserted section 128A(5), leave out “may” and insert “must”

***Member's explanatory statement***

*This amendment seeks to ensure that the Secretary of State is required to make regulations as to the making and determination of any application for a statutory trust discharge order.*

LORD LUCAS

*As an amendment to Amendment 248*

In subsection (2), after inserted section 128B(3), insert –

“(3A) But an application may be treated as varied only if provision is made to that effect in the statutory trust discharge order, and such provision shall not be made unless the applicant has given notice of the amendment in accordance with section 128E (new publicity requirements) with such modifications as the Secretary of State may direct.”

***Member's explanatory statement***

*This amendment seeks to ensure that an amendment to an application may be made only where the proposed amendment is publicised in the same way as the application itself, and if the Secretary of State concludes in making the statutory trust discharge order that it would be appropriate to allow the amendment.*

LORD LUCAS

*As an amendment to Amendment 248*

In subsection (2), after inserted section 128D(5), insert –

“(5A) *Qualifying condition C1:* In the case of a disposal, the disposal was not made to another local authority which acquired the land to hold for one of the purposes mentioned in section 123(2B) (disposal of a playing field by a council).”

***Member's explanatory statement***

*This amendment seeks to exclude the application of a statutory trust discharge order in a case where a local authority had disposed of open space to another local authority which also was to acquire and hold it as open space.*

LORD LUCAS

*As an amendment to Amendment 248*

In subsection (3), leave out from first “section” to the end of subsection, and insert “266 (orders which are to be made by statutory instrument) –

- (a) in subsection (1), for “other than section 261 above” substitute “other than section 128A(1)”;
- (b) in subsection (2), after “Act” insert “, other than section 128A(1),”.

***Member's explanatory statement***

*This amendment seeks to provide that a statutory trust discharge order is not to be capable of revocation or amendment by a further such order. The effect of section 266(2) of the LGA 1972, which otherwise would apply to this amendment, is to the contrary.*

LORD LUCAS

After Clause 63, insert the following new Clause –

**“Local authority disposal of open space to other local authorities**

In section 123 of LGA 1972 (disposal of land by principal councils), after subsection (2B), insert –

“(2C) Subsection (2B) does not apply to a disposal to another local authority or to a National Park authority which acquires the land to be held for the purposes mentioned in that subsection.”

***Member's explanatory statement***

*This amendment provides that, where a local authority disposes of open space to another local authority or a National Park authority, which is to hold the land in trust for public enjoyment, the public trust is not abrogated because the authority has followed the disposal process in section 123(2A) and (2B) of the Local Government Act 1972.*



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*26 March 2026*

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