

Queensland



MAJOR SPORTS FACILITIES ACT 2001

**Reprinted as in force on 31 May 2003
(includes commenced amendments up to 2003 Act No. 33)**

Reprint No. 1B

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Information about this reprint

This Act is reprinted as at 31 May 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

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Queensland



MAJOR SPORTS FACILITIES ACT 2001

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MAJOR SPORTS FACILITIES ACT 2001

[as amended by all amendments that commenced on or before 31 May 2003]

An Act to provide for the management, operation, use and promotion of facilities in Queensland for staging national or international sports, recreational or entertainment events, and for other purposes

PART 1—PRELIMINARY

1 Short title

This Act may be cited as the *Major Sports Facilities Act 2001*.

2 Commencement

(1) Subject to subsection (2), this Act commences on a day to be fixed by proclamation.

(2) Part 6, division 3, commences on the expiry of part 5.

3 Definitions

The dictionary in the schedule defines particular words used in this Act.

PART 2—MAJOR SPORTS FACILITIES

4 Declaration of major sports facilities

(1) A regulation may declare a facility that has the capacity to stage national or international sports, recreational or entertainment events to be a major sports facility.

(2) On the making of the declaration, property in the facility vests in the Authority.

(3) However, the declaration—

- (a) may be made only with the agreement of the person who is the owner of the facility; and
- (b) does not affect any interest that another person had in the facility immediately before its making.

PART 3—MAJOR SPORTS FACILITIES AUTHORITY

Division 1—Establishment, functions and powers of Authority

5 Establishment of authority

The Major Sports Facilities Authority is established.

6 Legal status of Authority

(1) The Authority—

- (a) is a body corporate; and
- (b) has a seal; and
- (c) may sue and be sued in its corporate name.

(2) The Authority does not represent the State.

7 Authority's functions

(1) The Authority's functions are to manage, operate, use and promote major sports facilities.

(2) The Authority must perform its functions in a way that—

- (a) is consistent with sound commercial principles; and
- (b) has regard to the requirements of tenants of the facilities.

8 Authority's powers

(1) The Authority has all the powers of an individual, and may, for example—

- (a) enter into contracts; and
- (b) acquire, hold, dispose of, and deal with property; and
- (c) appoint agents and attorneys; and
- (d) engage consultants; and
- (e) charge, and fix terms for goods, services and information supplied by it; and
- (f) do anything else necessary or convenient to be done for, or in connection with, its functions.

(2) Without limiting subsection (1), the Authority has the powers given to it under this or another Act.

(3) However, the power under subsection (1)(b) to acquire a sports, recreational or entertainment facility for its declaration as a major sports facility may be exercised only with the prior approval of the Governor in Council.

(4) The Authority may exercise its powers inside or outside Queensland.

(5) Without limiting subsection (4), the Authority may exercise its powers outside Australia.

9 Restriction on Authority's power to deal with property

(1) Despite section 8, the Authority must not sell an estate in fee simple in facility land, without the Governor in Council's prior approval.

(2) The Governor in Council may impose conditions on a sale approved under subsection (1).

(3) The Authority may use its property other than for performing its functions only with the Minister's prior written approval.

(4) The Authority's property is not distributable, whether by way of division of profits or by way of distribution of assets, among tenants of a major sports facility.

Division 2—The board of directors**10 The board**

There is a board of directors of the Authority.

11 Role of board

(1) The board is responsible for the way in which the Authority performs its functions and exercises its powers.

(2) Without limiting subsection (1), it is the board's role—

- (a) to decide the objectives, strategies and policies to be followed by the Authority; and
- (b) to ensure that the Authority performs its functions in a proper, effective and efficient way.

12 Composition of board

The board consists of not more than 7 directors.

Division 3—Provisions relating to directors**13 Appointment**

(1) The Governor in Council appoints the directors.

(2) The Governor in Council must appoint 1 of the directors as the chairperson.

14 Qualifications for appointment

(1) A person is not qualified to be, or to continue as, a director if the person—

- (a) is affected by bankruptcy action; or
- (b) is, or has been, convicted of an indictable offence.

(2) For subsection (1)(a), a person is affected by bankruptcy action if the person—

- (a) is bankrupt; or
- (b) has compounded with creditors; or
- (c) as a debtor, has otherwise taken, or applied to take, advantage of any law about bankruptcy.

15 Duration of appointment

The appointment of a director is for the term, not longer than 3 years, stated in the director's instrument of appointment.

16 Terms of appointment

(1) A director is appointed on a part-time basis.

(2) Directors are entitled to be paid the remuneration and allowances decided by the Governor in Council.

(3) A director holds office on the terms not provided in this Act that are decided by the Governor in Council.

17 Termination of appointment

The Governor in Council may, at any time, terminate the appointment of all directors, or any director, for any reason or none.

Division 4—Business and meetings of the board

18 Conduct of business

Subject to this division, the board may conduct its business, including its meetings, in the way it considers appropriate.

19 Times and places of meetings

(1) Board meetings are to be held at least once a month at the times and places the chairperson decides.

(2) However, the chairperson must call a meeting if asked, in writing, to do so by at least the number of directors forming a quorum for the board.

20 Quorum

A quorum for the board is the number equal to one-half of the number of directors or, if one-half is not a whole number, the next highest whole number.

21 Presiding at meetings

(1) The chairperson must preside at all meetings of the board at which the chairperson is present.

(2) If the chairperson is absent from a board meeting the director chosen by the members present must preside.

22 Departmental officer may attend board meetings

(1) The Minister may nominate an officer of the department to attend board meetings.

(2) The board must give the officer notice of each board meeting—

- (a) for an ordinary meeting—5 business days before the meeting; or
- (b) for another meeting—a reasonable time before the meeting.

(3) The officer may take part in board meetings but must not take part in a decision of the board.

23 Conduct of meetings

(1) A question at a board meeting is decided by a majority of the votes of the directors present.

(2) Each director present at the meeting has a vote on each question to be decided and, if the votes are equal, the director presiding also has a casting vote.

(3) A director present at the meeting who abstains from voting is taken to have voted for the negative.

(4) The board may hold meetings, or allow directors to take part in its meetings, by using any technology allowing reasonably contemporaneous and continuous communication between directors taking part in the meeting.

Major Sports Facilities Act 2001

Example of 'technology allowing reasonably contemporaneous and continuous communication'—

Teleconferencing.

(5) A director who takes part in a board meeting under subsection (4) is taken to be present at the meeting.

(6) A resolution is validly made by the board, even if it is not passed at a board meeting, if—

- (a) a majority of the board directors gives written agreement to the resolution; and
- (b) notice of the resolution is given under procedures approved by the board.

24 Minutes

The board must keep—

- (a) minutes of its meetings; and
- (b) a record of any resolutions made under section 23(6).

25 Disclosure of interests by directors

(1) This section applies to a director if—

- (a) the director has a direct or indirect interest in an issue being considered, or about to be considered, by the board; and
- (b) the interest could conflict with the proper performance of the director's duties about the consideration of the issue.

(2) As soon as practicable after the relevant facts come to the director's knowledge, the director must disclose the nature of the interest to a board meeting.

(3) Unless the board otherwise directs, the director must not—

- (a) be present when the board considers the issue; or
- (b) take part in a decision of the board about the issue.

(4) The director must not be present when the board is considering whether to give a direction under subsection (3).

(5) If there is another director who must, under subsection (2), also disclose an interest in the issue, the other director must not—

- (a) be present when the board is considering whether to give a direction under subsection (3) about the director; or
- (b) take part in making the decision about giving the direction.

(6) If—

- (a) because of this section, a director is not present at a board meeting for considering or deciding an issue, or for considering or deciding whether to give a direction under subsection (3); and
- (b) there would be a quorum if the director were present;

the remaining directors present are a quorum of the board for considering or deciding the issue, or for considering or deciding whether to give the direction, at the meeting.

(7) A disclosure under subsection (2) must be recorded in the board's minutes.

Division 5—Other provisions about Authority**26 Application of other Acts**

(1) The Authority is a statutory body within the meaning of the—

- (a) *Financial Administration and Audit Act 1977*; and
- (b) *Statutory Bodies Financial Arrangements Act 1982*.

(2) The *Statutory Bodies Financial Arrangements Act 1982*, part 2B, sets out the way in which the Authority's powers under this Act are affected by the *Statutory Bodies Financial Arrangements Act 1982*.

27 The Authority's seal

(1) The Authority's seal must be kept in the custody directed by the board and may be used only as authorised by the board.

(2) Judicial notice must be taken of the imprint of the Authority's seal appearing on a document and the document must be presumed to have been properly sealed until the contrary is proved.

28 Judicial notice of certain signatures

Judicial notice must be taken of—

- (a) the official signature of a person who is or has been the chairperson; and
- (b) the fact that the person holds or has held the office concerned.

29 Authentication of documents

(1) A document made by the Authority, other than a document that is required to be sealed, is sufficiently made if it is signed by the chairperson or a person authorised by the Authority.

(2) A document made by the Authority under seal is sufficiently made under seal if it is sealed in the way authorised under section 27(1) and signed by the chairperson or a person authorised by the Authority.

30 Delegations

(1) The Authority may delegate its powers under this Act to—

- (a) a director; or
- (b) an appropriately qualified employee of the Authority.

(2) In this section—

“appropriately qualified” includes having the qualifications, experience or standing appropriate to exercise the power.

Example of ‘standing’—

An employee’s seniority level within the staff of the Authority.

PART 3A—DECLARATORY PROVISIONS FOR REDEVELOPED SUNCORP STADIUM

30A Declaratory provision for Major Sports Facilities Authority if pt 5 has not expired

(1) This section applies if, on the commencement of this section, part 5 has not expired.

(2) It is declared that the Authority has, and from 3 December 2001 has always had, power to enter into a contract to acquire, and to acquire, from

the Stadium Redevelopment Authority, on commercial terms, and without the prior approval of the Governor in Council under section 8(3) to the exercise of the power, any land and improvements making up the facility called 'Suncorp Stadium' (formerly called 'Suncorp Metway Stadium'), or any part of the facility.

(3) Subsection (2) applies despite any other provision of this Act, but does not limit the power the Authority has under part 3, division 1 to deal with property.

30B Declaratory provision for Major Sports Facilities Authority if pt 5 has expired

(1) This section applies if, on the commencement of this section, part 5 has expired.

(2) It is declared that the Authority always had, from 3 December 2001 until the expiry of part 5, power to enter into a contract to acquire, and to acquire, from the former Stadium Redevelopment Authority, on commercial terms, and without the prior approval of the Governor in Council under section 8(3) to the exercise of the power, any land and improvements making up the facility called 'Suncorp Stadium' (formerly called 'Suncorp Metway Stadium'), or any part of the facility.

(3) Subsection (2) applies despite any other provision of this Act, but does not limit the power the Authority has under part 3, division 1 to deal with property.

30C Declaratory provision for Stadium Redevelopment Authority if pt 5 has not expired

(1) This section applies if, on the commencement of this section, part 5 has not expired.

(2) It is declared that the Stadium Redevelopment Authority has, and from 3 December 2001 has always had, power to enter into a contract to dispose of, and to dispose of, to the Authority, on commercial terms, and without the prior approval of the Governor in Council under section 39(1) to the sale of an estate in fee simple in land owned by the Stadium Redevelopment Authority, any land and improvements making up the facility called 'Suncorp Stadium' (formerly called 'Suncorp Metway Stadium'), or any part of the facility.

(3) Subsection (2) applies despite any other provision of this Act, but does not limit the power the Stadium Redevelopment Authority has under part 5, division 1 to deal with property.

(4) Also, it is declared that the Stadium Redevelopment Authority's power under subsection (2) to dispose of any part of the facility includes, and from 3 December 2001 has always included, power to dispose of the part despite the part having been acquired under an agreement under the *State Development and Public Works Organisation Act 1971*, section 134.

30D Declaratory provision for former Stadium Redevelopment Authority if pt 5 has expired

(1) This section applies if, on the commencement of this section, part 5 has expired.

(2) It is declared that the former Stadium Redevelopment Authority always had, from 3 December 2001 until the expiry of part 5, power to enter into a contract to dispose of, and to dispose of, to the Authority, on commercial terms, and without the prior approval of the Governor in Council under section 39(1) to the sale of an estate in fee simple in land owned by the former Stadium Redevelopment Authority, any land and improvements making up the facility called 'Suncorp Stadium' (formerly called 'Suncorp Metway Stadium'), or any part of the facility.

(3) Subsection (2) applies despite any other provision of this Act, but does not limit the power the former Stadium Redevelopment Authority had under part 5, division 1 to deal with property.

(4) Also, it is declared that the former Stadium Redevelopment Authority's power under subsection (2) to dispose of any part of the facility always included, from 3 December 2001 until the expiry of part 5, power to dispose of the part despite the part having been acquired under an agreement under the *State Development and Public Works Organisation Act 1971*, section 134.

PART 4—MISCELLANEOUS PROVISIONS

31 Park land

The Brisbane City Council must continue to hold the land described as Lot 2 on Registered Plan B31553, County of Stanley, Parish of South Brisbane, for public park and road purposes and for no other purpose.

32 Offences

A person must not—

- (a) be disorderly or create a disturbance on facility land; or
- (b) without the Authority's approval, enter on the part of facility land usually used by persons engaged in sport or entertainment; or
- (c) interfere with a person engaged in sport or entertainment on facility land.

Maximum penalty—20 penalty units.

33 Regulation-making power

(1) The Governor in Council may make regulations under this Act.

(2) A regulation may provide for all matters necessary for the implementation of a declaration, or the revocation of a declaration, of a major sports facility.

PART 6—REPEALS AND TRANSITIONAL PROVISIONS

Division 1—Repeal, and transitional provisions for repeal, of Lang Park Trust Act 1994

Subdivision 1—Repeal

54 Act repealed

The *Lang Park Trust Act 1994* is repealed.

Subdivision 2—Transitional provisions for repeal of Lang Park Trust Act 1994

55 Definitions for sdiv 2

In this subdivision—

“former authority” means the former Lang Park Trust.

“Redevelopment Authority” means the Stadium Redevelopment Authority established under section 34.

“repeal” means the repeal of the *Lang Park Trust Act 1994*.

“repealed Act” means the repealed *Lang Park Trust Act 1994*.

56 References to repealed Act and former authority

(1) In an Act or document, a reference to the repealed Act may, if the context permits, be taken as a reference to this Act.

(2) A reference in an Act or document to the former authority may, if the context permits, be taken as a reference to the Redevelopment Authority.

57 Redevelopment Authority is legal successor

(1) The Redevelopment Authority is the successor in law of the former authority that ceased to exist on the repeal.

(2) Sections 58 to 61 do not limit subsection (1).

58 Assets and liabilities etc.

(1) On the repeal—

- (a) assets and liabilities of the former authority immediately before the repeal vest in the Redevelopment Authority; and
- (b) any contracts entered into by or on behalf of the former authority and all guarantees, undertakings and securities given by or on behalf of the former authority, in force immediately before the repeal, are taken to have been entered into or given by or to the Redevelopment Authority and may be enforced against or by the Redevelopment Authority.

(2) On and from the repeal, property that immediately before the repeal was held on trust by the former authority is vested in the Redevelopment Authority free from the trust.

(3) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the Redevelopment Authority, record the vesting of the property under this section in the Redevelopment Authority.

59 Employee's rights and entitlements

(1) This section applies to a person who immediately before the repeal was an employee of the former authority.

(2) On the repeal, the person is taken to be employed by the Redevelopment Authority on the same conditions on which the person was employed by the former authority.

(3) Also, the person—

- (a) keeps all rights accrued or accruing to the person as an employee of the former authority; and
- (b) is entitled to receive long service, recreation and sick leave and any similar entitlements accrued or accruing to the person as an employee of the former authority; and
- (c) if the person is a member of a superannuation scheme—
 - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
 - (ii) the person's membership of the scheme is not affected.

(4) Without limiting subsection (2), if an industrial instrument under the *Industrial Relations Act 1999* applies to the person immediately before the repeal, the instrument continues to apply to the person.

(5) Subsection (4) has effect subject to the *Industrial Relations Act 1999*.

60 Proceedings

A proceeding that could have been started or continued by or against the former authority before the repeal may be started or continued by or against the Redevelopment Authority.

61 Particular interests continue

Subject to section 58(2), this Act does not affect any interest that a person had in the property of the former authority immediately before the repeal.

Division 2—Repeal, and transitional provisions for repeal of Brisbane Cricket Ground Act 1993

Subdivision 1—Repeal

62 Act repealed

The *Brisbane Cricket Ground Act 1993* is repealed.

Subdivision 2—Transitional provisions for repeal of Brisbane Cricket Ground Act 1993

63 Definitions for sdiv 2

In this subdivision—

“**former authority**” means the former Brisbane Cricket Ground Trust.

“**repeal**” means the repeal of the *Brisbane Cricket Ground Act 1993*.

“**repealed Act**” means the repealed *Brisbane Cricket Ground Act 1993*.

64 References to repealed Act and former authority

(1) In an Act or document, a reference to the repealed Act may, if the context permits, be taken as a reference to this Act.

(2) A reference in an Act or document to the former authority may, if the context permits, be taken as a reference to the Authority.

65 Authority is legal successor

(1) The Authority is the successor in law of the former authority that ceased to exist on the repeal.

(2) Sections 66 to 69 do not limit subsection (1).

66 Assets and liabilities etc.

(1) On the repeal—

- (a) assets and liabilities of the former authority immediately before the repeal vest in the Authority; and
- (b) any contracts entered into by or on behalf of the former authority and all guarantees, undertakings and securities given by or on behalf of the former authority, in force immediately before the repeal, are taken to have been entered into or given by or to the Authority and may be enforced against or by the Authority.

(2) On and from the repeal, property that immediately before the repeal was held on trust by the former authority is vested in the Authority free from the trust.

(3) The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the Authority, record the vesting of the property under this section in the Authority.

67 Employee's rights and entitlements

(1) This section applies to a person who immediately before the repeal was an employee of the former authority.

(2) On the repeal, the person is taken to be employed by the Authority on the same conditions on which the person was employed by the former authority.

(3) Also, the person—

- (a) keeps all rights accrued or accruing to the person as an employee of the former authority; and
- (b) is entitled to receive long service, recreation and sick leave and any similar entitlements accrued or accruing to the person as an employee of the former authority; and
- (c) if the person is a member of a superannuation scheme—
 - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and
 - (ii) the person's membership of the scheme is not affected.

(4) Without limiting subsection (2), if an industrial instrument under the *Industrial Relations Act 1999* applies to the person immediately before the repeal, the instrument continues to apply to the person.

(5) Subsection (4) has effect subject to the *Industrial Relations Act 1999*.

68 Proceedings

A proceeding that could have been started or continued by or against the former authority before the repeal may be started or continued by or against the Authority.

69 Particular rights and interests continue

This Act does not affect—

- (a) any membership rights that a person had to the Brisbane Cricket Ground immediately before the repeal; and
- (b) subject to section 66(2), any interest that a person had in the property of the former authority immediately before the repeal.

70 Declaration of Brisbane Cricket Ground as major sports facility

Section 4(3) does not apply to the declaration of the Brisbane Cricket Ground as a major sports facility.

Division 3—Transitional provisions for expiry of part 5¹**71 Definition for div 3**

In this division—

“former authority” means the former Stadium Redevelopment Authority.

72 References to former authority

A reference in an Act or document to the former authority may, if the context permits, be taken as a reference to the Authority.

73 Authority is legal successor

(1) *The Authority is the successor in law of the former authority that ceased to exist on the expiry of part 5.*

(2) *Sections 74 to 76 do not limit subsection (1).*

74 Assets and liabilities etc.

(1) *On the expiry of part 5—*

- (a) assets and liabilities of the former authority immediately before the expiry vest in the Authority; and*
- (b) any contracts entered into by or on behalf of the former authority and all guarantees, undertakings and securities given by or on behalf of the former authority, in force immediately before the expiry, are taken to have been entered into or given by or to the Authority and may be enforced against or by the Authority.*

(2) *The registrar of titles or other person responsible for keeping a register for dealings in property must, if asked by the Authority, record the vesting of the property under this section in the Authority.*

75 Employee’s rights and entitlements

(1) *This section applies to a person who immediately before the expiry of part 5 was an employee of the former authority.*

¹ Pt 6, div 3 (ss 71–77) had not commenced on or before the reprint date.

(2) On the expiry, the person is taken to be employed by the Authority on the same conditions on which the person was employed by the former authority.

(3) Also, the person—

- (a) keeps all rights accrued or accruing to the person as an employee of the former authority; and*
- (b) is entitled to receive long service, recreation and sick leave and any similar entitlements accrued or accruing to the person as an employee of the former authority; and*
- (c) if the person is a member of a superannuation scheme—*
 - (i) the person keeps all entitlements accrued or accruing to the person as a member of the scheme; and*
 - (ii) the person's membership of the scheme is not affected.*

76 Proceedings

A proceeding that could have been started or continued by or against the former authority before the expiry of part 5 may be started or continued by or against the Authority.

77 Declaration of Suncorp Metway Stadium as major sports facility

Section 4(3)(a) does not apply to the declaration of the Suncorp Metway Stadium as a major sports facility.

SCHEDULE**DICTIONARY**

section 3

“Authority” means the Major Sports Facilities Authority established under section 5.

“board” means the board of directors of the Authority.

“director” means a director of the Authority.

“facility land” means land on which there is a major sports facility.

“major sports facility” means a facility declared under section 4 to be a major sports facility.

ENDNOTES

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 31 May 2003. Future amendments of the Major Sports Facilities Act 2001 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	none	21 December 2001	11 January 2002 (Column discontinued) Notes
1A	to 2003 Act No. 33	29 May 2003	
1B	to 2003 Act No. 33	31 May 2003	provs exp 30 May 2003

5 List of legislation

Major Sports Facilities Act 2001 No. 84

date of assent 3 December 2001

ss 1–2 commenced on date of assent

pt 6, div 3 commences 30 September 2003 or on a day prescribed under a regulation (see ss 2(2), 53)

remaining provisions commenced 21 December 2001 (2001 SL No. 271)

amending legislation—

Major Sports Facilities Amendment Act 2003 No. 33

date of assent 29 May 2003

commenced on date of assent

6 List of annotations

PART 3A—DECLARATORY PROVISIONS FOR REDEVELOPED SUNCORP STADIUM

pt 3A (ss 30A–30D) ins 2003 No. 33 s 3

PART 5—STADIUM REDEVELOPMENT AUTHORITY

pt 5 (ss 34–53) exp 30 May 2003 (see s 53(b) and Major Sports Facilities Regulation 2002 s 3)