

## **HYTHE AND DIBDEN PARISH COUNCIL**

### **PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES**

Byelaws made by the Hythe and Dibden Parish Council under section 164 of the Public Health Act 1875, section 15 of the Open Spaces Act 1906 and sections 12 and 15 of the Open Spaces Act 1906 with respect to pleasure grounds, public walks and open spaces as listed in the Schedule to these byelaws.

#### **Interpretation**

1. In these byelaws:

“the Council” means Hythe and Dibden Parish Council;

“the ground” means each of the pleasure grounds, public walks and open spaces listed in the schedule to these byelaws.

#### **Vehicles**

2. (1) No person shall, without reasonable excuse, ride or drive a cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle in the ground, or bring or cause to be brought into the ground a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except in any part of the ground where there is a right of way for that class of vehicle.

- (2) This byelaw shall not extend to invalid carriages.

- (3) In this byelaw:

“cycle” means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle;

“invalid carriage” means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;

“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

“motor vehicle” means a mechanically propelled vehicle, not being an invalid carriage, intended or adapted for use on roads;

“trailer” means a vehicle drawn by a motor vehicle, and includes a caravan.

#### **Overnight parking**

3. No person shall, without the consent of the Council, leave or cause or permit to be left any vehicle in the ground between the hours of 10.00 p.m. and 6.00 am.

### **Horses**

4. No person shall in the ground intentionally or negligently ride a horse to the danger of any other person using the ground.
5. No person shall, except in the exercise of any lawful right or privilege, ride a horse in the ground.

### **Climbing**

6. No person shall, without reasonable excuse, climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

### **Removal of structures**

7. No person shall, without reasonable excuse, remove from or displace in the ground any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the ground.

### **Erection of structures**

8. No person shall in the ground, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

### **Children's play areas**

9. (1) No person who has attained the age of 14 years shall enter or remain in the children's play area in any of the grounds listed in the Schedule to these byelaws.  
(2) This byelaw shall not apply to any person who is **bona fide** in charge of a child under the age of 14 years.

### **Children's play apparatus**

10. No person who has attained the age of 14 years shall use any apparatus in the ground which, by a notice placed on or near thereto, has been set apart by the Council for the exclusive use of persons under the age of 14 years.

### **Trading**

11. No person shall in the ground, without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.

### **Grazing**

12. No person shall, without the consent of the Council, turn out or permit any animal to graze in the ground.

### **Protection of flower beds, trees, grass, etc.**

13. No person who brings or causes to be brought into the ground a vehicle shall wheel or park it over or upon:
  - a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or

- b) any part of the ground where the Council, by a notice placed in a conspicuous position in the ground, prohibits its being wheeled or parked.
14. No person shall in the ground enter upon:
- a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or
  - b) any part of the ground set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.

### **Removal of substances**

15. No person shall remove from or displace in the ground any stone, soil or turf, or the whole or any part of any plant, shrub or tree.

### **Games**

16. No person shall, in any area of the ground which may have been set apart by the Council for any game, play any game when the state of the ground or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the ground.

- 17.(1) No person shall in the ground play any game:

- a) so as to give reasonable grounds for annoyance to any other person in the ground; or
  - b) which is likely to cause damage to any tree, shrub or plant in the ground.
- (2) This byelaw shall not extend to any area set apart by the Council for the playing of any game.

### **Archery**

18. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of archery.

### **Field Sports**

19. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of javelin or discus throwing or shot-putting.

### **Golf**

20. No person shall in the ground drive, chip or pitch a hard golf ball, except on land set aside by the Council for use as a golf course, golf driving range, golf practice area or putting course.

### **Skateboarding and roller skating**

21. No person shall in the ground skate on rollers, skateboards, wheels or other mechanical contrivances in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons in the ground.

### **Missiles**

22. No person shall in the ground, to the danger or annoyance of any other person in the ground, throw or discharge any missile.

### **Waterways**

23. No person shall:

a) **Pollution of Waterways**

intentionally, carelessly or negligently foul or pollute any waterway comprised in the ground;

b) **Watercourses**

No person shall knowingly cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus in the ground.

### **Boats**

24. No person shall, without the consent of the Council, launch, operate or sail on any waterway comprised in the ground any boat, power craft, dinghy, canoe, sailboard, inflatable or any like craft.

### **Interference with life-saving equipment**

25. No person shall, except in case of emergency, remove from or displace in the ground or otherwise tamper with any life-saving appliance provided by the Council.

### **Aircraft**

26. No person shall, except in case of emergency or with the consent of the Council, take off from or land in the ground in an aircraft, helicopter, hang-glider or hot-air balloon.

### **Power-driven model aircraft**

27. In byelaws 28(1) and (2)

“model aircraft” means an aircraft which either weighs not more than 7 kilograms without its fuel or is for the time being exempted (as a model aircraft) from the provisions of the Air Navigation Order;

“power driven” means driven by combustion of petrol vapour or other combustible vapour or other combustible substances or by one or more electric motors or by compressed gas.

- 28.(1) No person shall without the consent of the Council release any power-driven model aircraft for flight or control the flight of such an aircraft in the ground.

- (2) No person shall without the consent of the Council cause any power-driven model aircraft to take off or land in the ground.

### **Kites**

29. No person shall without the consent of the Council fly or cause or permit to be flown any kite in such a manner as to cause a danger, nuisance or annoyance to any other person in the ground.

### **Metal detectors**

30. No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

### **Fires**

- 31.(1) No person shall in the ground intentionally light a fire, or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.

(2) This byelaw shall not apply to any event held with the consent of the Council.

### **Fishing and protection of wildlife**

- 32.(1) No person shall in the ground intentionally kill, injure, take or disturb any animal or fish or engage in hunting, shooting or fishing, or the setting of traps or nets or the laying of snares.

(2) This byelaw shall not prohibit any of the above activities which may be authorised by the Council.

### **Noise**

- 33.(1) No person shall in the ground, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:

- a) by shouting or singing; or
- b) by playing on a musical instrument; or
- c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument

cause or permit to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground.

(2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

### **Public shows, exhibitions and structures**

34. No person shall in the ground, without the consent of the Council, place or take part in any show or exhibition, or set up any swing, roundabout or other like thing.

### **Gates**

35. Where the Council indicates by a notice conspicuously exhibited on or alongside any gate in the ground that leaving that gate open is prohibited, no person having opened that gate or caused it to be opened, shall leave it open.

### **Obstruction**

36. No person shall in the ground:
- a) intentionally obstruct any officer of the Council in the proper execution of his duties;
  - b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
  - c) intentionally obstruct any other person in the proper use of the ground, or behave so as to give reasonable grounds for annoyance to other persons in the ground.

### **Savings**

- 37.(1) An act necessary to the proper execution of his duty in the ground by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.
- (2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the ground or any part thereof.

### **Removal of offenders**

38. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

### **Penalty**

39. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### **Schedule**

The grounds referred to in the byelaws are as follows:

Ash Close Play Area	Langdown Lawn Open space
Capella Gardens Play Area	Noads Way Play Area
Cathay Gardens Play Area	Orestone Copse Woodland
Challenger Way Open Space (Kiln Close)	Prospect Place Open Space
Clayfields Sports Centre	Purlieu Farm Open Space
Cleveland Drive Woodland	Purlieu House Open Space
Dibden Bottom Farm Play Area	Shore Road Playing Field
Ewart Recreation Ground	Sizer Way Open Space
Fern Hill Open Space and adjoining Woodlands	Vaughan Road Open Space
Forest Front Open Space	Village Green
	Widcombe Drive Woodland

Given under our hands and seals this twenty eighth day of September 1998

Signed M. S. Wade

L.S.

Signed Maureen McLean

L.S.

Members of Hythe and Dibden Parish Council.

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the thirtieth day of May 1999.

Signed by the authority of the Secretary of State

R. G. Evans  
Head of Unit  
Constitutional and Community Policy Directorate.

7 May 1999  
Home Office,  
London SW1

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