

Borden Parish Council

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

ARRANGEMENT OF BYELAWS

PART 1

GENERAL

1. General interpretation
2. Application

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

3. Protection of structures and plants
4. Unauthorised erection of structures
5. Grazing
6. Protection of wildlife
7. Camping
8. Fires
9. Missiles

PART 3

HORSES AND CYCLES

10. Horses
11. Cycling

PART 4

PLAY AREAS, GAMES AND SPORTS

12. Interpretation of Part 4
13. Children's play areas
14. Children's play apparatus
15. Skateboarding, etc
16. Ball games
17. Ball games - Rules
18. Cricket
19. Archery
20. Field sports
21. Golf

PART 5
MODEL AIRCRAFT

- 22. Interpretation of Part 6
- 23. Model aircraft

PART 6
OTHER REGULATED ACTIVITIES

- 24. Provision of services
- 25. Excessive noise
- 26. Public shows and performances
- 27. Aircraft, hang-gliders and hot air balloons
- 28. Kites

PART 7
MISCELLANEOUS

- 29. Obstruction
- 30. Savings
- 31. Removal of offenders
- 32. Penalty

SCHEDULE 1 - Grounds to which byelaws apply generally

SCHEDULE 2 - Rules for playing ball games in designated areas

Byelaws made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by Borden Parish Council with respect to pleasure grounds, public walks and open spaces.

PART 1 GENERAL

General Interpretation

1. In these byelaws:

"the Council" means Borden Parish Council;

"the ground" means any of the grounds listed in Schedule 1;

"designated area" means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

"invalid carriage" means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

2. These byelaws apply to all of the grounds listed in Schedule 1 unless otherwise stated.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

3. (1) No person shall without reasonable excuse remove from or displace within the ground:
- (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
- (a) any flower bed, shrub or plant,

- (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
- (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

- 4. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Grazing

- 5. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

Protection of wildlife

- 6. No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

Camping

- 7. No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping except in a designated area for camping.

Fires

- 8. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (2) Byelaw 8(1) shall not apply to:
 - (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
 - (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a properly constructed barbecue, in a designated area for barbecues.

Missiles

- 9. No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.

PART 3

HORSES AND CYCLES

Horses

10. (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

11. No person shall without reasonable excuse ride a cycle in the ground.

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

12. In this Part:

"ball games" means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

"self-propelled vehicle" means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

Children's play areas

13. No person aged 14 years or over shall enter or remain in a designated area which is a children's play area unless in charge of a child under the age of 14 years.

Children's play apparatus

14. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

Skateboarding, etc

15. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

16. No person shall play ball games in the ground except in a designated area for playing ball games in Lower Playstool Recreation Ground.

17. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule 2 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

18. No person shall throw or strike a cricket ball with a bat except in a designated area for playing cricket in Lower Playstool Recreation Ground.

Archery

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

Field sports

20. No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council.

Golf

21. No person shall drive, chip or pitch a hard golf ball.

PART 5

MODEL AIRCRAFT

Interpretation of Part 5

22. In this Part:

"model aircraft" means an aircraft which weighs not more than 7 kilograms without its fuel;

"power-driven" means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (c) one or more electric motors or by compressed gas.

General prohibition

23. No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
- (b) land in the ground without reasonably notice.

PART 6

OTHER REGULATED ACTIVITIES

Provision of services

24. No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

Excessive noise

25. (1) No person shall, after being requested to desist by any other person in the ground, make 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 by:
- (a) shouting or singing;
 - (b) playing on a musical instrument; or
 - (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 25(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

26. No person shall without the consent of the Council hold or take part in any public show or performance.

Aircraft, hang gliders and hot air balloons

27. 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.

Kites

28. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

PART 7

MISCELLANEOUS

Obstruction

29. No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
 - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) any other person in the proper use of the ground.

Savings

30. (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under 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 lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

Removal of offenders

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

Penalty

32. 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.

SCHEDULES

SCHEDULE 1

GROUND TO WHICH BYELAWS APPLY GENERALLY

The grounds referred to in byelaw 2 are:

Upper Playstool Recreation Ground
Lower Playstool Recreation Ground
The Woodland
The Nature Reserve

SCHEDULE 2

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 17)

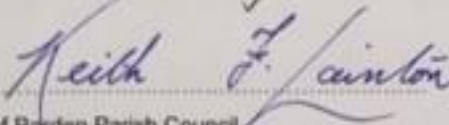
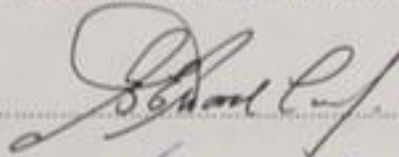
Any person using a designated area for playing ball games is required by byelaw 17 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (3), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.

- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.

In witness of which two members of the Borden Parish Council have pursuant of a resolution of the Borden Parish Council passed on 6th March 2008 find and delivered this deed:

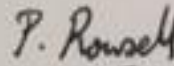
Given under our hands this 6 day of March 2008



Members of Borden Parish Council

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation one calendar month after the date of confirmation

Signed by authority of the Secretary of State



P Rowsell
Senior Civil Servant
in the Department for Communities and Local Government
LONDON, SW1E 5DU.

Date: 5 March 2009