

MICHELMERSH & TIMSBURY PARISH COUNCIL

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

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SCHEDULE 1 – Grounds to which byelaws apply generally

Byelaws made under sections 12 and 15 of the Open Spaces Act 1906 by the MICHELMERSH & TIMSBURY PARISH COUNCIL with respect to TIMSBURY RECREATION GROUND AND ADJACENT POCKET PARK WITH HAYCROFT COPSE.

PART 1

GENERAL

General Interpretation

1. In these byelaws:

‘the Council’ means MICHELMERSH & TIMSBURY 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.

PART 2

PROTECTION OF THE GROUNDS, 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 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.

Climbing

5. 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.

Grazing

6. 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

7. 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

8. 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.

Fires

9. (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 9 (1) shall not apply to:
The lighting of a fire at any event for which the Council has given permission that fires may be lit.

Missiles

10. 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.

Interference with life-saving equipment

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

PART 3

HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

12. In this Part.
'designated route' means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position.

‘motor cycle’ means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms.

‘motor vehicle’ means any mechanically propelled vehicle other than a motor cycle or invalid carriage;

‘trailer’ means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

13. (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.

Motor vehicles

14. No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle, or trailer except in any part of the ground where there is a right of way for that class of vehicle.

Overnight parking

15. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10pm and 6am.

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

16. 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 apparatus

17. 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

18. No person shall skate, slide, or ride on roller, skateboards or other self –propelled vehicles in such a manner as to cause danger or give reasonable ground for annoyance to other persons.

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 or discus or shot except in connection with an even organised by or held with the consent of the Council (or on land set aside by the Council for that purpose).

Golf

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

PART 5

OTHER REGULATED ACTIVITIES

Provision of services

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

Excessive noise

23. (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 on 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, CD player or similar device.
- (2) Byelaw 34 (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

24. 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

25. 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

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

Metal detectors

27. 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.

PART 6

MISCELLANEOUS

Obstruction

28. 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

29. (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

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

Penalty

31. 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.

Revocation

32. The byelaws made by MICHELMERSH & TIMSBURY PARISH COUNCIL on _____ (date) and confirmed by TEST VALLEY BOROUGH COUNCIL on _____ (date) relating to the ground are hereby revoked.

SCHEDULES

SCHEDULE 1

GROUND TO WHICH BYELAWS APPLY (GENERALLY)

The grounds referred to in byelaw 2 are:

TIMSBURY RECREATION GROUND, MANNYNGHAM WAY AND POCKET PARK WITHIN HAYCROFT COPSE, MANNYNGHAM WAY, TIMSBURY, HAMPSHIRE

