

APPENDIX 3

These Model Byelaws should be read in conjunction with the Guidance Notes for Model Byelaw Set 2

MODEL BYELAWS – SET 2

Gedling Borough Council

BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

ARRANGEMENT OF BYELAWS

PART 1 GENERAL

1. General Interpretation
2. Application
3. Opening times

PART 2 PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

4. Protection of structures and plants
5. Unauthorised erection of structures
6. Grazing
7. Protection of wildlife
8. Gates
9. Camping
10. Fires
11. Missiles
12. Interference with life-saving equipment

PART 3 HORSES, CYCLES AND VEHICLES

13. Interpretation of Part 3
14. Horses
15. Cycling
16. Motor vehicles
17. Overnight parking

PART 4 PLAY AREAS, GAMES AND SPORTS

18. Interpretation of Part 4
19. Children's play areas
20. Children's play apparatus
21. Skateboarding Etc.
22. Ball games
23. Cricket

24. Archery
25. Field Sports
26. Golf

PART 5
WATERWAYS

27. Interpretation of Part 5
28. Bathing
29. Ice Skating
30. Model Boats
31. Boats
32. Fishing
33. Pollution of waterways
34. Blocking of watercourses

PART 6
MODEL AIRCRAFT

35. Interpretation of Part 6
36. General prohibition

PART 7
OTHER REGULATED ACTIVITIES

37. Trading
38. Excessive noise
39. Public shows and performances
40. Aircraft, hand-gliders and hot-air balloons
41. Kites
42. Metal detectors

PART 8
MISCELLANEOUS

43. Obstruction
44. Savings
45. Removal of offenders
46. Penalty

SCHEDULE 1
List of Grounds

PART 1-4

PART 5

SCHEDULE 2
Rules for Playing Ball Games in Designated Areas

Byelaws made under [section 164 of the Public Health Act 1875 / section 15 of the Open Spaces Act 1906 / sections 12 and 15 of the Open Spaces Act 1906] by the Council of *Gedling Borough* with respect to pleasure grounds, public walks and open spaces.

PART 1

GENERAL

General Interpretation

1. In these byelaws:

“the Council” means the Council of *Gedling Borough*;

“the ground” means any of the grounds listed in the Schedule;

“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 areas listed in Schedule 1 unless otherwise stated.

Opening times

3.—(1) No person shall enter or remain in the ground except during opening hours.

(2) “Opening hours” means the days and times during which the ground is open to the public indicated by a notice placed in a conspicuous position at the entrance to the ground.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

4.—(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

5. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any 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 nets or the laying of snares.

Gates

8.—(1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.

(2) Byelaw 9(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

Camping

9. 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

10.—(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 11(1) shall not apply to:

- (a) any event at which the Council has given permission that fires may be lit[;
- (b) the use in a designated area for camping of a properly constructed camping stove or barbecue in such a manner as to safeguard against damage to the ground or danger to any person.]

Missiles

11. 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

12. 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

13. In this Part:

“designated route” means a route in or through the grounds which is set aside for a specified purpose, that route and its 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 a 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

14.—(1) No person shall ride a horse in the ground except in the exercise of a lawful right or privilege.

(2) In any part of the ground where horseriding 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.

(3) Byelaw 16(1) only applies to the grounds listed in Part 2 of Schedule 1.

Cycling

15. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is right of way for cycles [or on a designated route for cycling].

Motor vehicles

16.—(1) 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

17. No person shall without the consent of the Council leave or cause or permit to be left any motor cycle, motor vehicle or trailer in the ground between the hours of 12 midnight and 6 a.m..

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

18. 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;

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“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

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

Children’s play apparatus

20. 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.

21. 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

22.-(1) No person shall play ball games in the ground except in a designated area for playing ball games.

(2) 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

23. No person shall throw or strike with a bat a cricket ball except in a designated area for playing cricket.

Archery

24. 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

25. 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 [or on land set aside by the Council for the purpose].

Golf

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

PART 5

WATERWAYS

Interpretation of Part 5

27. In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool, or other body of water, and includes any fountain.

Bathing

28. No person shall without reasonable excuse bathe or swim in any waterway [except in a designated area for bathing and swimming].

Ice Skating

29. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model Boats

30. No person shall operate a power-driven model boat on any waterway

Boats

31. No person shall sail or operate any boat[, dinghy, canoe, sailboard, or inflatable] on any waterway without the consent of the Council

Fishing

32. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals.

Pollution of waterways

33. No person shall foul or pollute any waterway.

Blocking of watercourses

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

PART 6

MODEL AIRCRAFT

Interpretation of Part 6

35. In this Part—

“model aircraft” means an aircraft which weights not more than 7 kilograms without its fuel;

“power-driven” means driven by—

- (a) the combustion of petrol vapour or other combustible substances;
- (b) by 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) by one or more electric motors or by compressed gas].

“radio-control” means control by a radio signal from a wireless transmitter or similar device.

General prohibition

36. 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 reasonable excuse.

PART 7

OTHER REGULATED ACTIVITIES

Trading

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

Excessive noise

38. —(1) No person shall, after being requested to desist by any other person in the grounds:

- (a) by playing on a musical instrument; or

- (b) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device,

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.

(2) Byelaw 38(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

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

Aircraft, hand-gliders and hot-air balloons

40. 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, hand-glider or hot-air balloon.

Kites

41. 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

42.—(1) 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.

(2) Byelaw 42(1) shall not apply to land which is not flower and shrub beds, woodland and close mown grass.

PART 8

MISCELLANEOUS

Obstruction

43. No person shall—

- (a) obstruct any officer of the Council in the proper execution of his duties;
- (b) obstruct any person carrying out an act which is necessarily to the proper execution of any contract with the Council; or
- (c) obstruct any other person in the proper use of the ground.

Savings

44. –(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 done in or 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

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

Penalty

46. 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 1

List of Grounds

The grounds referred to in byelaw 3 are as follows:

PARTS 1-4

Arnold

Bestwood Recreation Ground, Woodchurch Road
Edison Way Recreation Ground Open Space, Edison Way
Burnstump County Park, Burnstump Hill (off A60)

Carlton

Kingsley drive Recreation Open Space, Kingsley Drive
Deabill Street Play Area, Deabill Street
College Road Recreation Open Space, College Road
Midland wood, Oakdale Road, Carlton

Colwick

Furzebrook Road Open Space

Gedling

Gedling House woods, Wood Lane

Netherfield

Victoria Park Recreation Ground, Teale Close

Newstead

Newstead Tilford Road Youth Area, Tilford Road

PART 5

Arnold
Burnstump Country Park, Burnstump Hill (Off A60)

SCHEDULE 2

Rules for Playing Ball Games in Designated Areas

Byelaw 29

Any person using a designated area for playing ball games must comply with the following rules:

(3) No person shall play any game other than those ball games for which the area has been set aside.

(4) No person shall obstruct any other person who is playing in accordance with these rules.

(5) Where exclusive use has been granted to a person or group of persons by the Council for a specified period, no other person shall play during that period.

(6) Subject to paragraph (5), where the area is already in use by any person their permission to play must be sought by any other person wishing to play.

(7) Except where they have been granted exclusive use by the Council for more than two hours, any person using the area shall vacate it if they have played continuously for two hours or more and know that any other person wishes to use the area.

(8) No person shall play when a notice has been placed in a conspicuous position by the Council prohibiting play in that area of the ground.