

BYELAWS

PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

SHEPWAY DISTRICT COUNCIL

MADE: 31 July 1996

CONFIRMED: 8 November 1996

OPERATIVE: 2 December 1996

SHEPWAY DISTRICT COUNCIL

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

Interpretation

1. In these byelaws:

“the Council” means the District Council of Shepway;

“the ground” means each of the grounds listed in the Schedule to these byelaws.

Opening times

2. On any day on which the ground known as Kingsnorth Gardens is open to the public, no person shall enter it before the time, or enter or remain in it after the time, indicated by a notice placed in a conspicuous position at the entrance to the ground.

Vehicles

3. (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) If the Council has set apart a space in the ground for use by vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart, or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the ground.

(3) This byelaw shall not extend to invalid carriages.

(4) 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, intended or adapted for use on roads;

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

Climbing

4. 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

5. 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 of maintenance of the ground.

Erection of structures

6. 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.

Trading

7. 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

8. 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

9. 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.
10. 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.

Games

11. Where the Council has, by a notice placed in a conspicuous position in the ground, set apart an area in the ground for the playing of such games as may be specified in the notice, no person shall:
 - (a) play in such an area any game other than the game for which it has been set apart;
 - (b) use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; or
 - (c) play any game so specified in any other part of the ground in such a manner as to exclude any person not playing the game from the use of that part.
12. 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.

13. (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.

Boats

14. 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.

Bathing and pollution of water

15. No person shall in the ground:
- (a) bathe, wade or wash in any ornamental lake, pond, stream or other water; or
 - (b) intentionally, carelessly or negligently foul or pollute any such water.

Protection of wildlife

16. (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 fishing which may be authorised by the Council.

Obstruction

17. 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

18. (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

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

Penalty

20. 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

21. The byelaws made by the Council on 19 May 1993 and confirmed by Secretary of State for the Home Department on 29 September 1993 relating to the grounds are hereby revoked.

SCHEDULE

The grounds referred to in byelaw 1 are as follows:

PART 1

under section 164 of the Public Health Act 1875:

Cheriton Recreation Ground)	
Kingsnorth Gardens)	Folkestone
Lower Sandgate Road)	Kent
Radnor Park)	
Sandgate Recreation Ground)	
South Street Gardens)	
Sports Ground, Cheriton Road)	Folkestone
The Bayle Gardens)	Kent
The Leas and Cliff)	
The Stade and Coronation Walk)	
The Royal Military Canal and Land)	
adjoining thereto from the West Hythe)	
Dam to Seaview Bridge/Seabrook outfall,)	
including)	Hythe
The Grove)	Kent
Lucy's Avenue)	
Wakefield Walk)	
Ladies' Walk)	

PART 2

under sections 12 and 15 of the Open Spaces Act 1906:

Canterbury Road Recreation Ground, Folkestone, Kent; Morehall Recreation Ground, Folkestone, Kent.

THE COMMON SEAL of THE DISTRICT)
COUNCIL OF SHEPWAY was on the 31 day)
of July 1996 hereunto affixed in the)
presence of:-

(sgd) K D Hudson
Chairman

L.S.

(sgd) P J Wignall
Chief Assistant Solicitor

The foregoing byelaws are
hereby confirmed by the
Secretary of State and shall
come into operation on the 2
day of December 1996.

Signed by authority of the Secretary of State

R G Evans
Head of Unit
Constitutional and Community Policy Directorate

8 Nov 1996

I, Ronald James, Thompson, the Proper Officer of the District Council of Shepway ("The Authority") hereby certify pursuant to S238 of the Local Government Act 1972

- (a) these byelaws were made by the Authority
- (b) that this copy is a true copy of the byelaws
- (c) that on the 8 November 1996 the byelaws were confirmed by the Secretary of State for the Home Department
- (d) the date fixed by the Secretary of State for the coming into operation of the byelaws was 2 December 1996

R J Thompson
Chief Executive