

Note:

Typing/deletions in red are what are proposed

Typing/deletions in green are what was included in the previous draft which was submitted to the Secretary of State but not agreed.

Formatting and paragraph numbers will be done once Council agree content.

MODEL BYELAWS – SET 2

Marden Parish Council

**BYELAWS FOR PLEASURE GROUNDS, PUBLIC
WALKS AND OPEN SPACES**

ARRANGEMENT OF BYELAWS

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- ~~3. [Application]~~
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SCHEDULE [1] - Grounds to which byelaws apply generally

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SCHEDULE [3] - 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 **Marden Parish Council** with respect to **its** pleasure grounds, public walks and open spaces.

PART 1 GENERAL

General Interpretation

1. In these byelaws:

Select from the following list only terms to be used in the byelaws which the Council proposes to adopt:

“the Council” means **Marden 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 *insert name of ground or a description of its location* / *all of the grounds listed in [the Schedule/Schedule 1]*.~~

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

Opening times

4. (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 and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.
- (3) Byelaw [4(1)] applies only to the grounds listed in Schedule [2].

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Interpretation of Part 2

In this Part:

"Sky lantern" means any unmanned device which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere

Protection of structures and plants

- 5. (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

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

Climbing

- 7. 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

8. No person shall without the consent of the Council turn out or permit any animal for which they are responsible to graze in the ground.

Protection of wildlife

9. 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.

Gates

10. (1) No person shall leave open any gate to which this byelaw applies and which that person has opened or caused to be opened.
- (2) Byelaw 10(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

11. 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

- 12.
- (1) No person shall:
- (a) light a barbeque or other fire; or
 - (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or
 - (c) release a lighted sky lantern into the atmosphere.
- (2) Byelaw (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;
 - [(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

13. 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

14. 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.

Graffiti

- ~~15. A person shall not carelessly or negligently deface, injure or destroy wilfully or carelessly or negligently soil or defile any wall, fence or hedge in, or enclosing, the grounds or any building, barrier, railing, post or seat, or any erection, equipment or ornament on the ground.~~

Fireworks

16. ~~A person shall not, without the consent of the Council, or other lawful authority, set off or discharge any firework.~~

PART 3

HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

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;~~

“electrically assisted pedal cycle or e-scooter” means an electrically assisted pedal cycle or e-scooter that may be lawfully ridden on a public road;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, an electrically assisted pedal cycle or e-scooter, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than an electrically assisted pedal cycle or e-scooter, motor cycle or an invalid carriage;

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

Horses

~~Horse riding permitted~~

17. ~~No person shall ride a horse in the ground in such a manner as to cause danger to any other person.~~

~~Horse riding prohibited except in certain grounds (subject to bridleway, etc)~~

18. (1) ~~No person shall ride a horse except:~~

~~(a) in any of the grounds listed in Part [3] of Schedule [2]; or~~

~~(b) in the exercise of a lawful right or privilege.~~

~~(2) Where horse riding is permitted in any ground by virtue of byelaw [17](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.~~

~~Horse riding prohibited (subject to bridleway, etc)~~

19. (1) No person shall without the consent of the Council ride or lead a horse in such a manner as to cause danger or give reasonable grounds for annoyance to any other person. ~~except in the exercise of a lawful right or privilege.~~

(2) Where consent has been given under Byelaw ... (1), no person shall ride a horse in 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 or give reasonable grounds for annoyance to any other person.

Horse riding prohibited except on designated route (subject to bridleway, etc)

20. ~~(1) No person shall ride a horse except:~~

~~_____ (a) on a designated route for riding; or~~

~~_____ (b) in the exercise of a lawful right or privilege.~~

~~_____ (2) Where horse riding is permitted by virtue of byelaw [18](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.~~

Cycling and e-scooters

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

(1) [Outside the designated areas,] No person shall ride a cycle or e-scooter on any part of the ground listed in Schedule [2] footway or carriageway in such a manner as to cause danger or give reasonable grounds for annoyance to other persons. using the footway or carriageway.

(2) An electrically assisted pedal cycle or e-scooter may only be ridden in the ground listed in Schedule [2] with the electrical assistance switched off.

(3) No person shall without reasonable excuse ride a cycle or e-scooter in any other ground.

Motor vehicles

22. (1) No person shall without the consent of the Council 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 [or a designated route] for that class of vehicle.

(2) Where consent has been given under Byelaw ... (1) no person shall drive in the ground a motor cycle, motor vehicle or trailer in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

~~(2) [Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route].~~

Overnight parking

23. 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 10 p.m. and 6 a.m.

PART 4

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

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

~~24. 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.~~

No person aged over the age specified in Schedule [3] shall enter or remain in a designated area which is a children’s play area unless in charge of a child aged no more than specified in Schedule [3].

Children’s play apparatus

25. 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.

No person aged over the age specified in Schedule [3] shall use any apparatus stated to be for the exclusive use of persons with the maximum age specified in Schedule [3] and as indicated by a notice conspicuously displayed on or near the apparatus.

Skateboarding, etc Self-propelled vehicles

~~Skateboarding, etc permitted but must not cause danger or annoyance~~

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

~~Skateboarding, etc permitted only in designated area~~

~~27. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities.~~

~~(2) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.~~

Ball games

Prohibition of ball games

~~28. No person shall play ball games in the ground.~~

Ball games permitted only in designated areas

~~29. No person shall play ball games in the ground except in a designated area for playing ball games.~~

Ball games permitted throughout the ground but designated area for ball games also provided

30. No person shall play ball games outside a designated area for playing ball games in such a manner:
- (a) as to exclude persons not playing ball games from use of that part;
 - (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
 - (c) which is likely to cause damage to any tree, shrub or plant in the ground.

Rules (to be used with model byelaw 28 or 29)

31. 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 [4] and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

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

Archery

33. 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

34. 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 that purpose].

Golf

~~Golf prohibited [except where part of ground is set aside as golf course]~~

35. No person shall drive, chip or pitch a hard golf ball ~~except on the golf course~~.

~~Where part of ground is set aside as a golf course~~

~~36. (1) No person shall play golf on the golf course unless that person holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council.~~

~~(2) No person shall enter on to or remain on the golf course unless:~~

~~(a) taking part in the game of golf or accompanying a person so engaged; or~~

~~(b) doing so in the exercise of a lawful right or privilege.~~

~~(3) No person shall offer his service for hire as an instructor on the golf course without the consent of the Council.~~

PART 5

WATERWAYS

Interpretation of Part 5

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

- ~~37. No person shall without reasonable excuse bathe or swim in any waterway [except in a designated area for bathing and swimming].~~

Ice skating

- ~~38. No person shall step onto or otherwise place their weight upon any frozen waterway.~~

Model boats

- ~~39. No person shall operate a power driven model boat on any waterway [except in a designated area for model boats].~~

Boats

~~To prohibit use of boats [and if appropriate a wider category of vessels] without permission [except in designated areas]~~

- ~~40. No person shall sail or operate any boat, [dinghy, canoe, sailboard or inflatable] on any waterway without the consent of the Council [except in a designated area for the sailing or operation of boats].~~

~~In areas where use of boats is common~~

- ~~41. (1) No person shall on any waterway sail or operate any boat which is not registered with the Council.~~

~~(2) A boat is registered for the purposes of byelaw 39(1) when the owner has made a written application to the Council and the Council has:~~

~~(a) entered the name and address of the owner, a general description of the boat and the serial number of the registration in a register kept by an authorised officer of the Council; and~~

~~(b) issued to the owner a certificate of registration incorporating these particulars.~~

Fishing

~~42. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals [except in a designated area for fishing].~~

Blocking of watercourses

~~43. No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.~~

PART 6

MODEL AIRCRAFT

Interpretation of Part 6

In this Part:

“model aircraft” means an unmanned 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.

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

General prohibition

44. 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.

~~Model aircraft permitted in certain grounds [on specified days at specified times]~~

~~45. Byelaw 42 does not apply to the grounds listed in [Part [5] of Schedule 2] / [column 1 of the table in Part [6] of Schedule [2] on the days and times indicated for each ground in column 2 of that table].~~

~~Model aircraft permitted in designated areas~~

~~46. 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; or~~

~~(b) land in the ground without reasonable excuse;~~

~~other than in a designated area for flying model aircraft.~~

~~Model aircraft subject to certain control~~

~~47. Byelaw [42]/[44] does not apply to any model aircraft which is [attached to a control line]/[kept under effective radio control].~~

~~Quieter types of model aircraft permitted~~

~~48. Byelaw [42]/[44] does not apply to any model aircraft which:~~

~~(a) gives a noise measurement of not more than 82 dB(A) when measured at a distance of 7 metres from the aircraft in accordance with the Code of Practice issued under the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981; and~~

~~(b) where it is reasonably practicable to fit, fitted with an effectual silencer or similar device.~~

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

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

Excessive noise

50. (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 any other persons in the ground or neighbouring properties 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 48(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

- 51. 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

- 52. 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

- 53. 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

- 54. (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 52(1) shall not apply to [insert name or description of land].~~

Miscellaneous Nuisances

~~55. A person shall not on the ground:~~

- ~~(1) beat, shake, sweep, brush or cleanse any carpet, drugget, rug or mat or any other fabric retaining the dust or dirt; or~~
- ~~(2) hang, spread or deposit any linen or other fabric for drying or bleaching.~~

PART 8

MISCELLANEOUS

Obstruction

- 56. No person shall obstruct:
 - (a) any officer of the Council in the proper execution of ~~his~~ **their** 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

57. (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

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

Penalty

59. 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

~~60. The byelaws made by *insert name* on *insert date* and confirmed/approved by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked.~~

~~*Limited revocation to preserve byelaws relating to dogs*~~

~~61. Byelaws *insert numbers of byelaws being revoked* made by *insert name* on *insert date* and confirmed by *insert name of confirming authority* on *insert date of confirmation* relating to the ground are hereby revoked~~

SCHEDULES

SCHEDULE [1]

GROUNDS TO WHICH BYELAWS APPLY GENERALLY

The grounds referred to in byelaw [2]/[3] are:

- Marden Playing Field
- Southons Field

SCHEDULE [2]

GROUNDS REFERRED TO IN CERTAIN BYELAWS

OPENING HOURS (BYELAW)

- Southons Field:
 - April to August – 7am to 8pm
 - September to October – 7am to 7pm
 - November to January – 8am to 4pm
 - February and March – 8am to 6pm (or dusk if earlier)

CYCLING (BYELAW)

- Marden Playing Field

SCHEDULE [3]

RULES FOR AGE RESTRICTIONS (BYELAWS)

- Marden Playing Field – Main Play Area:
 - 14 years
- Marden Playing Field – Napoleon Drive Play Area:
 - 10 years

~~PART [2]~~

~~HORSE RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS (SUBJECT TO BRIDLEWAY, ETC) (BYELAW [17](1))~~

...

~~PART [3]~~

~~USE OF MODEL AIRCRAFT PERMITTED ON SPECIFIED DAYS AT SPECIFIED TIMES (BYELAW [48])~~

Name or description of ground	Days and times at which use of model aircraft is permitted
Park E	

SCHEDULE [4]

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW [31])

Any person using a designated area for playing ball games is required by byelaw [31] 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 (5), 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.