

Byelaws
for
Pleasure Grounds
and
Open Spaces

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EASTLEIGH BOROUGH COUNCIL

Byelaws made by Eastleigh Borough Council under section 164 of the Public Health Act 1875, section 15 of the Open Spaces Act 1906 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 Eastleigh Borough Council;

"the ground" means each of the grounds named in the Schedule attached to these byelaws.

Vehicles

2. (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, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

"motor vehicle" 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

3. 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

4. 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 or maintenance of the ground.

Erection of structures

5. 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

6. 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

7. 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

8. 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.
9. 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

10. 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.

11. 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.
12. (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.

Golf

13. No person shall in the ground drive, chip or pitch a hard golf ball, except on land set aside by the Council for use as a golf course, golf driving range, golf practice area or putting course.

Missiles

14. No person shall in the ground, to the danger or annoyance of any other person in the ground, throw or discharge any missile.

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.

Noise

16. (1) No person in the ground shall, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:
 - (a) by shouting or singing;
 - (b) by playing on a musical instrument; or
 - (c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument;

cause 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) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of 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 16 May 1973 and confirmed by the Secretary of State for the Home Department on 24 September 1973 relating to the grounds are hereby revoked.

SCHEDULE

The grounds referred to in byelaw 1 are as follows:

Bishopstoke

Bishopstoke Playing Field
 Edward Avenue Open Space
 (formerly Edward Avenue)
 Glebe Meadow
 Stoke Common Open Space
 (formerly Stoke Common)
 Templecombe Road
 Otter Close Open Space

Chandlers Ford

Carthage Close Open Space
 (formerly Carthage Close)
 Fryern Hill Recreation Ground
 (formerly Fryern Hill)
 Hiltingbury Playing Field
 Hiltingbury Lakes (formerly The Lakes)
 Lincolns Valley Open Space
 (formerly Lincolns Valley)
 Marion Kennedy Open Space
 (formerly Pine Road)
 Oakmount Road Open Space (formerly Oakmount)
 Pennine Way Recreation Ground
 Westwood Gardens Open Space
 (formerly Westwood Gardens)

Eastleigh

Allbrook Hill Open Space
(formerly Allbrook Hill)
Derby Road Recreation Ground
Doncaster Farm Playing Fields
Fleming Park - incl Golf Course
Lakeside
Lawn Road
(formerly St Lawrence Recreation Ground)
Leigh Road Recreation Ground
(formerly Leigh Road)

Hamble-le-Rice

College Playing Fields

West End

Monarch Way Open Space (tumulus)
Moorgreen Road Open Space (tumulus)
West End Copse

Fair Oak

Dean Road
Knowle Hill
Lapstone Farm Playing Fields
Ormond Close Open Space

Hedge End

Little Hats Recreation Ground
Locke Road Play Area
Shamblehurst Village Green
Turnpike Way Playing Fields
Wildern Nature Park

The foregoing byelaws were made by Eastleigh Borough Council pursuant to due notice and the Common Seal of the Council was hereunto affixed this fourth day of July 1996.

in the presence of



N R SMITH
Borough Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the twenty-ninth day of June 1997.

Signed by authority of the Secretary of State



R G EVANS
Head of Unit
Constitutional and Community Policy Directorate

6 June 1997
Home Office
London SW1

These byelaws are a true copy of the byelaws as confirmed.