

RUSHMOOR BOROUGH COUNCIL

PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

Byelaws made by the Rushmoor Borough Council under Section 164 of the Public Health Act 1875 and Sections 12 and 15 of the Open Spaces Act 1906 with respect to those pleasure grounds, public walks and open spaces referred to in Schedule A to these byelaws.

INTERPRETATION

1. In these byelaws:

"the Council" means Rushmoor Borough Council;

"the ground" means any of the grounds or children's play areas listed in Schedule A to the byelaws.

VEHICLES

- 2 (1)(i) No person shall, without reasonable excuse, ride or drive a motor cycle, motor vehicle or any other mechanically propelled vehicle (other than a cycle) 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.
- (ii) No person shall, without reasonable excuse, ride a cycle, except in any part of the ground where there is a right of way for cycles, or along such routes as may be fixed by the Council and indicated by signs placed in conspicuous positions in the ground.
- (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) These byelaws shall not extend to invalid carriages.
- (4) In these byelaws:

"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, whether or not intended or adapted for use on roads, 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, whether or not intended or adapted for use on roads, not being an invalid carriage;

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

OVERNIGHT PARKING

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

HORSES

4. (1) No person shall, except in the exercise of any lawful right or privilege, ride a horse in the ground.
- (2) In any part of the ground where by any lawful right or privilege horse riding is permitted, no person shall intentionally or negligently ride a horse to the danger of any other person using the ground.

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.

REMOVAL OF STRUCTURES

6. 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

7. 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.

CAMPING

8. No person shall in the ground, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping, except in any area which may be set apart and indicated by notice as a place where camping is permitted.

FIRES

9. (1) No person shall in the ground intentionally light a fire, or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.
- (2) This byelaw shall not apply to any event held with the consent of the Council.

CHILDREN'S PLAY AREAS

- 10.1 (1) No person who has attained the age of 14 years shall enter or remain in the children's play areas in any of the grounds listed in Schedule A to these byelaws.
- (2) This byelaw shall not apply to any person who is bona fide in charge of a child under the age of 14 years.

CHILDREN'S PLAY APPARATUS

11. No person who has attained the age of 14 years shall use any apparatus in the ground which, by a notice placed on or near thereto, has been set apart by the Council for the exclusive use of persons under the age of 14 years.

BALL GAMES

12. No person shall play or take part in any ball game in the Princes Garden, Aldershot.

GAMES

13. 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;
 - (d) when the area is already occupied by other players, begin to play thereon without their permission;
 - (e) where the exclusive use of the area has been granted by the Council for the playing of a match, play on that area later than a quarter of an hour before the time fixed for the beginning of the match unless taking part therein, or

- (f) except where the exclusive use of the area has been granted by the Council for the playing of a match in which he is taking part, use the area for a longer time than two hours continuously, if any other player or players make known to him a wish to use the area.
14. 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.
15. (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.

TRADING

16. 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 or provide or offer to provide any service for which a charge is made.

GRAZING

17. 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

18. 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.
19. 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.

REMOVAL OF SUBSTANCES

20. No person shall remove from or displace in the ground any stone, soil or turf, or the whole or any part of any plant, shrub or tree.

ARCHERY

21. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of archery.

FIELD SPORTS

22. No person shall in the ground, except in connection with an event organised by or held with the consent of the Council, engage in the sport of javelin or discus throwing or shot-putting.

GOLF

23. 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.

CRICKET

24. No person shall use any cricket ball in any part of Osborne Road Recreation Ground.

SKATEBOARDING AND ROLLER SKATING

25. No person shall in the ground skate, slide or ride on rollers, skateboards, wheels, mechanical contrivances or equipment in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons in the ground.

MISSILES

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

WATERWAYS

27. No person shall:

BATHING

- (a) without reasonable excuse, bathe or swim in any waterway comprised in the ground except in an area where a notice exhibited by the Council permits bathing and swimming;

POLLUTION OF WATERWAYS

- (b) intentionally, carelessly or negligently foul or pollute any waterway comprised in the ground;

WATERCOURSES

- (c) knowingly cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus in the ground.

ICE SKATING

28. No person shall in the ground go or remain upon any ice or frozen body of water.

MODEL BOATS

29. (1) No person shall operate or sail on any waterway comprised in the ground any power-driven model boat, except in any area where a notice exhibited by the Council permits the use of such boats.
- (2) In this byelaw, "power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances.

BOATS AND MODEL BOATS

30. No person shall, without the consent of the Council, place on any lake or other waterway comprised in the ground, any boat other than a model yacht or toy boat.

INTERFERENCE WITH LIFE-SAVING EQUIPMENT

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

AIRCRAFT

32. 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.

POWER-DRIVEN MODEL AIRCRAFT

33. In byelaw 34:

"model aircraft" means an aircraft which weighs not more than 7 kilograms without its fuel;

"power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances or by one or more electric motors or compressed gas;

34. (1) No person shall in the ground, without the consent of the Council, release any power-driven model aircraft for flight or control the flight of such an aircraft.
- (2) No person shall, without the consent of the Council, cause any power-driven model aircraft to take off or land in the ground.

KITES

35. No person shall in the ground fly or cause or permit to be flown any kite in such a manner as to cause a danger, nuisance or annoyance to any other person in the ground.

METAL DETECTORS

36. No person shall on the land, without the consent of the Council, use any device designed or adapted for detecting or locating any metal or mineral in the ground.

FISHING AND PROTECTION OF WILDLIFE

37. (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.

NOISE

38. (1) No person shall in the ground, 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.

PUBLIC SHOWS AND PERFORMANCES

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

EXHIBITIONS AND STRUCTURES

40. No person shall in the ground, without the consent of the Council, place or take part in any exhibition, or set up any swing, roundabout or other like thing.

GATES

41. Where the Council indicates by a notice conspicuously exhibited on or alongside any gate in the ground that leaving that gate open is prohibited, no person having opened that gate or caused it to be opened, shall leave it open.

OBSTRUCTION

42. 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

43. (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

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

PENALTY

45. 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

46. (1) The byelaws made by Aldershot Urban District Council on 4 October 1922 and confirmed by the Minister of Health on 26 October 1922 relating to Aldershot Manor, Aldershot Park, Municipal Gardens and Recreation Ground are hereby revoked.
- (2) The byelaws made by Aldershot Borough Council on 26 September 1968 and confirmed by the Secretary of State on 29 November 1968 relating to Rowhill Copse and Hallimore Hill are hereby revoked.
- (3) The byelaws made by the Urban District Council of Farnborough on 10 April 1964 and confirmed by the Secretary of State on 26 June 1964 relating to the pleasure grounds at King George V Playing Field, Osborne Road, Queen Elizabeth Park, Queens Road, Rectory Road and Cove Green are hereby revoked.
- (4) The byelaws made by the Urban District Council of Farnborough on 11 October 1967 and confirmed by the Secretary of State for the Home Department on 16 December 1967 relating to pleasure grounds at King George V Playing Field, Osborne Road, Queen Elizabeth Park, Queens Road, Rectory Road and Cove Green are hereby revoked.
- (5) Byelaws made by the Urban District Council of Farnborough on 7 September 1965 and confirmed by the Secretary of State for the Home Department on 9 November 1965 in respect of Moor Road Recreation Ground are hereby revoked.

SCHEDULE A

The grounds and children's play areas referred to in byelaw 1 are as follows:

PARKS, GARDENS, AND RECREATION GROUNDS

Aldershot High Street Recreation Ground, High Street, Aldershot
Aldershot Park, Guildford Road, Aldershot
Blunden Hall Recreation Ground, Blunden Road, Farnborough
Brickfields Park, Boxalls Lane, Aldershot
Cove Green Recreation Ground, Prospect Road, Farnborough
Cove Brook Greenway, Cove Brook, Farnborough
Cove Brook Environmental Area, Cheyne Way, Farnborough
Farnborough Community Area, Kingsmead, Farnborough
Farnborough Gate Sports Complex, Ringwood road, Farnborough
Farnborough Old Town Hall, Alexandra Road/Guildford Road West, Farnborough
Hallimore Hill
Hollybush Park, Hollybush Lane, Farnborough
Kingfisher Close Open Space, Kingfisher Close, Minley Road, Farnborough
King George V Playing Fields, Sycamore Road, Farnborough
Manor Park, High Street, Aldershot
Moor Road Recreation Ground, Moor Road, Farnborough
Municipal Gardens, Grosvenor Road, Aldershot
Napier Gardens, Lynchford road, Farnborough

North Lane Playing Fields, Ivy Road, Aldershot
Oak Farm Playing Fields, Tile Barn Close, Farnborough
Osborne Road Recreation Ground, Osborne Road, Farnborough
Princes Gardens, Barrack Road, Aldershot
Queen Elizabeth Park, Farnborough Road, Farnborough
Queens Road Recreation Ground, Queens Road, Farnborough
Rectory Road Recreation Ground, Priory Street, Farnborough
Redan Hill Fortifications, Redan Hill, Aldershot
Redan Hill Gardens, Redan Road/Windmill Road, Aldershot
Rowhill Copse, Cranmore Lane, Aldershot
Southwood Playing Fields, Grasmere Road, Farnborough
St Michael's Gardens, High Street/Redan Road, Aldershot

EQUIPPED PLAYGROUND SITES

Aldershot Park, Guildford Road, Aldershot (including Trim Trail)
Blunden Road Play Area, Blunden Road, Farnborough
Bryce Gardens, Pool Road, Aldershot
Churchill Crescent Play Area, Churchill Crescent, Farnborough (under construction)
Clayton Road Play Area, All Saints Crescent, Farnborough
Cove Green Play Area, Prospect Road, Farnborough
Cumbria Court (Sycamore Park Play Area), Corfe Way, Sycamore Road,
Farnborough
Curly Bridge Close, Blackthorn Crescent, Farnborough
Dart Road Play Area, Dart Road, Farnborough
Dene Road Play Area, Dene Road, Farnborough
Denmark Square Play Area (x2), Denmark Square, Aldershot (Pavilion site)
Derwent Avenue, Ullswater Avenue, Farnborough
Dragoon Court Play Area, Dragoon Court, Aldershot (Pavilion site)
Fairfax Road Play Area, Fairfax Road, Farnborough
Greenway Play Area, Greenway, Aldershot
Herrett Street Play Area, Shalden Road, Aldershot
Howard Cole Way Play Area, Alexandra Road, Aldershot
Irvine Drive Play Area, Irvine Drive, Farnborough
Keith Lucas Road Play Area, Goodden Crescent, Farnborough
King George V Play Area, Sycamore Road, Farnborough
Kingsway Play Area, Kings Road, Aldershot
Manor Park Play Area, Church Hill, Aldershot
Manor Park Skate Park, Manor Walk, Aldershot
Montgomery Road Play Area, Montgomery Road, Farnborough
Moor Road Play Area, Recreation Ground, Moor Road, Farnborough
Municipal Gardens Play Area, Laburnum Road, Aldershot
Osborne Road Play Area, Recreation Ground, Osborne Road, Farnborough
Pegasus Avenue Play Area, Pegasus Avenue, Aldershot (Pavilion site)
Pinewood Park Play Area, Bartons Way, Farnborough
Prince Charles Crescent Play Area, Prince Charles Crescent, Farnborough
Queen Elizabeth Park Play Area, Cabrol Road, Farnborough
Queens Road Play Area, Recreation Ground, Queens Road, Farnborough
Rectory Road Play Area, Recreation Ground, Priory Street, Farnborough
Redan Hill Play Area, Redan Hill Gardens, Windmill Road, Aldershot
Ship Lane Play Area, Flemming Close, Farnborough
Sunnybank Road Play Area, Sunnybank Road, Farnborough

Totland Close Play Area, Totland Close, Farnborough (Pavilion site)
The Lawns Play Area, The Lawns, Ivey Road, Farnborough

Dated this 2 day of February 2001

Sealed by the COUNCIL
in the presence of:

Mayor

Solicitor to the Council

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the seventh day of May 2001.

Signed by authority of the Secretary of State

T K COBLEY
Head of Unit
Constitutional and Community Policy Directorate

6 April 2001
Home Office
London SW1