

# **Cuxton Parish Council**

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

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Byelaws made under sections 12 and 15 of the Open Spaces Act 1906 by the Cuxton Parish Council with respect to the Recreation Ground, Bush Road, Cuxton, Kent.

## **PART 1 GENERAL**

### **General Interpretation**

1. In these byelaws:

“the Council” means Cuxton Parish Council;

“the ground” means the Recreation Ground, Bush Road, Cuxton, Kent.;

“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 the Recreation Ground, Bush Road, Cuxton, Kent..

## **PART 2**

### **PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC**

#### **Protection of structures and plants**

3.

- (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) 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**

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

#### **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.

#### **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 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 8(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 10(1) shall not apply to the lighting of a fire at any event for which the Council has given permission that fires may be lit.

## **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**

### **Horses**

13.
  - (1) No person shall ride a horse except in the exercise of a lawful right or privilege.
  - (2) Where 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 to any other person.

## **PART 4**

## **PLAY AREAS, GAMES AND SPORTS**

### **Interpretation of Part 4**

14. 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**

15. 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.

### **Children's play apparatus**

16. 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**

17. 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**

18. 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.

### **Archery**

19. 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**

20. 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.

### **Golf**

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

## **PART 5**

### **MODEL AIRCRAFT**

#### **Interpretation of Part 5**

22. In this Part:

“model aircraft” means an 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.

### **General prohibition**

23. 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 6**

### **OTHER REGULATED ACTIVITIES**

#### **Provision of services**

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

#### **Excessive noise**

25.

(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 other persons in the ground 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 25(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**

26. 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**

27. 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**

28. 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**

29. 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.

## **PART 7**

### **MISCELLANEOUS**

#### **Obstruction**

30. No person shall obstruct:

- (a) any officer of the Council in the proper execution of his 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**

31.

(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**

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

#### **Penalty**

33. 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**

34. Byelaw 3, - made by Cuxton Parish Council on 17<sup>th</sup> Day of May 1973 and confirmed by Secretary of State for the Home Office on 19<sup>th</sup> November 1973 relating to the ground is hereby revoked

Given under our hands and seals this 13<sup>th</sup> day of December 2008

R. Hutchfield



I J Hardy



Members of Cuxton Parish Council

These byelaws are confirmed by the Secretary of State and shall come into operation on calendar month after the date of confirmation.

Signed by authority of the Secretary of State

P Rowsell  
Senior Civil Servant  
In the Department for Communities and Local Government

Date: 14 March 2008

I certify that this is a true copy of the byelaws as confirmed.

A handwritten signature in black ink, appearing to read 'Neil Curtis', written over a horizontal line.

Neil Curtis  
Clerk to Cuxton Parish Council