

MOLE VALLEY DISTRICT COUNCIL

SECTION 164 PUBLIC HEALTH ACT 1875, SECTIONS 12 AND 15 OPEN SPACES ACT 1906 AND SECTION 15 OPEN SPACES ACT 1906

BYELAWS

RELATING TO PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES IN THE MOLE VALLEY DISTRICT

Byelaws made by the Council of the District of Mole Valley under Section 164 of the Public Health Act 1875, Sections 12 and 15 of the Open Spaces Act 1906 and Section 215 of the Open Spaces Act 1906 with respect to pleasure grounds, public walks and open spaces.

MOLE VALLEY DISTRICT COUNCIL

Byelaws made by the Council of the District of Mole Valley 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 Mole Valley District Council;

"the ground" means each of the pleasure grounds, public walks and open spaces named in the Schedule 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.

Removal of substances

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

Fires

11. 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.

Horse-riding

12. No person shall ride a horse in the ground.

Skateboarding, etc

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

Metal detectors

14. No person shall in the ground use any device designed or adapted for detecting or locating any metal or mineral in the ground.

Children's play apparatus

15. No person who has attained the age of 12 years shall use any apparatus in the ground which, by a notice placed on or near the apparatus, has been set apart by the Council for the exclusive use of persons under the age of 12 years.

Games

16. 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.

17. 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.

18. (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

19. No person shall in the ground drive, chip or pitch a hard golf ball.

Model aircraft

20. (1) No person in the ground shall release any power- driven model aircraft for flight or control the flight of such an aircraft.

(2) No person shall cause any power-driven model aircraft to take off or land in the ground.

(3) In this byelaw:

"model aircraft" means an aircraft which either weighs not more than 7 kilograms without its fuel or is for the time being exempted (as a model aircraft) from the provisions of the Air Navigation Order;

"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.

Missiles and other weapons

21. No person in the ground shall:

- (a) discharge a bow, crossbow or catapult; or
- (b) to the danger or annoyance of any other person in the ground, throw or discharge any missile.

Bathing and pollution of water

22. 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

23. (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

24. 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.

Obstruction

25. 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

26. (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

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

Penalty

28. 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

29. The following byelaws are hereby revoked:
- (a) byelaws 2-11, 13-20 and 23 of the byelaws made by Dorking Urban District Council on 18 July 1963 and confirmed by the Secretary of State for the Home Department on 30 October 1963 in respect of Meadowbank, the Mill Pond and Pippbrook;
 - (b) byelaws 2-10, 12-18, 21 and 22 of the byelaws made by Dorking Urban District Council on 18 July 1963 and confirmed by the Secretary of State for the Home Department on 30 October 1963 in respect of the Cotmandene, Milton Field and the Nower;
 - (c) byelaws 2-10, 12-16 and 19 of the byelaws made by Dorking Urban District Council on 18 July 1963 and confirmed by the Secretary of State for the Home Department on 30 October 1963 in respect of Devil's Den, Deepdene Terrace and Glory Wood;
 - (d) byelaws 2-9, 11-17 and 20 of the byelaws made by Leatherhead Urban District Council on 27 April 1965 and confirmed by the Secretary of State for the Home Department on 26 August 1965 in respect of various pleasure grounds and open spaces;
 - (e) the byelaws made by Leatherhead Urban District Council on 27 October 1970 and confirmed by the Secretary of State for the Home Department on 14 January 1971 in respect of various pleasure grounds and open spaces; and
 - (f) byelaws 2-11 and 13-17 of the byelaws made by Dorking Urban District Council on 12 December 1972 and confirmed by the Secretary of State for the Home Department on 28 March 1973 in respect of Cradhurst.

SCHEDULE

The grounds referred to in byelaw 1 are as follows:

Ashtead

1. The part of Ashtead Common known as Woodfield, Woodfield, Ashtead
2. Ashtead Park, Epsom Road, Ashtead

3. Ashtead Pond and adjoining land, Barnett Wood Lane, Ashtead
4. Ashtead Recreation Ground, Barnett Wood Lane, Ashtead
5. Fountain Garden, The Street, Ashtead

Bookham

6. Amenity land at Bookham Grove, Dorking Road, Bookham
7. Chrystie Recreation Ground, Dorking Road, Bookham
8. Long Copse, Eastwick Drive, Bookham
9. Lower Road Recreation Ground, Lower Road, Bookham
10. Land at rear of Old Barn Hall, The Garstons, Bookham

Brockham

11. Brockham Green, Brockham
12. Brockham Recreation Ground (Children's Playground only), Middle Street, Brockham

Coldharbour

13. Milton Gore, Coldharbour

Dorking

14. Cotmandene, Dene Street, Dorking
15. Deepdene Terrace, Deepdene Avenue, Dorking
16. Devil's Den, Deepdene Avenue, Dorking
17. Glory Field, Deepdene Avenue, Dorking
18. Glory Wood, Deepdene Avenue, Dorking
19. Meadowbank Recreation Ground, Mill Lane, Dorking
20. Milton Field, Near Westcott Road, Dorking
21. Milton Heath, Westcott Road, Dorking
22. Pippbrook Grounds, Reigate Road, Dorking
23. Pixham Lane Sports Ground, Pixham Lane, Dorking
24. The Nower, Hampstead Lane and Coldharbour Lane, Dorking

Fetcham

25. Cannon Court Open Space, Cannon Grove, Fetcham
26. Cock Lane Recreation Ground, Cock Lane, Fetcham
27. Fetcham Splash, River Lane, Fetcham
28. Kennel Lane Recreation Ground, Kennel Lane, Fetcham
29. Ridgeway Garden, The Ridgeway, Fetcham

Leatherhead

30. Fetcham Grove (including Leatherhead Leisure Centre complex but excluding the Water Park), Guildford Road, Leatherhead
31. Fortyfoot Recreation Ground, Fortyfoot Road, Leatherhead
32. King George Vth Gardens, Bull Hill, Leatherhead
33. Kingston Road Recreation Ground, Kingston Road, Leatherhead
34. Mansion Gardens, Vicarage Lane, Leatherhead
35. Park Gardens, Church Road, Leatherhead
36. Red House Grounds, Randalls Road, Leatherhead

37. Riverside Area, Between Mansion Gardens and Waterway Road, Leatherhead

North Holmwood

38. Land to south of Inholms Lane, Inholms Lane, North Holmwood

39. King George Vth Playing Field, North Holmwood

Walliswood

40. Heathfield Wood, Walliswood

Westcott

41. Cradhurst Recreation Ground, Westcott Street, Westcott

42. Westcott Green, Westcott

The Common Seal of MOLE
VALLEY DISTRICT COUNCIL
was hereunto affixed this
20th day of November 1996

JANET M MARSH
Chairman

HEATHER KERSWELL
Clerk and Chief Executive

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the fourteenth day of April 1997

Signed by authority of the Secretary of State

R G EVANS
Head of Unit
Constitutional and Community Policy Directorate

18 March 1997
Home Office
London, SW1

I hereby certify that this printed copy of the foregoing Byelaws is a true copy of those Byelaws as confirmed by the aforementioned Secretary of State

R.J. Burn
Solicitor to the Council