

15th March.....2000

FAREHAM BOROUGH COUNCIL

**BYELAWS MADE UNDER SECTION 164 OF THE PUBLIC
HEALTH ACT 1875**

IRELANDS LANE OPEN SPACE WARSASH

L.V.INGRAM
SOLICITOR TO THE COUNCIL
FAREHAM BOROUGH COUNCIL
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FAREHAM BOROUGH COUNCIL

PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

Byelaws made by the Fareham Borough Council under Section 164 of the Public Health Act 1875 with respect to Irelands Lane Open Space, Warsash, Fareham in Hampshire.

Interpretation

1. In these byelaws:

"the Council" means Fareham Borough;

"the ground" means Irelands Lane Open Space, Warsash, Fareham as outlined in red on the plan attached hereto.

Vehicles

2. (1) No person shall, without reasonable excuse, ride or drive a 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) 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.

(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

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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.

Horses

3. No person shall in the ground intentionally or negligently ride a horse to the danger of any other person using the ground.
4. No person shall, except in the exercise of any lawful right or privilege, ride a horse in the ground.

Climbing

5. No person shall, with 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

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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.

Ball games

9. (1) No person who has attained the age of 14 years shall play or take part in any ball game in the ground.
- (2) This byelaw shall not apply to any person who, being **bona fide** in charge of a child under the age of 14 years, plays or takes part in any ball game with that child.

Trading

10. 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

11. 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

12. 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

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(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.

13. 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

14. 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.

Games

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.

Archery

16. 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.

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Field Sports

17. 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

18. 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

19. No person shall use any cricket ball, except in any part of the ground which, by a notice placed in a conspicuous position in the ground, has been set aside as an area where a cricket ball may be used.

Skateboarding and roller skating

20. 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.

Missiles

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

Power-driven model aircraft

22. In byelaw 23

"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;

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"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 by compressed gas;

"radio- controlled" means controlled by a radio signal from a wireless transmitter or similar device;

"jet-propelled or rocket-propelled" means driven by 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 one inch in length.

23. (1) No person shall in the ground release any power-driven model aircraft for flight or control the flight of such an aircraft.
- (2) No persons shall cause any jet-propelled or rocket-propelled power-driven model aircraft to take off or land in the ground.

Kites

24. No person shall in the ground fly or cause to 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

25. (1) No person shall on the land use any device designed or adapted for detecting or locating any metal or mineral in the ground.

Fires

26. (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.

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Noise

27. (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.

Performances

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

Public shows, exhibitions and structures

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

Obstruction

30. No person shall in the ground:
- (a) intentionally obstruct any officer of the Council in the proper execution of his duties;

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(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

31. (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

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.

The Common Seal of
Fareham Borough Council
was hereunto affixed
in the presence of



Solicitor to the Council

This 15th day of March 2000.

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the ninth day of June 2000

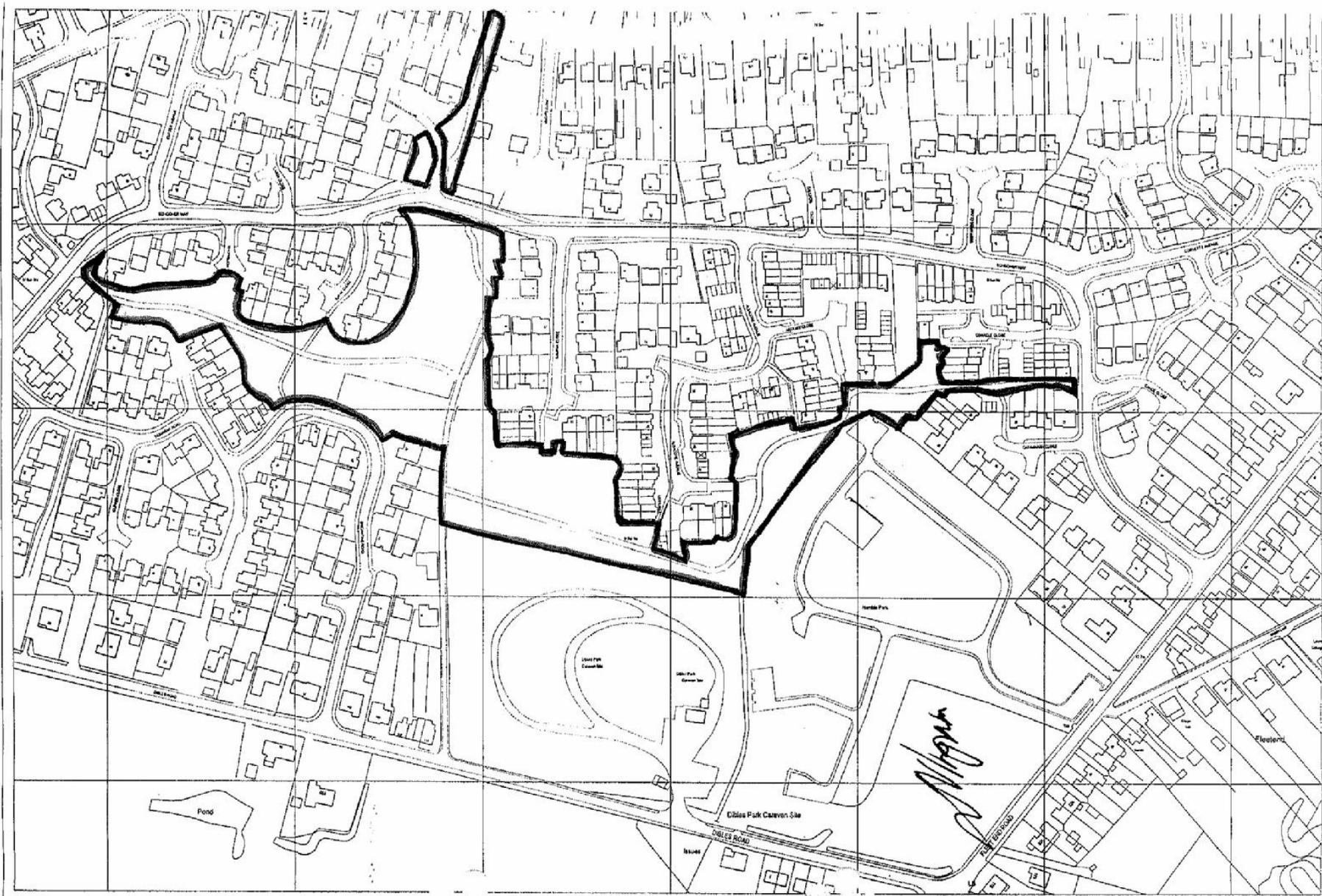
Signed by authority of the Secretary of State

A handwritten signature in black ink, appearing to read 'R. G. Evans', written in a cursive style.

R. G. EVANS
Head of Unit

Constitutional and Community Policy Directorate

10 MAY 2000
Home Office
LONDON, SW1.



SCALE: 1:1500

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