



**FAREHAM** BOROUGH  
COUNCIL

CIVIC OFFICES CIVIC WAY FAREHAM HAMPSHIRE

# BYELAWS

made under Section 164 of the Public Health Act  
1875 by the Borough of Fareham with respect to  
part of Portsdown Hill, Fareham, Hampshire.

BOROUGH OF FAREHAM

BYELAW made by the Council of the Borough of Fareham under section 164 of the Public Health Act 1875, with respect to part of Portsdown Hill, Fareham.

Interpretation

1. In these byelaws:

"the Council" means the Fareham Borough Council;

"the land" means such of Portsdown Hill, Fareham, as is within the administrative area of the Council, as outlined in black, on the plan attached to these byelaws;

"officer of the Council" means any person employed by or acting with the authority of the Council for the purposes of these byelaws.

Vehicles

2. (1) No person shall, without reasonable excuse, ride or drive a motor-cycle, motor vehicle or any other mechanically propelled vehicle on the land, or bring or cause to be

brought on to the land a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle, except on any part of the land where there is a right of way for that class of vehicle.

(2) If the Council has set apart a space on the land 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 land.

(3) This byelaw shall not extend to cycles or 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.

Camping

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

Overnight parking

4. No person shall, without the consent of the Council, leave or cause or permit to be left any vehicle on the land between the hours of 12.00 midnight and 6.00 am.

Fires

5. (1) No person shall on the land 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 prevent the lighting or use of a properly constructed camping stove or cooker in any area set aside for

the purpose, in such a manner as not to cause danger of or damage by fire.

Protection of wildlife

6. No person shall on the land intentionally kill, injure, take or disturb any animal, or engage in hunting or shooting, or the setting of traps or nets, or the laying of snares.

Grazing

7. No person shall, without the consent of the Council, turn out or permit any animal to graze on the land.

Climbing

8. No person shall, without reasonable excuse, climb any wall or fence on or enclosing the land, or any tree, or any barrier, railing, post or other structure.

Removal of structures

9. No person shall, without reasonable excuse, remove from or displace on the land 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 land.

Removal of substances

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

Metal detectors

11. No person shall on the land use any device designed or adapted for detecting or locating any metal or mineral in the ground, except in any area which may be set apart and indicated by notice as an area where the use of such devices is permitted.

Noise

12. (1) No person on the land 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 on the land.

- (2) This byelaw shall not apply to properly conducted religious services.
- (3) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

#### Trading

- 13. No person shall on the land, 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.

Aircraft

14. No person shall, except in case of emergency or with the consent of the Council, take off from or land upon the land in an aircraft, helicopter, hang-glider or hot-air balloon.

Obstruction

15. No person shall on the land:
- (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 land, or behave so as to give reasonable grounds for annoyance to other persons on the land.

Savings

16. (1) An act necessary to the proper execution

of his duty on the land 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 land, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the land or any part thereof.

Removal of offenders

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

Penalty

18. 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.

Dated the 26th day of September 1994

THE COMMON SEAL OF  
THE COUNCIL OF  
THE BOROUGH OF FAREHAM  
was hereunto affixed  
on the 26th day of  
September One  
thousand nine hundred  
and ninety-four  
in the presence of:-

L V INGRAM  
Solicitor to the Council

LONG126

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on twentieth of March 1995.

Signed by authority of the Secretary of State

M E HEAD

28 February 1995

An Assistant Under-Secretary of State

28 February 1995

Home Office

LONDON, SW1

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