



BYELAWS

With respect to pleasure grounds, public walks
and open spaces for grounds at:

**The Dane John Gardens,
The Norman Castle Grounds
and The Westgate Gardens,
Canterbury**

and

**Whitstable Castle Grounds,
Whitstable**

Made by the Canterbury City Council 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
at a meeting of the Leisure Services Committee of the Council held on 1 June 1998

PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

Byelaws made by the Canterbury City Council 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 Canterbury City Council;

"the ground" means those grounds listed in the Schedule to the byelaws.

Opening Times

2. (1) On any day on which the ground is open to the public, no person shall enter it before the time, or enter or remain in it after the time, indicated by a notice placed in a conspicuous position at the entrance to the ground.
- (2) This byelaw shall apply only to The Westgate Gardens and The Norman Castle Grounds, Canterbury.

Vehicles

3. (1) 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.
- (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) 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 set apart, or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the ground.

(4) This byelaw shall not extend to invalid carriages.

(5) 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

4. 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

5. 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

6. 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

7. 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.

Children's Play Apparatus

8. 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.

Trading

9. 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

10. 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

11. 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.

12. 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

13. 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

14. (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

15. 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

16. 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

17. 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

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

Waterways

19. No person shall:

Bathing

- (a) without reasonable excuse, bathe or swim in any waterway comprised in the ground;

Pollution of waterways

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

Interference with life-saving equipment

20. (1) 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.
- (2) This byelaw shall apply only to The Westgate Gardens, Canterbury.

Metal Detectors

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

Fires

22. (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.

Angling

23. (1) No person shall in the ground cast any net or line used or intended for use in angling, except upon any waters comprised in the ground where fishing is permitted by the Council.
- (2) This byelaw shall apply only to The Westgate Gardens, Canterbury.

Noise

24. (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

25. 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

26. 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

27. 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

- 28. (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

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

Penalty

- 30. 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

- 31. The byelaws made by the former Canterbury City Council on 22 September 1967 and confirmed by the Secretary of State on 29 November 1967 relating to the ground at the Dane John Gardens and The Westgate Gardens are hereby revoked.

Schedule

The grounds referred to in byelaws 1-30 are as follows:

The Dane John Gardens, Canterbury
The Norman Castle Grounds, Canterbury
The Westgate Gardens, Canterbury
Whitstable Castle Grounds, Whitstable

THE COMMON SEAL of the)
CANTERBURY CITY COUNCIL)
was hereunto affixed this)
24th day of June 1998)
in the presence of:-)

LS

Janet M Franklin
Senior Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the twenty-ninth day of October 1998.

Signed by authority of the Secretary of State

LS

R G Evans
Head of Unit Constitutional and Community Policy Directorate

29 September 1998
Home Office
London SW1

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