

## DOVER DISTRICT COUNCIL

BYELAWS made by the Dover District Council under Section 164 of the Public Health Act 1875, section 15 of the Open Spaces Act 1906 and/or 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 the Dover District Council

"the ground" means any of the grounds listed in Schedule A to the 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) These byelaws shall not extend to invalid carriages.

- (3) In these byelaws:

"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, whether or not intended or adapted for use on roads, 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, whether or not intended or adapted for use on roads, not being an invalid carriage.

"trailer" means a vehicle drawn by a motor vehicle, and includes a caravan.

## DOVER DISTRICT COUNCIL

BYELAWS made by the Dover District Council under Section 164 of the Public Health Act 1875, section 15 of the Open Spaces Act 1906 and/or 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 the Dover District Council

"the ground" means any of the grounds listed in Schedule A to the 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) These byelaws shall not extend to invalid carriages.

- (3) In these byelaws:

"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, whether or not intended or adopted for use on roads, 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, whether or not intended or adapted for use on roads, not being an invalid carriage.

"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.

### **Children's Play Areas**

6. (1) No person who has attained the age of 14 years shall enter or remain in the children's play area in any of the grounds listed in the Schedule to these byelaws.
- (2) This byelaw shall not apply to any person who is bona fide in charge of a child under the age of 14 years.

### **Children's Play Apparatus**

7. 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.

### **Games**

8. 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.
9. 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.
10. (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.

### **Trading**

11. 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 or provide or offer to provide any service for which a charge is made.

### **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
- (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.

### **Golf**

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

### **Waterways**

15. 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;

### **Watercourses**

- (c) No person shall knowingly cause or permit the flow of any drain or watercourse in the ground to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus in the ground.

### Model Boats

16. (1) No person shall operate or sail on any waterway comprised in the ground any power-driven model boat, except in any area where a notice exhibited by the Council permits the use of such boats.
- (2) In this byelaw, "power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances.

### Fishing and Protection of Wildlife

17. (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

18. (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.

### Public Shows & Performances

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

### Exhibitions and Structures

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

### Obstruction

21. 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

22. (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

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

### Penalty

24. 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

25. Byelaws 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19 and 22 made by the District Council of Dover on 15 May 1978 and confirmed by Secretary of State to the Home Office on 15 August 1978 relating to the ground are hereby revoked.

### Schedule A

The ground referred to in byelaws 1 to 23 inclusive are as follows:

<b>Aylesham</b>	Open space between Market Place and Railway Station, Ackholt Road, Aylesham
<b>Capel-le-Ferne</b>	Cauldham Close Play Area, Cauldham Close, Capel-le-Ferne
<b>Deal</b>	Cowdray Square, Deal Glack Road Recreation Ground, Glack Road, Deal Marke Wood Recreation Ground, Dover Road, Walmer, Deal Marlborough Road Playground, Marlborough Road, Deal Victoria Park, Park Avenue, Deal Walmer Green, The Strand, Walmer, Deal William Pitt Recreation Ground, Church Lane, Deal
<b>Dover</b>	Aycliffe Ropewalk, St. David's Avenue, Dover Barwick Road Play Area, Barwick Road, St. Radigunds, Dover Colton Crescent Play Area, Colton Crescent, Dover Connaught Park, Connaught Road, Dover Clarendon Place Playground, Western Heights, Dover Crabble Athletic Ground, Crabble Road, River, Dover Elms Vale Recreation Ground, Elms Vale Road, Dover Green Lane Play Area, Green lane, Buckland, Dover

Kearsney Abbey Gardens, Alkham Road, River, Dover  
Maison Dieu Gardens, Maison Dieu Road, Dover  
Napier Road Play Area, Napier Road, Dover  
Northbourne Avenue Playground, Northbourne Avenue, Dover  
Old Folkestone Road Playground, Old Folkestone Road, Dover  
Pencester Gardens, Pencester Road, Dover  
River Recreation Ground, Lower Road, River, Dover  
Sheridan Road Play Area, Sheridan Road, Buckland, Dover  
The Danes Recreation Ground, Old Charlton Road, Dover  
The Linces Play Area, The Linces, Buckland, Dover

**Eastry**

Gun Park Recreation Ground, Wilmott Place, Eastry

**Goodnestone**

Park View Close Play Area, Park View Close, Goodnestone

**Sandwich**

Gazen Salts Recreation Ground and Nature Reserve,  
Strand Street, Sandwich  
Millwall, Sandwich  
Poulders Gardens Playground, Poulders Gardens, Sandwich  
Rope Walk, Sandwich  
The Bulwarks, Sandwich  
The Butts Recreation Ground, The Butts, Sandwich

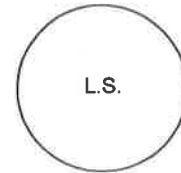
**Temple Ewell**

Russell Gardens, Alkham Road, Temple Ewell, Dover  
Templeside Play Area, Templeside, Temple Ewell, Dover

**Whitfield**

Guilford Avenue Playground, Guilford Avenue, Whitfield

THE COMMON SEAL of THE DOVER )  
DISTRICT COUNCIL was hereunto )  
affixed the 15 day of February 2000 )  
in the presence of: )



(Sgd.) R C BOWDITCH  
Chief Officer

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the twenty-fourth day of April 2000

Signed by authority of the Secretary of State

(Sgd.) R.G. EVANS  
Head of Unit  
Constitutional and Community Policy Directorate

27 Mar 2000  
Home Office  
LONDON, SW1