

THE DISTRICT COUNCIL OF BASINGSTOKE
With respect to SILCHESTER COMMON
BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

BYELAWS MADE UNDER SECTION 15 OF THE OPEN SPACES ACT 1906 OR SECTIONS 12 AND 15 OF THE OPEN SPACES ACT 1906
BY THE DISTRICT COUNCIL OF BASINGSTOKE WITH RESPECT TO SILCHESTER COMMON PUBLIC WALKS AND OPEN SPACES.

PART 1 – GENERAL

1. General Interpretation

In these byelaws:

“the Council” means THE DISTRICT COUNCIL OF BASINGSTOKE

“the Common” means the land with the ponds, streams, paths and roads thereon commonly known as SILCHESTER COMMON situate in the Parish of Silchester in the County of Hampshire.

“the Scheme” means the Scheme for the regulation and management of such Common approved under the Commons Act 1899 on the twenty second day of April One thousand nine hundred and seventy by the Minister of Housing and Local Government;

“designated area” means an area in the ground which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and
- (c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

2. Application

These byelaws apply to SILCHESTER COMMON situated in the parish of Silchester in the county of Hampshire

Conduct of Persons on the Common

- 3. No person shall, without lawful authority, dig, cut, or take any turf, sods, gravel, sand, clay or other substance on or from the Common, or cut, fell or carelessly or negligently injure any gorse, heather, timber or other tree, shrub, brushwood, or other plant growing thereon; nor deposit or abandon on any part of the Common any refuse, rubbish, wood or soil.
- 4. No person shall on the Common sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire any commodity or article nor place on the Common any show, rally, exhibition, swing, roundabout, sideshow or fair except in pursuance with a written agreement with the Council.

PART 2 - PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

5. Protection of structures and plants

- (1) No person shall without reasonable excuse defile, soil, deface, remove from or displace within the ground:
 - (a) any wall or fence on or enclosing the land, or any building, barrier, railing, post, noticeboard or seat, or any erection or ornament, or any implement provided for use in the laying out or maintenance of the Common; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall use a chain saw or any other motorised wood cutting equipment (either petrol or electric) on the common without the express permission of the Parish Council.
- (3) No person shall walk on or ride, drive or station a horse or any vehicle over any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes indicated by a notice conspicuously displayed.

6. Unauthorised erection of structures

- (1) No person shall without the consent of the Council erect any barrier, post, rail, fence, pole, tent, booth, stand, ride or swing, building or any other structure on the Common.
- (2) No person shall without the written authority of the Council affix or cause to be affixed any advertisement, bill, placard or notice upon any building, wall, fence, gate, door, pillar, post, noticeboard, tree, rock or stone on or enclosing the Common.

7. Climbing

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 on the Common.

8. Grazing

- (1) No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.
- (2) For Exceptions see Byelaw 46

9. Protection of wildlife

- (1) No person without lawful authority shall on the Common kill, take, molest, or wilfully disturb any animal, bird or fish or take or injure any egg or nest or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares.
- (2) No person shall cause or suffer a dog belonging to him or in his charge to enter or remain on the Common unless such dog be and continue to be under proper control, and be effectually restrained from causing annoyance to any person, and from worrying or disturbing any animal.

10. Gates

No person shall leave open any gate to which he has opened or caused to be opened on the Common

11. Camping

No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping.

12. Fires

- (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.
- (2) Byelaw 12(1) shall not apply to:
 - (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit.

13. Missiles

- (1) No person shall throw or use any device to propel or discharge in the ground any object which is liable to cause injury to any other person.
- (2) No person shall discharge any firearm, air weapon crossbow or catapult on the Common

14. Interference with life-saving equipment

No person shall except in case of emergency remove from or displace within the ground or otherwise tamper with any life-saving appliance provided by the Council.

PART 3 - HORSES, CYCLES AND VEHICLES

15. Interpretation of Part 3

In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position;

“vehicle” includes both:

- (a) “motor cycle” means a mechanically-propelled vehicle, with less than four wheels; and
- (b) “motor vehicle” means any mechanically-propelled vehicle other than a motor cycle;
- (c) “trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

16. No person shall ride any horse on the Common so as to cause danger or annoyance to any other person lawfully using the Common.

17. (1) Where any part of the Common has, by notices affixed in a conspicuous position been set apart by the Council as a place where horse riding is prohibited, a person shall not except in the exercise of any lawful right or privilege ride a horse on that part of the Common.

(2) Where any part of the Common has, by notices fixed in a conspicuous position, been set apart by the Council as a place where horse-riding is temporarily prohibited to enable any damage caused to the tracks, footpaths, grass or shrubs to be repaired, a person shall not, except for the exercise of any lawful right or privilege, ride a horse on that part of the Common.

18. Motor vehicles

(1) No person shall, without lawful authority, draw, drive or permit to remain upon the Common any carriage, cart, caravan, truck, motor vehicle, motor cycle, or any other vehicle. Provided that this byelaw shall not apply:

- (a) to the use by any vehicle of any road on the Common for the purpose of travelling to or from any property to which the common affords the sole means of vehicular access;
- (b) to the standing of any vehicle upon any road on the Common within 10 yards of any property to which the Common affords the sole means of vehicular access in connection with the use of that property;
- (c) to land set aside by the Council for the parking of vehicles in accordance with their powers under the Scheme;
- (d) to invalid carriages conforming to the provisions of regulations made under the Chronically Sick and Disabled Persons Act 1970.

(2) Where by a notice exhibited on or near thereto the Council set apart any space on the Common as a parking place for machines or vehicles or for machines or vehicles of a specified class, a person shall not, except in exercise of any lawful right or privilege:

- (a) park a vehicle in any other part of the Common, provided that this byelaw shall not apply to vehicles parked in accordance with byelaw 18(1)(b) or byelaw 18(1)(c) above;
- (b) leave in the parking place any machine or vehicle unless it is of the class so specified;
- (c) leave in the parking place any machine or vehicle between the hours of 11.59 p.m. and 6 a.m.

PART 4 - PLAY AREAS, GAMES AND SPORTS

19. Interpretation of Part 4

In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching.

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more persons pulling or pushing the vehicle.

20. Children’s play areas

No person aged 14 years or over shall enter or remain in a designated area which is a children’s play area unless in charge of a child under the age of 14 years.

Ball games

21. No person shall play ball games outside a designated area for playing ball games in such a manner:

- (a) as to exclude persons not playing ball games from use of that part;
- (b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or
- (c) which is likely to cause damage to any tree, shrub or plant in the ground.

22. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Bye Law 21 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

23. Archery

No person shall engage in the sport of archery except in connection with an event organised by or held with the consent of the Council.

24. Field sports

No person shall throw or put any javelin, hammer, discus or shot except in connection with an event organised by or held with the consent of the Council.

25. Golf

No person shall drive, chip or pitch a hard golf ball on the Common.

PART 5 - WATERWAYS

26. Interpretation of Part 5

In this Part:

“boat” means any yacht, motor boat or similar craft but not a model or toy boat;

“power-driven” means driven by the combustion of petrol vapour or other combustible substances;

“waterway” means any river, lake, pool or other body of water and includes any fountain.

27. Bathing

No person shall without reasonable excuse bathe or swim in any waterway or pond comprised in the Common.

28. Ice skating

No person shall step onto or otherwise place their weight upon any frozen waterway.

29. **Model boats** No person shall operate a power-driven model boat on any waterway.

30. Pollution

No person shall foul or pollute any waterway or pond comprised in the Common.

31. Blocking of watercourses

No person shall cause or permit the flow of any drain or watercourse in the ground to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6 - MODEL AIRCRAFT

32. Interpretation of Part 6

In this Part:

“model aircraft” means an aircraft, helicopter or drone power-driven or otherwise;

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket;
- (c) one or more electric motors or by compressed gas;

“radio control” means control by a radio signal from a wireless transmitter or similar device.

General prohibition

33. No person shall cause any model aircraft to:

- (a) take off or otherwise be released for flight, or control the flight of such an aircraft on the common; or
- (b) land on the common without reasonable excuse.

34. No person shall fly an unmanned aircraft (commonly known as drones) on the common unless with the specific written authority of the Parish Council and on Parish Council business.

PART 7 - OTHER REGULATED ACTIVITIES

35. Provision of services

No person shall without the consent of the Council provide or offer to provide any service for which a charge is made.

36. Excessive noise

(1) No person shall, after being requested to desist by any other person in the ground, make 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 by:

- (a) shouting or singing;
- (b) playing on a musical instrument; or
- (c) by operating or permitting to be operated any radio, amplifier, tape recorder or similar device.

(2) Byelaw 36(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

37. Public shows and performances

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

38. Aircraft, hang gliders and hot air balloons

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

39. Kites

No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

40. Metal detectors

No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the ground.

PART 8 - MISCELLANEOUS

41. Obstruction

No person shall obstruct:

- (a) any officer of the Council in the proper execution of his duties;
- (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
- (c) any other person in the proper use of the ground.

42. Savings

- (1) It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.
- (2) Nothing in or done under 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 lawfully by virtue of some estate, right or interest in, over or affecting the ground or any part of the ground.

43. Removal of offenders and obstructions

- (1) Any person offending against any of these byelaws or any provision of the Vagrancy Act, 1824 may be removed from the ground by an officer of the Council or a constable.
- (2) An officer of the Council may, after due warning, remove from the Common any vehicle or animal drawn, driven or placed or any structure erected or placed thereon in contravention of the foregoing Byelaws.

Penalty

44. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level three (currently £1000) on the standard scale.

45. Upon conviction, the penalty for committing Dog Control Order offences is a maximum fine of level three on the standard scale (currently £1000).

46. Exceptions

- (1) Nothing in this byelaw made thereunder shall prejudice or affect any right of the person entitled as lord of the manor or otherwise to the soil of the common, or of any person claiming under him, which is lawfully exercisable in, over, under, or on the soil or surface of the common in connection with game, or with mines, minerals, or other substrata or otherwise, or prejudice or affect any right of the commoners in or over the common, or the lawful use of any highway or thoroughfare on the common or affect any power or obligation to repair any such highway or thoroughfare.
- (2) No rights of commoners may be exercised in contravention of the Wildlife and Countryside Act 1981 (amended in 1985 and further amended in 2000 by the Countryside and Rights of Way Act 2000) which determines the SSSI status of the common.