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as per map*

ASHFORD BOROUGH COUNCIL



BYELAWS

made under Section 164 of the Public Health Act,
1875 and Sections 12 and 15 of the Open Spaces
Act, 1906 by the ASHFORD BOROUGH COUNCIL
with respect to the PLEASURE GROUNDS and
OPEN SPACES in the said Borough.

BYELAWS

made under Section 164 of the Public Health Act, 1875 and Sections 12 and 15 of the Open Spaces Act, 1906 by the ASHFORD BOROUGH COUNCIL with respect to the PLEASURE GROUNDS and OPEN SPACES in the said Borough.

1. Throughout these byelaws the expression 'the Council' means the Ashford Borough Council and the expression 'the pleasure ground' means, except where inconsistent with the text, each of the grounds and open spaces named in the Schedule to these byelaws.
2. An act necessary to the proper execution of his duty in the pleasure ground by an officer of the Council, or by any person or servant of any person employed by the Council, or in the case of Hothfield Common by any officer of the Kent Trust for Nature Conservation or any person acting under the supervision of an officer of the Trust, shall not be deemed an offence against these byelaws.
3. A person shall not in the pleasure ground
 - (i) carelessly or negligently deface, injure or destroy any wall or fence in or enclosing the pleasure ground or any building, barrier, railing, post, or seat, or any erection or ornament;
 - (ii) wilfully, carelessly or negligently soil or defile any wall or fence in or enclosing the pleasure ground or any building, barrier, railing, post, or seat, or any erection or ornament;

(iii) climb any wall or fence in or enclosing the pleasure ground or any tree, or any barrier, railing, post or other erection;

(iv) wilfully, carelessly or negligently remove or displace any seat in the pleasure ground.

4. A person shall not bring or cause to be brought into the pleasure ground except in the exercise of any lawful right or privilege any horse, pony, donkey, sheep, goat, cow or pig, unless in pursuance of an agreement with the Council:

Provided that nothing in this byelaw shall prohibit the bringing of a horse, pony or donkey into the ground when, in connection with the holding of any fete or other function, the Council permit horses, ponies or donkeys to be ridden in the ground.

5. (i) A person shall not except in the exercise of any lawful right or privilege bring or cause to be brought into the pleasure ground any barrow, truck, machine or vehicle other than
- (a) a wheeled bicycle, tricycle or other similar machine;
 - (b) a wheel-chair, perambulator or chaise drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid:

Provided that where the Council set apart a space in the pleasure ground for the use of any class of vehicle, this byelaw shall not be deemed to prohibit the driving in or to that space by a

direct route from the entrance to the pleasure ground of any vehicle of the class for which it is set apart.

(ii) A person shall not except in the exercise of any lawful right or privilege ride any bicycle, tricycle or other similar machine in any part of the pleasure ground.

6. A person who brings a vehicle, bicycle, tricycle, perambulator or wheel-chair into the pleasure ground shall not wheel or station it over or upon

(i) Any flower bed, shrub or plant, or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub or plant;

(ii) any part of the pleasure ground where the Council by a notice board affixed or set up in some conspicuous position in the pleasure ground prohibit its being wheeled or stationed.

7. A person shall not affix any bill, placard, or notice, to or upon any wall or fence in or enclosing the pleasure ground or to or upon any tree or plant, or to or upon any part of any building, barrier or railing or of any seat or of any other erection or ornament in the pleasure ground.

8. A person shall not in the pleasure ground walk, run, stand, sit or lie upon

(i) any grass, turf, or other place where adequate notice to keep off such grass, turf or other place shall be placed:

Provided that such notice shall not apply to more than one-sixth of an area of the pleasure ground;

(ii) any flower bed, shrub, or plant, or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub or plant.

9. A person shall not in the pleasure ground

(i) wilfully, carelessly or negligently foul or pollute or put any bottle or other article or matter in any ornamental pond or other water;

(ii) bathe, wade, or wash, in any ornamental lake, pond, stream, or other water;

(iii) take, injure or destroy, or attempt to take, injure or destroy any fish in any such water, or wilfully disturb or worry any water fowl;

(iv) wilfully displace or disturb, injure or destroy any bird's nest or wilfully take; injure or destroy any bird's egg.

10. A person shall be permitted to fly power-driven model aircraft in the pleasure ground on the day and at the times specified in the following table:

TABLE

<u>Name of Pleasure Ground.</u>	<u>Day</u>	<u>Hours</u>
Cuckoo Wood Recreation Ground	Saturday	10 a.m - 12 noon

Provided that the noise of the engine is reduced as far as reasonably practicable by a silencer or similar contrivance.

11. With the exception of Cuckoo Wood Recreation Ground, no power-driven model aircraft shall be flown in any pleasure ground.

12. In these byelaws the expression 'power-driven model aircraft' means any model aircraft driven by the combustion of petrol-vapour or other combustible substances.

13. A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the pleasure ground unless such dog be and continue to be under proper control and be effectually restrained from causing annoyance to any person or damaging any plants.

14. A person shall not place, throw or let to fall any lighted match or other substance or thing so as to be likely to cause damage by fire to anything growing or being on the ground.

15. A person resorting to the pleasure ground and playing or taking part in any game for which the exclusive use of any space in the pleasure ground has been set apart shall

(i) not play on the space any game other than the game for which it is set apart;

(ii) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the pleasure ground by other persons;

- (iii) when the space is already occupied by other players not begin to play thereon without their permission;
 - (iv) where the exclusive use of the space has been granted by the Council for the playing of a match, not play on that space later than a quarter of an hour before the time fixed for the beginning of the match unless he is taking part therein;
 - (v) except where the exclusive use of the space has been granted by the Council for the playing of a match in which he is taking part, not use the space for a longer time than two hours continuously, if any other player or players make known to him a wish to use the space.
16. A person shall not in any part of the pleasure ground which may have been set apart by the Council for any game play or take part in any game when the state of the ground or other cause makes it unfit for use and a notice is set up in some conspicuous position prohibiting play in that part of the pleasure ground.
17. A person shall not in the pleasure ground drive, chip or pitch a solid golf ball.

Provided that this prohibition shall not apply to any part of the pleasure ground set apart for this purpose and to which the public are excluded therefrom while it is in actual use for this purpose pursuant to Sections 76 and 77 of the Public Health Acts Amendment Act 1907 as extended by Section 56 of the Public Health Act 1925.

18. A person shall not in the pleasure ground except as hereinafter provided erect any post, rail, fence, pole, tent, booth, stand, building or other structure:

Provided that this prohibition shall not apply where upon an application to the Council they grant permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure upon such occasion and for such purposes as are specified in the application.

19. A person shall not except in the exercise of any lawful right or privilege ride a horse on any part of the pleasure ground. Provided that where the Council have set apart a space on Hothfield Common and the Warren for the use of riding horses this byelaw shall not be deemed to prohibit horse riding in this space.
20. A person shall not in the pleasure ground sell or offer or expose for sale or let for hire or offer or expose for letting to hire any commodity or article unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege he is authorised to sell or let to hire in the area such commodity or article.
21. A person shall not in the pleasure ground wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the pleasure ground or wilfully obstruct, disturb, or interrupt any officer of the Council in the proper execution of his duty, or any person or servant of any

person employed by the Council in the proper execution of any work in connection with the laying out or maintenance of the pleasure ground.

22. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds and in the case of a continuing offence a further fine not exceeding the sum of £5 for each day during which the offence continues after conviction thereof.
23. Every person who shall infringe any byelaw for the regulation of the pleasure ground or open space may be removed therefrom by any officer of the Council, or by any constable, in any one of the several cases hereinafter specified; that is to say -
- (i) where the infraction of the byelaw is committed within the view of such officer or constable, and the name and residence of the person infringing the byelaw are unknown to and cannot be readily ascertained by such officer or constable;
 - (ii) where the infraction of the byelaw is committed within the view of such officer or constable, and, from the nature of such infraction, or from any other fact of which such officer or constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance in the pleasure ground of the person infringing the byelaw may result in another infraction

of a byelaw, or that the removal of such person from the pleasure ground is otherwise necessary as a security for the proper use and regulation thereof.

24. (i) the byelaws relating to the pleasure ground called Victoria Park made by the Urban District Council of Ashford on 6th March, 1902 and allowed by the Local Government Board on 14th May, 1902 are hereby repealed.
- (ii) the byelaws relating to the pleasure grounds known as the Memorial Gardens and Victoria Park which were made by the Urban District Council of Ashford on 27th October, 1967 and confirmed by the Secretary of State on the 16th December, 1967 are hereby repealed.
 - (iii) the byelaws relating to the pleasure ground known as Cuckoo Lane Recreation Ground and made by the West Ashford Rural District Council on the 26th November, 1971 and confirmed by the Secretary of State on the 15th March, 1972 are hereby repealed.
 - (iv) the byelaws relating to the Open Space known as Hothfield Common Open Space made by the West Ashford Rural District Council on 26th November, 1971 and confirmed by the Secretary of State on the 15th March, 1972 are hereby repealed.

THE SCHEDULE

Part I

Grounds in respect of which byelaws are made under
Section 164 The Public Health Act 1875

Cryol Road Open Space
Cudworth Road Sports Ground
Hythe Road Sports Ground
Kennington Recreation Ground
Noakes Meadow Open Space
St. Annes Play Area
Spearpoint Sports Ground
The Warren
Victoria Park
Victoria Park Extension
William Road Sports Ground

Part II

Grounds in respect of which byelaws are made under
Sections 12 and 15 Open Spaces Act 1906

Cuckoo Wood Sports Ground
Eythorne Open Space
Hothfield Common
Penlee Point Open Space
Memorial Gardens

THE COMMON SEAL of THE)
ASHFORD BOROUGH COUNCIL)
was hereunto affixed this)
6th day of January 1977)
in the presence of:)

(L.S.)

(Sgd.) H.A. WATTS

Mayor

(Sgd.) J.C. BUSS

Borough Secretary

The foregoing byelaws are hereby confirmed by the
Secretary of State and shall come into operation on
the first day of June 1977.

Signed by authority of the
Secretary of State

(Sgd.) R.F.D. Shuffrey

(R.F.D. SHUFFREY)
An Assistant Under
Secretary of State

(L.S.)

Home Office
WHITEHALL

28 April 1977