

*Willan  
S. 1906/12*

## BYELAWS

Byelaws made by the Parish Council of Marston under section 164 of the Public Health Act 1875, section 15 of the Open Spaces Act 1906 with respect to the grounds listed in the schedule.

1. In these byelaws:  
"the Council" means the Parish Council of Marston  
"the ground" means the grounds listed in the attached schedule.
2. 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.
3. A person shall not in the ground without reasonable excuse:-
  - (a) climb any wall or fence in or enclosing the ground or any tree or any barrier, railing, post or other erection;
  - (b) remove or displace any barrier, railing, post or seat or any part of any erection or ornament or any implement provided for use in the laying out or maintenance of the ground.
4. A person shall not except in pursuance of a lawful agreement with the Council, or otherwise in the exercise of any lawful right or privilege bring or cause to be brought into the ground any cattle, sheep, goats, or pigs or any beast of draught or burden.
5.
  - (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 any 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) 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 so set apart, or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the ground, provided that no such vehicle is ridden or driven at such a speed or in such a manner as to cause danger to other persons in the ground or without reasonable consideration for such persons.
  - (3) This byelaw shall not extend to 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; and

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

6. A person shall not in the ground remove, or displace any soil or plant.
7. Where the Council set apart any such part of the ground as may be fixed by the Council, and described on a notice board affixed or set up in some conspicuous position in the ground, for the purpose of any game specified in the notice board, which, by reason of the rules or manner of playing, or for the prevention of damage, danger, or discomfort to any person in the ground, may necessitate the exclusive use by the player or players of any space on such part of the ground - a person shall not in any space elsewhere on the ground play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such space.

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

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.

9. No person shall, after being requested to desist by any constable, or by any person annoyed or disturbed, or by any person acting on his behalf:

- (a) by shouting or singing; or
- (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. Provided that this byelaw shall not apply to properly conducted religious services.

Provided that this byelaw shall not apply to any person holding or taking part in any entertainment held in pursuance of a lawful agreement with the Council.

10. No person shall light a fire on the ground, or place or throw or let fall a lighted match or any other thing so as to be likely to cause a fire provided that this byelaw shall not apply to any event held in pursuance of an agreement with the Council.
11. In this byelaw, unless the context otherwise requires -  
"model aircraft" means an aircraft which either weighs no more than 5 kilogrammes without its fuel or is for the time being exempted( as a model aircraft) from the provisions of the Air Navigation Order;

"power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances or by one or more electric motors or by compressed gas;

1. No person in the ground shall release any power driven model aircraft for flight or control the flight of such an aircraft;
  2. No person shall cause any power driven model aircraft to take off or land in the ground.
12. 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.
13. (a) Byelaw 15 applies to Mill Lane Recreation Ground, hereafter referred to as the "dog prohibited area";
- (b) byelaws 16 and 17 apply to Elsfield Road Recreation Ground, hereafter referred to as the "canine faeces removal area";
  - (c) notice of the effect of byelaws 16 and 17 shall be given by signs placed in conspicuous positions at the entrances to the dog prohibited area, and at the entrances or on the approaches to the canine faeces removal area.
14. (a) For the purpose of byelaws 16 and 17 the keeper of the dog shall be deemed in charge thereof, unless the court is satisfied that the dog had been placed in or taken into the charge of some other person at the time when an offence under byelaws 16 and 17 had been committed.
- (b) in paragraph (a) above, "the keeper" shall include the owner of the dog or any person who habitually has it in his possession.
15. (a) No person (other than a registered blind person) in charge of a dog shall, without reasonable excuse, permit the dog to enter or remain in the dog prohibited area.
- (b) An officer of the Council, or any constable may require a person in charge of a dog which has entered the dog prohibited area to remove the dog therefrom.
16. Every person (other than a registered blind person) in charge of a dog which is in the canine faeces removal area who, without reasonable excuse, fails to remove forthwith from the area any faeces deposited by the dog shall be guilty of an offence.

17. For the purposes of compliance with byelaw <sup>16</sup>~~17~~ the following provisions shall apply:
- (a) it shall be a sufficient removal from the canine faeces removal area if the faeces are deposited in a receptacle within the area which has been provided for that purpose by the Council;
  - (b) without prejudice to the generality of the foregoing, it shall not be a reasonable excuse that a person in charge of a dog did not have with him any means of removal of the faeces.
18. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale.
19. Any person offending against any of these byelaws may be removed from the ground by any officer of the Council, or any constable.

#### SCHEDULE

The grounds referred to in Byelaw 1 are as follows:

Under Section 164 of the Public Health Act 1875:

Mill Lane Recreation Ground.

Under Section 15 of the Open Spaces Act 1906:

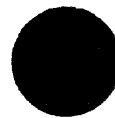
Elsfield Road Recreation Ground

Given under our hands and seals this

.....<sup>3rd</sup> day of.....<sup>December</sup> 19<sup>91</sup>.....

Signed

.....*Alvin T. Jones*.....



Signed

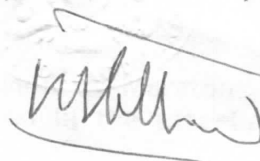
.....*[Signature]*.....



Members of the Marston Parish Council

The foregoing byelaw(s) ~~is~~ are hereby confirmed by the Secretary of State  
and shall come into operation on the 27<sup>th</sup> day of July 1992.

Signed by authority of the Secretary of State



M.E. HEAD

An Assistant Under-Secretary of State

26 JUN 1992

Home Office  
LONDON, SW1.

BYELAWS made by the Parish Council of MARSTON  
under Section 8 (1) (d) of Local Government Act 1894 with  
respect to each of the recreation grounds known as Boults  
Lane Recreation Ground and Oxford Road Recreation Ground.

*Repealed*

1. Throughout these byelaws the expression "the Council" means the Parish Council of MARSTON and the expression "the Ground" means each of the recreation grounds known as Boults Lane Recreation Ground and Oxford Road Recreation Ground.
2. An act necessary to the proper execution of his duty on the ground by an officer of the Council, or by any person or servant of any person employed by the Council, shall not be deemed an offence against these byelaws.
3. A person shall not wilfully, carelessly, or negligently soil or defile any wall or fence in or enclosing the ground, or any building, barrier, railing, post or seat or any erection or ornament on the ground.
- 4.\* A person shall not except in pursuance of a lawful agreement with the Council, or otherwise in the exercise of any lawful right or privilege bring or cause to be brought on to the ground any beast of draught or burden or any cattle, sheep, goats, or pigs.
5. (i) A person shall not except in the exercise of any lawful right or privilege bring or cause to be brought on to the ground any barrow, truck, machine, or vehicle other than -
  - (a) a wheeled bicycle or other similar machine;
  - (b) a wheel-chair or perambulator 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 on the 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 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 or other similar machine on any part of the ground.
6. A person shall not affix any bill, placard, or notice to or upon any tree, or to or upon any part of any building, seat or other erection on the ground.
7. Where the Council set apart any such part of the ground as may be fixed by the Council, and may be described in a notice board affixed or set up in some conspicuous position on the ground, for the purpose of any game specified in the notice board, which, by reason of the rules or manner of playing, or for the prevention of damage, danger, or discomfort to any person on the ground, may necessitate the exclusive use by the player or players of any space on such part of the ground - a person shall not in any space else - where on the ground play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such space.

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8. A person shall not except with the consent of the Council erect any post, rail, fence, pole, tent, booth, stand, building, or other structure on the ground.

9. A person shall not on the ground

(a) beat, shake, sweep, brush, or cleanse any carpet, rug, or mat, or any other fabric retaining dust or dirt;

(b) hang, spread, or deposit any linen or other fabric for drying or bleaching.

10. A person shall not on the ground wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the 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 his duty.

11. A person shall not in the ground make or light any bonfire, or let off any description of firework.

12. A person shall not fly any power-driven model aircraft in the ground.

13. A person shall not in the ground use any obscene language to the annoyance of any person.

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

15. Any person who by operating or causing or suffering to be operated any wireless set, gramophone, amplifier, musical or similar instrument in the ground makes or causes or suffers to be made any noise which is loud and so continuous or repeated as to give reasonable cause for annoyance to other persons in the ground shall be guilty of an offence.

Provided that this byelaw shall not apply to any wireless set, gramophone, amplifier, musical or similar instrument used by any person taking part in a concert or other performance held in the ground in pursuance of an agreement with the Council.

16. A person shall not in the ground ride or drive any vehicle at such a speed and in such a manner as to cause danger to other persons in the ground or without reasonable consideration for such persons.

17. Every person who shall offend against any of the foregoing byelaws shall be liable on a summary conviction to a fine not exceeding twenty pounds.

18. Every person who shall infringe any byelaw for the regulation of the ground may be removed therefrom by any officer of the Council, or by an 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.

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8. A person shall not except with the consent of the Council erect any post, rail, fence, pole, tent, booth, stand, building, or other structure on the ground.

9. A person shall not on the ground

(a) beat, shake, sweep, brush, or cleanse any carpet, rug, or mat, or any other fabric retaining dust or dirt;

(b) hang, spread, or deposit any linen or other fabric for drying or bleaching.

10. A person shall not on the ground wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the 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 his duty.

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13. A person shall not in the ground use any obscene language to the annoyance of any person.

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

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18. Every person who shall infringe any byelaw for the regulation of the ground may be removed therefrom by any officer of the Council, or by an 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.

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(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 on the ground of the person infringing the byelaw may result in another infraction of a byelaw, or that the removal of such person from the ground is otherwise necessary as a security for the proper use and regulation thereof.

Repeal of byelaws

19. The byelaws relating to the recreation ground in Oxford Road, Marston which were made by the Parish Council of Marston on 4th day of February, 1958 and were confirmed by the Secretary of State on the 18th day of April, 1958, are hereby repealed.

Given under our hands and seals this *fourth*.....

day of *July*..... 19*73*.

(Signed) *Almon*.....

(Signed) *Margaret Smith*.....

Members of the MARSTON Parish Council.

The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which they are to come into operation as the first day of March 1974.



Home Office  
WHITEHALL

*K. P. Witney*

(K P WITNEY)  
An Assistant Under Secretary  
of State

*28* January 1974

*MAS*