

M

B Y E L A W S

made under Section 164 of the

Public Health Act 1875,

under Section 15 and Sections 12 and 15 of the

Open Spaces Act 1906

by

DARTFORD BOROUGH COUNCIL

with respect to Pleasure Grounds

1. Throughout these byelaws the expression "the Council" means the Dartford Borough Council and the expression "the pleasure ground" means each of the grounds named in the First Schedule hereto.
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, shall not be deemed an offence against these byelaws.
3. The pleasure grounds known as Hesketh Park, Central Park, Manor House Park, and St Edmunds Churchyard shall be open at the hour of 8 a.m. and shall be closed at the hour of 5 p.m. every day during the months of November, December and January, and shall be opened at the hour of 8 a.m. and shall close 30 minutes after sunset or 9.30 p.m., whichever be the earlier, of every day during the months of February to October.

The children's playgrounds known as Attlee Drive Playground, Cavell Crescent Playground, Joyce Green Lane Playground, Penney Close Playground, Queens Gardens Playground, Mayfair Road Playground, Willow Road Playground, shall open at the hour of 9 a.m. and shall be closed at the hour of 8 p.m. or 30 minutes before sunset, whichever be the earlier, every day of the year.

Provided always that this byelaw shall not be deemed to require the pleasure ground or playground to be opened and closed at the hours hereinbefore prescribed on any day when, in pursuance of any statutory provision in that behalf, the Council close the pleasure ground or playground to the public

4. A person shall not, without the consent of the Council, remain in the pleasure grounds or playgrounds after the closing hours hereinbefore mentioned.
5. A person shall not in the pleasure ground
 - (i) 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;
 - (ii) climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, post, or other erection;
 - (iii) wilfully, carelessly, or negligently 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 pleasure ground.
6. 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 pleasure ground any cattle, sheep, goats, or pigs or any beast of draught or burden.
7. (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 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 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.

- 8. A person who brings a vehicle 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.

- 9. A person shall not in the pleasure ground

- (i) bathe, wade, or wash in any ornamental lake, pond, stream, or other water, except in any area set aside for such purpose;

(ii) wilfully, carelessly, or negligently foul or pollute any such water;

(iii) without lawful excuse or authority kill, molest or wilfully disturb any animal bird or fish or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares.

Provided that this byelaw shall not prohibit any fishing which may be authorised by the Council.

10. 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.

11. 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 is exhibited;

Provided that such notice shall not apply to more than one-fourth of the 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.

12. 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, and from worrying or disturbing any animal or waterfowl, and from entering any ornamental water.

13. Where the Council set apart any such part of the pleasure ground as may be fixed by the Council, and described in a notice board affixed or set up in some conspicuous position in the pleasure 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 pleasure ground may necessitate, at any time during the continuance of the game, the exclusive use by the player or players of any space in such part of the pleasure ground - a person shall not in any space elsewhere in the pleasure 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 a space.

14. 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.

15. 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.

16. No person who has attained the age of thirteen shall use any apparatus on the pleasure ground which, by a notice affixed or set up on or near thereto, has been set apart by the Council for the exclusive use of persons under that age.

17. A person shall not to the annoyance of any person play any instrument of music in the pleasure ground.

Provided that this byelaw shall not apply to any person taking part in any band performance or entertainment given in the pleasure ground, in pursuance of an agreement with the Council.

18. A person shall not play any game or take part in any form of sport in the open space known as St. Edmund's Churchyard.

19. A person shall not in the pleasure ground skate on rollers, skateboards, wheels or other mechanical contrivances to the danger or annoyance of any other person using the pleasure ground.

20. A person shall not in the pleasure ground

- (i) 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 purpose as are specified in the application;

- (ii) sell, or offer or expose for sale, or let to 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 pleasure ground such commodity or article.

21. A person shall not in the pleasure ground wilfully obstruct, disturb, or annoy any other person in the proper use of the pleasure ground, or wilfully obstruct or disturb, 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 fifty pounds.
23. Every person who shall infringe any byelaw for the regulation of the pleasure ground 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.

Repeal of Byelaws

24. The following byelaws relating to pleasure grounds and open spaces are hereby repealed:-

<u>When Made</u>	<u>By Whom Made</u>	<u>Date Confirmed</u>	<u>By Whom Confirmed</u>
16.6.1953	Borough of Dartford	6.8.1953	Secretary of State
as amended on 27.2.1970	Borough of Dartford	14.5.1970	Secretary of State
10.12.1964	Borough of Dartford	5.2.1965	Secretary of State
as amended on 17.9.1968	Borough of Dartford	24.1.1969	Secretary of State
15.12.1964	Swanscombe Urban District Council	5.2.1965	Secretary of State

First Schedule

Part I

Grounds for which byelaws are made under Section 164
Public Health Act 1875

Bridge House Gardens Dartford
Brooklands Lakes Dartford
Central Park Recreation Ground Dartford
East Hill Gardens Playground Dartford
Hesketh Park Recreation Ground Dartford
Wilmot Road Recreation Ground Dartford

Part II

Grounds for which byelaws are made under Section 15
Open Spaces Act 1906

Manor House Park Swanscombe
Mayfair Road Dartford
St Edmunds Churchyard Dartford
Windermere Close Dartford


Part III

Grounds for which byelaws are made under Section 12
and Section 15 Open Spaces Act 1906

Almond Road Playground Stone
Attlee Drive Playground Dartford
Cavell Crescent Playground Dartford
Jessamine Place Playground Stone
Joyce Green Lane Playground Dartford
Lane End Playground Hill Rise Dartford
Page Close Playground Dartford
Penney Close Playground Dartford
Queens Gardens Playground Dartford
Tree Estate Playground Dartford
Willow Road Playground Dartford

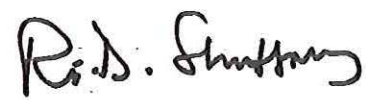
The Common Seal of the)
Dartford Borough Council)
was hereunto duly)
affixed this 31st. day)
of January, 1980.)




Chief Executive

The foregoing byelaws are hereby confirmed by the
Secretary of State and shall come into operation on
the first day of MAY 1980.

Signed by authority of the
Secretary of State


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

Home Office
LONDON SW1
11 April 1980.