

APPENDIX 1 -Draft updated byelaws

OXFORD CITY COUNCIL

**BYELAWS FOR PLEASURE GROUNDS, PUBLIC
WALKS AND OPEN SPACES**

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Byelaws made under section 164 of the Public Health Act 1875, sections 12 and 15 of the Open Spaces Act 1906 and section 235 of the Local Government Act 1972 by the Oxford City Council with respect to grounds listed in Schedule 1 with respect to pleasure grounds, public walks and open spaces, for the good rule and government of Oxford City Council and for the prevention and suppression of nuisances.

PART [1]

GENERAL

General Interpretation

1. In these byelaws:

“the Council” means Oxford City Council;

“the ground” means any of the grounds listed in Schedule [1]

“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.

Application

These byelaws apply to all of the grounds listed in Schedule [1].

Part [5] Waterways: Byelaw [21 (1)] applies to all those grounds listed in Schedule [2].

Part [5] Waterways: Byelaw [21 (2), (3), (4), (5), (6) and (7)] applies to all those grounds listed in Schedule [3].

PART [2]

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Interpretation of Part [2]

In this Part:

“Sky lantern” means any unmanned device which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere

Protection of structures and plants

2. (1) No person shall without reasonable excuse remove from or displace within the ground:
 - (a) any barrier, post, seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the ground; or
 - (b) any stone, soil or turf or the whole or any part of any plant, shrub or tree.
- (2) No person shall walk on or ride, drive or station a horse or any vehicle over:
 - (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (c) any part of the ground set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

3. No person shall without the consent of the Council erect any barrier, post, ride or swing, building or any other structure.

Grazing

4. No person shall without the consent of the Council turn out or permit any animal for which they are responsible to graze in the ground.

Protection of wildlife

5. (1) No person shall kill, injure, take or disturb any animal, or engage in hunting or shooting or the setting of traps or the laying of snares.

Camping

6. 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 [except in a designated area for camping or authorised by the council as part of an event].

Fires

7. (1) No person shall:
 - (a) light a fire; or
 - (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or
 - (c) release a lighted sky lantern into the atmosphere.
- (2) Byelaw (1) shall not apply to:

[(a)] [the lighting of a fire at any event or activity for which the Council has given permission that fires may be lit.

Missiles

8. 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.

Interference with life-saving equipment

9. 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

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;

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

10. (1) No person shall ride a horse except:
 - (a) on a designated route for riding; or
 - (b) in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted by virtue of byelaw [10](1)(a) or a lawful right or privilege, no person shall ride a horse in such a manner as to cause danger to any other person.

Cycling

- (1) No person shall cycle on any footway or carriageway in such a manner as to cause danger or give reasonable grounds for annoyance to other persons using the footway or carriageway.

Motor vehicles

11. (1) No person shall without reasonable excuse bring into or drive in the ground a motor cycle, motor vehicle or trailer except in any part of the ground where there is a right of way [or a designated route] for that class of vehicle.

(2) [Where there is a designated route for motor cycles, motor vehicles or trailers, it shall not be an offence under this byelaw to bring into or drive in the ground a vehicle of that class for the sole purpose of transporting it to the route].

(3) Byelaw [1] shall not apply to:

(a) Any vehicle which the Council has given permission to drive into the ground as part of an authorised event or activity.

Overnight parking

12. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle in the ground between the hours of 10 p.m. and 6 a.m.

PART [4]

PLAY AREAS, GAMES AND SPORTS

Interpretation of Part [4]

In this Part:

“golf course” means any area within the ground set aside for the purposes of playing golf and includes any golf driving range, golf practice area or putting course;

“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.

Children’s play areas

13. 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.

Children’s play apparatus

14. No person aged 14 years or over shall use any apparatus stated to be for the exclusive use of persons under the age of 14 years by a notice conspicuously displayed on or near the apparatus.

Skateboarding, etc

Skateboarding, etc permitted but must not cause danger or annoyance

15. No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Cricket

16. No person shall throw or strike a hard cricket ball with a bat except in a designated area for playing cricket.

Archery

17. 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.

Field sports

18. 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 [or on land set aside by the Council for that purpose].

Golf

Golf prohibited [except where part of ground is set aside as golf course]

19. No person shall drive, chip or pitch a hard golf ball [except on the golf course].

Where part of ground is set aside as a golf course

20. (1) No person shall play golf on the golf course unless that person holds a valid ticket issued by or on behalf of the Council entitling him to do so, which ticket shall be retained and shown on demand to any authorised officer or agent of the Council.
- (2) No person shall enter on to or remain on the golf course unless:
- (a) taking part in the game of golf or accompanying a person so engaged

PART [5]

WATERWAYS

Interpretation of Part [5]

In this Part:

“boat” means a vessel of every description and includes any yacht, motor boat, barge or similar water craft with or without means of propulsion used or capable of being used as a means of transportation or habitation on, in, or by water, and without prejudice to the generality of the foregoing description includes any houseboat 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.

“mooring” means the act of being physically attached to any ground listed under Schedule [2] or [3], physically touching the ground, or tied to objects in the ground, by way of ropes, gangplanks, stakes in the ground, or other similar methods.

Mooring

21.

- (1) No person shall moor any boat in any ground listed under Schedule [2] where mooring is prohibited, except in an emergency.
- (2) No person shall in any ground listed in Schedule [3] moor any boat or permit any boat to be moored for a period longer than the 72 hour duration allowed for visitor mooring provided for this purpose (listed under Schedule [3] (no return within 14 days).
- (3) No boat owner or occupier shall store items on any area of the ground, or dump rubbish or generally litter the ground
- (4) No boat owner or occupier shall behave in any way which causes distress or annoyance to any other person on the ground, adjacent residents or other boat owner/occupiers
- (5) No boat owner or occupier shall foul or pollute any water course in the ground by inappropriate disposal of waste matter or material, or create air pollution through the burning of inappropriate fuel or other similar materials.
- (6) No boat owner or occupier shall create trip hazards along the towpath or riverbank through inconsiderate positioning of mooring spikes or ropes
- (7) No boat owner or occupier shall undertake actions detrimental to wildlife and habitats, including damage to trees and riverbanks

Fishing

22. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals [except in a designated area for fishing].

Blocking and pollution of watercourses

23. (1) 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.
- (2) No person shall foul or pollute any water course in the ground.

PART [6]

MODEL AIRCRAFT AND DRONES

Interpretation of Part [6]

In this Part:

“model aircraft” means an unmanned aircraft which weighs not more than 7 kilograms without its fuel;

“drone” means unmanned aircraft that is remotely controlled by a person on the ground.

“power-driven” means driven by:

- (a) the combustion of petrol vapour or other combustible substances;
- (b) jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding 2.54 centimetres in length; or
- (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.

24. (1) No person shall cause any power-driven model aircraft or drone to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft in the ground; or
 - (b) land in the ground without reasonable excuse.
- (2) Byelaw [23] shall not apply to use of model aircrafts or drones at authorised events or where a specified area is designated for this activity.

PART [7]

E-SCOOTERS

Interpretation of Part [7]

In this Part

“E-Scooter” means a motor vehicle which:

- (a) is fitted with an electric motor with a maximum continuous power rating not exceeding 500 watts;
- (b) is not fitted with pedals that are capable of propelling the vehicle;
- (c) has two wheels, one front and one rear, aligned along the direction of travel;
- (d) is designed to carry no more than one person;
- (e) has a maximum weight, excluding the driver, not exceeding 55 kilograms;
- (f) has a maximum design speed not exceeding 15.5 miles per hour;
- (g) has a means of directional control through the use of handlebars which are mechanically linked to the steered wheel;
- (h) has a means of controlling the speed through hand controls; and
- (i) has a power control that defaults to the 'off' position

25. No person shall use the ground for the purpose of passage by e-scooter.

PART [8]

OTHER REGULATED ACTIVITIES

Provision of services

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

Excessive noise

27. (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, phone, amplifier, tape recorder, or similar device.
- (2) Byelaw 26(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

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

Aircraft, hang gliders and hot air balloons

29. 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.

Metal detectors

30. (1) 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 [9]

MISCELLANEOUS

Obstruction

31. No person shall obstruct:
- (a) any officer of the Council in the proper execution of their 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, or behave so as to give reasonable grounds for annoyance to other persons in the ground

Savings

- 32. (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.

Removal of offenders

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

Penalty

- 34. 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

- 35. The byelaws made by the Council on 8th July 1996 and confirmed by the Secretary of State for the Home Department on 23rd February 1996 relating to the land are hereby revoked
- 36. The byelaws relating to Shotover County Park, made by the Council on 5th March 1996 and confirmed by the Secretary of State for the Home Department on 1st July 1996 relating to the land are hereby revoked

SCHEDULES

SCHEDULE [1]

GROUNDS TO WHICH BYELAWS APPLY

Insert schedule in here

SCHEDULE [2]

NO MOORING AREAS

GROUNDS TO WHICH BYELAWS APPLY

Insert schedule in here

SCHEDULE [3]

TEMPORARY VISITOR MOORING AREAS

GROUNDS TO WHICH BYELAWS APPLY

Insert schedule in here

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