

Tunbridge Wells Borough Council Byelaws

Made under Section 164 of the Public Health Act, 1875, and under Sections 12 and 15 of the Open Spaces Act 1906 by the TUNBRIDGE WELLS BOROUGH COUNCIL ACTING BY THE COUNCIL with respect to the PLEASURE GROUNDS in Tunbridge Wells

1. Throughout these byelaws the expression ‘the Council’ means the Tunbridge Wells Borough Council and the expression ‘the pleasure ground’ means, except where inconsistent with the context, each of the pleasure grounds named in the Schedule hereto.

The expression ‘power driven model boat’ means any model boat driven by the combustion of petrol vapour, other combustible substances or electricity.

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. On Monday to Saturday of each week throughout the year the pleasure ground shall be opened at the hour of 7.30 in the forenoon and be closed half an hour before sunset in the afternoon. On each Sunday throughout the year the pleasure ground shall be opened at the hour of 9.00 in the forenoon and be closed half an hour before sunset in the afternoon.

Provided always that this byelaw shall not be deemed to require the pleasure ground 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 to the public. The closing times shall not be applicable to that part of the Hawkenbury Recreation Ground in which the hard porous play area is situate, that area closing at 9.30pm (or at the conclusion of the last booking if earlier than that time) on any day when the area is available for public use.

4. On any day on which the pleasure ground is open to the public a person shall not enter it before the time or enter or remain in it after the time appointed in the foregoing byelaw.
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 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 the building, barrier or railing, or of any seat, or of any other erection or ornament in the pleasure ground.
10. 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 fifth 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.

11. A person shall not in the pleasure ground

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

Provided that where the Council has provided a paddling pool this byelaw shall not be deemed to prohibit any child aged 12 years and under from bathing or paddling in that pool.

- (ii) wilfully, carelessly or negligently foul or pollute any such water;
- (iii) take, injure or destroy or attempt to take, injure or destroy any fish in any ornamental lake, pond or stream, or other water, or wilfully disturb, worry, injure or destroy any waterfowl;

Provided that this prohibition shall not apply to any person who has obtained the written consent of the Council under the hand of the Director of Administration to fish in the lake in Dunorlan Park.

- (iv) sail any boat or power driven model on any ornamental lake, pond, stream or other water;

Provided that this prohibition shall not apply to any person who shall obtain the written consent of the Council under the hand of the Chief Recreation Officer to sail a power driven model boat on any such water or in respect of any person who, in pursuance of any agreement with the Council or otherwise in the exercise of any lawful right or privilege, is authorised to let out or hire boats on the lake in Dunorlan Park.

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 water fowl and from entering any ornamental water.

13. Where the Council set apart and fence off any part of the pleasure ground described in a notice board affixed or set up in a conspicuous position near thereto as an exclusive play area for children aged 12 years or under

- (i) no person over 12 years of age shall enter such area.

Provided that this prohibition shall not apply to persons over the age of 12 years who are supervising or in charge of children under that age who are playing in the area

- (ii) no person shall cause or suffer any dog belonging to him or in his charge to enter or remain in such area

14. A person shall not in the pleasure ground play any musical instrument, radio, gramophone, tape recorder or other mechanical equipment for the playing or reproduction of music or speech

Provided that this prohibition shall not prevent any band or person from playing any musical instrument or using mechanical equipment for the playing or reproduction of music or speech in pursuance of a written agreement with and subject to such conditions as may be imposed by the Council.

15. Where the Council set apart any such part of the pleasure ground as may be fixed by the council and described on a notice board affixed or set up in some conspicuous position in the pleasure ground, for the purpose of any game specified on 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.

16. 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 player or players make known to him a wish to use the space.

17. 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 either a notice is set up in some conspicuous position prohibiting play in that part of the pleasure ground or has been notified by an officer or servant of the Council that the ground is unfit for play.

18. 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) hang, spread or deposit any linen or other fabric for drying or bleaching
- (iii) 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.

19. 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.

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

21. 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 herinafter 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

22. The following byelaws relating to pleasure grounds are hereby repealed:

Pleasure Ground	Date made by Council	Date allowed by the local Govt board or confirmed by the Secretary of State
Grosvenor Recreation Ground	5 February 1890	31 March 1890
Mount Sion Grove	4 December 1901	20 March 1902
St Johns Recreation Ground	4 December 1901	31 January 1902
Calverley Grounds) Dunorlan Park) Hawkenbury Recreation Ground) Hilbert Recreation Ground) Mary Caley Recreation Ground)	4 February 1953	11 April 1953

The Schedule

Part 1

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

Cadogan Playing Fields
Calverley Grounds
Dunorlan Park
Grosvenor Recreation Ground
Hawkenbury Recreation Ground
Hilbert Recreation Ground
Mary Caley Recreation Ground
Mount Sion Grove
St John's Recreation Ground
St Mark's Recreation Ground

Part 2

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

Bayham Road Playing Fields
Rusthall Playing Fields

The Common Seal of
Tunbridge Wells
Borough Council was
Hereunto affixed this
19th day of July 1977
in the presence of

W R Symon
Mayor

W E Battersby
Chief Executive

Seal Book Reference Number 739

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the first day of January 1978.

Signed 2 December 1977