

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL BYELAWS

Made by the County Of Herefordshire District Council in respect of the areas of common land listed in the schedule

1. Throughout these bylaws:

“the Council” means the County of Herefordshire District Council

“the commons” means the areas of common land listed in the attached schedule, all in the county of Herefordshire.

“the schemes” means the schemes of management for each common listed in the schedule under the 1899 Commons Act

“model aircraft” means an aircraft which either weighs not more than 5 kilograms 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 by compresses gas

“jet-propelled or rocket-propelled” means driven by 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 one inch in length.

2. No Person shall, except in the exercise of any lawful right or privilege, remove or displace any soil or plant.

3. No person shall dig or take turf, sods, gravel, sand, clay or other substances, cut fell or take trees or underwood on or from any part of the common which is temporarily enclosed by the Council for the revival of the turf, shrubs, trees, plants or grasses thereon or set apart for games, if similar turf or other such respective substances or products as aforesaid can conveniently be dug or taken or cut or felled from some other part of the common except if they have the common right to do so.

4. A person shall not, without reasonable excuse, 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 common.

5.

(a) No person shall without lawful excuse on the common, except in the exercise of any lawful right or privilege, kill, molest or intentionally 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.

(b) This byelaw shall not prohibit any fishing which may be authorised by the Council

6. A person shall not, except in the exercise of any lawful right or privilege, bring or cause to be brought on to the common any barrow, truck, machine or vehicle other than:-

(a) a wheeled bicycle or other similar machine being power driven

(b) a wheel-chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children.

(c) An invalid conveyance with an engine, but not including a motor car of any description

(d) Any agricultural or forestry as is from time to time required for the management of the common.

Providing that where the Council has set apart a space on the common for use of any class of vehicles this byelaw shall not be deemed to prohibit the driving in or to that space by a direct route from the entrance to the common of any vehicle of the class for which it is set apart.

7. (a) No person shall light a fire on the common or place or throw or let fall a lighted match or any thing so as to be likely to cause a fire.

8. No person shall erect a tent or use any vehicle, including a caravan or any other structure for the purpose of camping on the common

9. Where any part of the common has, by a notice conspicuously exhibited in the commons been set apart by the Council for the flying of power driven model aircraft, no person in any other part of the commons shall release any such aircraft for flight, or control the flight of such an aircraft, and no person shall:-

(a) cause such an aircraft to take off: or

(b) without reasonable excuse, cause such an aircraft to land in such other part of the commons.

Where an area within a part of the commons so set apart for the flying of power driven model aircraft is designated by the Council as an area from which aircraft may be launched and is described in a notice affixed or set up in some conspicuous position on the common a person shall not release such an aircraft for flight, or cause such an aircraft to take off, in any part of the commons other than that area. Areas for model aircraft to be agreed or the common proclaimed a “No Fly Zone”.

10. No person shall place on the common any show, exhibition, swing, roundabout or other like thing unless specifically agreed in writing by the Council.

11. No person shall without lawful authority fire or discharge any firearm, or to the danger of any person throw or discharge any missile on the commons.

12. Where the Council set apart any part of the common as may be fixed by the Council, and described in a notice board affixed or set up in some conspicuous position on the common 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 commons 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 commons, a person shall not in any space elsewhere on the common play or take part in any game so specified in such a manner as to exclude person not playing or taking part in the game from the use of such space.

13. A person resorting to the commons and playing or taking part in any game for which the exclusive use of any space on the common has been set apart shall:-

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

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

(c) when the space is already occupied by other players not begin to play thereon without their permission;

(d) where the exclusive use of the space has been granted by the Council for the playing of a match, not play in 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;

(e) 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

14. No person shall on any part of the commons 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 on that part of the common.

15. No person shall without lawful authority:-

(a) break in any horse on the common;

(b) drive or exercise any horse on the common to the danger or annoyance of any other person.

16. No person shall, without lawful authority, turn out or permit to graze on the common any cattle, sheep, or other animals. And it shall be lawful for any officer of the Council or person authorised by them to remove from the common any cattle, sheep or other animal being upon the common in contravention of this Bylaw.

17. A person shall not in the ground intentionally obstruct, disturb or annoy any other person in the proper use of the common, or intentionally 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 his duty.

18. No person shall, by operating or causing or suffering to be operated any wireless set, gramophone, amplifier, tape recorder or similar instrument, make, cause or suffer to be made any noise which is so loud or so continuous or repeated as to give reasonable cause or annoyance to other persons on the common.

19. No Person shall tip, dump or leave any material or rubbish upon any part of the common.

20. An officer of the Council or person authorised by them, may, after due warning, remove or exclude from the common, any vehicle whether animal drawn or not, driven or placed upon the common or any structure (which shall include a caravan) erected or placed thereon in contravention of the Scheme or of any of the foregoing byelaws, and may remove from the commons any person who within his view infringes any such byelaw or any provisions of the Vagrancy Acts.

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

22. The Council may temporarily enclose parts of the Common for the better management of the land.

23.

(a) No unauthorised person shall have in his possession whilst he is on the common any bow, crossbow or other weapon capable of firing or propelling any missile unless it is so covered with a secure fastened cover that it cannot be fired.

(b) No person shall throw or project any stone or missile on the common to the danger, obstruction or annoyance of any person or animal

24. No unauthorised person shall remove or displace any building, structure, seat, fence, notice board, rubbish bin put up or maintained by the Council.

25. No unauthorised person shall post, place, paint or display any bill, placard, advertisement or notice on the Common.

26. No unauthorised person shall make or form any road or pathway or way over or across the Common.

27. No unauthorised person shall dig, lay, construct whether over ground or underground on the Common any watercourse, sewer, drain, pipe, wire or cable, or any form of service media.

28. No unauthorised person shall on the Common hawk or expose or offer for sale any form of food or drink or other articles or importune any person for the purpose of taking or selling any photograph or other thing.

29. No unauthorised person shall hold any meeting or concert, rally or assembly or permit any activity likely to cause assembly on the Common.

30. No person shall on the Common use any indecent or obscene language or indulge in any indecent or offensive behaviour likely to cause the annoyance of any other person.

31. No person shall on the Common intentionally or recklessly obstruct, disturb or annoy any other person in the proper use of the Common.

32. No unauthorised person shall deposit or permit to be deposited or permit to remain on any part of the Common any macadam for the making or mending of roads, manure, dead animals, farm produce, building materials, rubbish, scrap, garden refuse or other matter.

The areas of common land covered by the above byelaws:

Commonly known as	Situated in the parish(es) of
Broadmoor Common	Woolhope
Bromyard Downs	Norton and Linton
Bringsty Common	Linton and Whitbourne
Badley Wood	Whitbourne

The common seal of the County Of Herefordshire District Council was hereunto affixed on 12th August 2004 in the presence of - Marie Rosenthal - County Secretary and Solicitor