

Appendix 1

Report to Council

26th January 2011

***New Byelaws for Pleasure Grounds, Public
Walks and Open Spaces***

London Borough of Hammersmith & Fulham

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

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Byelaws made under section 164 of the Public Health Act 1875 and sections 12 and 15 of the Open Spaces Act 1906 by the London Borough of Hammersmith & Fulham with respect to pleasure grounds, public walks and open spaces.

PART 1 GENERAL

General Interpretation

1. In these byelaws:

“the Council” means the London Borough of Hammersmith & Fulham;

“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;

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

“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

2. These byelaws apply to all of the grounds listed in Schedule 1 unless otherwise stated.

Opening times

3. (1) No person shall enter or remain in the ground except during opening hours.

(2) “Opening hours” means the days and times during which the ground is open to the public and which are indicated by a notice placed in a conspicuous position at the entrance to the ground.

(3) Byelaw 3(1) applies only to the grounds listed in Part 1 of Schedule 2.

PART 2

PROTECTION OF THE GROUND, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

4. (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

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

Climbing

6. No person shall without reasonable excuse climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Grazing

7. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze in the ground.

Protection of wildlife

8. 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.

Gates

9. (1) No person shall leave open any gate to which this byelaw applies and which he has opened or caused to be opened.

(2) Byelaw 9(1) applies to any gate to which is attached, or near to which is displayed, a conspicuous notice stating that leaving the gate open is prohibited.

Camping

10. 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.

Fires

11. (1) No person shall light a fire or place, throw or drop a lighted match or any other thing likely to cause a fire.

(2) Byelaw 11(1) shall not apply to the lighting of a fire at any event for which the Council has given permission that fires may be lit.

Missiles

12. 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

13. 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

14. 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.

15. (1) No person shall ride a horse except:
- (a) in any of the grounds listed in Part 2 of Schedule 2; or
 - (b) in the exercise of a lawful right or privilege.
- (2) Where horse-riding is permitted in any ground by virtue of byelaw 15(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

16. No person shall without reasonable excuse ride a cycle in the ground except in any part of the ground where there is a right of way for cycles or on a designated route for cycling.

Motor vehicles

17. 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 for that class of vehicle.

Overnight parking

18. 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

19. In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching, but does not include cricket;

“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

20. 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

21. 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

22. (1) No person shall skate, slide or ride on rollers, skateboards or other self-propelled vehicles except in a designated area for such activities.

(2) Where there is a designated area for skating, sliding or riding on rollers, skateboards or other self-propelled vehicles, no person shall engage in those activities in such a manner as to cause danger or give reasonable grounds for annoyance to other persons.

Ball games

23. (1) No person shall play ball games in the grounds listed in Part 3 of Schedule 2.

24. No person shall play ball games outside a designated area for playing ball games in such a manner:

(a) as to exclude persons not playing ball games from use of that part;

(b) as to cause danger or give reasonable grounds for annoyance to any other person in the ground; or

- (c) which is likely to cause damage to any tree, shrub or plant in the ground.
25. It is an offence for any person using a designated area for playing ball games to break any of the rules set out in Schedule 3 and conspicuously displayed on a sign in the designated area when asked by any person to desist from breaking those rules.

Cricket

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

Archery

27. 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.

Golf

28. No person shall drive, chip or pitch a hard golf ball.

PART 5
WATERWAYS

Interpretation of Part 5

29. In this Part:

“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.

Bathing

30. No person shall without reasonable excuse bathe or swim in any waterway except in a designated area for bathing and swimming.

Ice skating

31. No person shall step onto or otherwise place their weight upon any frozen waterway.

Model boats

32. No person shall operate a power-driven model boat on any waterway.

Fishing

33. No person shall in any waterway cast a net or line for the purpose of catching fish or other animals.

Pollution

34. No person shall foul or pollute any waterway.

PART 6
MODEL AIRCRAFT

Interpretation of Part 6

35. In this Part:

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

“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.

General prohibition

36. No person shall cause any power-driven model aircraft 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.

Model aircraft permitted in certain grounds on specified days at specified times

37. Byelaw 36 does not apply to the grounds listed in column 1 of the table in Part 4 of Schedule 2 on the days and times indicated for each ground in column 2 of that table.

Model aircraft permitted in designated areas

38. No person shall cause any power-driven model aircraft to:

- (a) take off or otherwise be released for flight or control the flight of such an aircraft; or
- (b) land in the ground without reasonable excuse;

other than in a designated area for flying model aircraft.

PART 7

OTHER REGULATED ACTIVITIES

Provision of services

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

Excessive noise

40. (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, amplifier, tape recorder or similar device.
- (2) Byelaw 40(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

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

Kites

42. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal detectors

43. 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 8

MISCELLANEOUS

Obstruction

44. No person shall obstruct:
- (a) any officer of the Council in the proper execution of his 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.

Savings

45. (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

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

Penalty

47. 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

48. The byelaws made by the London Borough of Hammersmith and Fulham on 20th April 2000 and confirmed by the Secretary of State for the Home Office on 29th June 2000 relating to the ground are hereby revoked.

SCHEDULES

SCHEDULE 1

GROUND TO WHICH BYELAWS APPLY GENERALLY

The grounds referred to in byelaw 2 are:

All Saints Church Gardens, London SW6
Bayonne Park - Hammersmith London W6
Bentworth Open Space, London W12
Berestede Open Space, Hammersmith, London W6
Bishop's Park, Fulham Palace Rd, London SW6
Brook Green , London, W6
Cathnor Park, London W12 9HZ
Dalling Road Open Space, London W6
Edith Road Open Space, London W14
Eel Brook Common, London SW6
Frank Banfield Park, London W6 9PL
Fulham Palace Grounds, Fulham Palace Rd, London SW6
Furnivall Gardens, Hammersmith, London W6 9DJ
Godolphin Road Open Space, London W12
Grand Union canal site 3, London NW10
Great West Road Open Spaces, London W6
Gwendwr Gardens, London W14
Gwendwr Road Open Space, London W14
Hammersmith Park, South Africa Rd, London W12
Hurlingham Park, London SW6
Lillie Road Recreation Ground, Fulham Palace Rd London SW6
Little Wormwood Scrubs, London W10
Loris Road Community Gardens and Open Spaces, London W6
Marcus Garvey Park, London W14 8XS
Margravine Gardens, London W6 8LL
Maxwell Road Open Space, London SW6
Mitre Bridge Park, London NW10
Norland North Open Space, Shepherds Bush, London W11
Normand Park , London SW6 7QA
North Pole Road Open Space, London W10 6BA

North Verbena Gardens, London W6
Novotel Podium, London, W6 8PN
Parsons Green, London SW6
Purcell Crescent Recreation Ground, Fulham, London SW6
Ravenscourt Park, Hammersmith, London W6 0TW
Richmond Way Open Space, London W12
Rowberry Mead, Open Space, London SW6 6PE
Sands Wharf Open Space, London SW6
Shepherd's Bush Common, Shepherds Bush, London W12
Silver Birch Sidings – NW10
South Park, Fulham, London SW6
St Andrew's Church Gardens, London W14
St John's Churchyard, London SW6 1PB
St Mary's Churchyard, Hammersmith Road, London W14
St Paul's Garden & Open Space, Hammersmith Road, London W14
St Paul's Church (the grounds of St Paul's Church) & Green, London W6 9PJ
St Peter's Churchyard, London W6 9BE
St Peter's Square, London W6 9AB
Starch Green, London W12
Stevenage Park, Fulham London SW6
Upper Mall Open Space, London W6
Wendell Park, London W12
Westcroft Square, London W6
White City Playground, White City Estate, London W12 7DE
William Parnell Park, London SW6
William Powell Almshouse - SW6
Woodman Mews Open Space – W6 0LJ
Wormholt Park, White City, London W12
Wormwood Scrubs, Wood Lane, London W12

SCHEDULE 2

GROUND REFERRED TO IN CERTAIN BYELAWS

PART 1

OPENING TIMES (BYELAW 3(1))

All Saints Church Gardens, London SW6
Bishop's Park, Fulham Palace Rd, London SW6
Brook Green children's play area, Brook Green, London W14
Eel Brook Common children's play area, Eel Brook Common London SW6
Fulham Palace Grounds, Fulham Palace Rd, London SW6
Gwendwr Gardens, London W14
Hammersmith Park, South Africa Rd, London W12
Hurlingham Park, London SW6
Lillie Road Recreation Area, Fulham Palace Rd, London SW6
Margravine Gardens, London W6 8LL
Maxwell Road play area, Maxwell Road Open Space, London SW6
Norland North Open Space, Shepherds Bush, London W11
Normand Park – lockable areas, Normand Park, London SW6 7QA
Purcell Crescent Recreation Ground, Fulham, London SW6
Ravenscourt Park, Hammersmith, London W6 0TW
Rowberry Mead Open Space, London SW6 6PE
South Park, Fulham, London SW6
St. Paul's Church (the grounds of St Paul's Church) & Green, London W6 9PJ
St. Paul's Garden & Open Space, Hammersmith Road, London W14
St. Peter's Square, London W6 9AB
Wendell Park, London W12
Westcroft Square, London W6
White City Playground, White City Estate, London W12 7DE
William Parnell Park, London SW6
Wormholt Park, White City, London W12

PART 2

HORSE-RIDING PROHIBITED EXCEPT IN CERTAIN GROUNDS (SUBJECT TO
BRIDLEWAY, ETC) (BYELAW 15(1)(a))

Wormwood Scrubs, Wood Lane, London W12

PART 3

NO BALL GAMES (BYELAW 23(1))

Fulham Palace Grounds, Fulham Palace Rd, London SW6
 The Peace Garden, Bishop's Park, Fulham Palace Rd, London SW6
 The Disused Burial site at Furnivall Gardens, Hammersmith, London W6 9DJ
 Gwendwr Gardens, London W14
 Frank Banfield Park, London W6 9PL

PART 4

USE OF MODEL AIRCRAFT PERMITTED ON SPECIFIED DAYS AT SPECIFIED TIMES (BYELAW 37)

<i>Name or description of ground</i>	<i>Days and times at which use of model aircraft is permitted</i>
Wormwood Scrubs – designated area	Monday – 1pm to 7.30pm Tuesday – 9am to 6pm Wednesday – 4pm to 7.30pm Thursday – 9am to 6pm Friday – 1pm to 7.30pm Saturday – 9.30am to 1pm Sunday – 10am to 1pm and even then, in relation to the period from 30 th September to 30 th April inclusive, not during a time when the Council has indicated, by a notice conspicuously exhibited in the ground, that the ground is being used for other activities.

SCHEDULE 3

RULES FOR PLAYING BALL GAMES IN DESIGNATED AREAS (BYELAW 25).

Any person using a designated area for playing ball games is required by byelaw 25 to comply with the following rules:

- (1) No person shall play any game other than those ball games for which the designated area has been set aside.
- (2) No person shall obstruct any other person who is playing in accordance with these rules.
- (3) Where exclusive use of the designated area has been granted to a person or group of persons by the Council for a specified period, no other person shall play in that area during that period.
- (4) Subject to paragraph (5), where the designated area is already in use by any person, any other person wishing to play in that area must seek their permission to do so.
- (5) Except where they have been granted exclusive use of the designated area for more than two hours by the Council, any person using that area shall vacate it if they have played continuously for two hours or more and any other person wishes to use that area.
- (6) No person shall play in the designated area when a notice has been placed in a conspicuous position by the Council prohibiting play in that area.

THE COMMON SEAL OF THE COUNCIL OF THE
LONDON BOROUGH OF HAMMERSMITH AND FULHAM
was affixed to these Byelaws in the presence of:

The Officer duly authorised on behalf of the Council

Dated: