

BYELAWS

with respect to

PLEASURE GROUNDS



BYELAWS made under Section 164 of the Public Health Act 1875, Section 15 of the Open Spaces Act 1906; Sections 12 and 15 of the Open Spaces Act 1906; and Section 19(1) of the Warwick Corporation Act 1948 by the Warwick District Council with respect to the pleasure grounds named in Schedule "A" to these byelaws.

1. Throughout these byelaws the expression "Council" means the Warwick District Council and the expression "the pleasure ground" means each pleasure ground named in Schedule "A" hereto, and the expression "power-driven model boat" means any model boat powered by electricity, steam or by the combustion of petrol vapour or other combustible substances.
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 Jephson Gardens, the Mill Gardens Recreation Ground and the Victoria Park, all in Leamington Spa, shall be opened at the hour of eight in the forenoon on weekdays and at the hour of nine in the forenoon on Sundays and Bank Holidays and shall be closed one half-hour after sunset of every day throughout the year. Provided always that this byelaw shall not be deemed to require the pleasure grounds to be opened and closed at the hours hereinbefore prescribed on any day when, in pursuance of any statutory provisions in that behalf, the Council close the pleasure ground to the public.
4. On any day on which the Jephson Gardens, the Mill Gardens Recreation Ground and the Victoria Park, all in Leamington Spa, are open to the public a person shall not enter them before the time or enter or remain in them after the time appointed in the foregoing byelaw.
5. A person shall not in the pleasure ground:
 - (a) 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.
 - (b) climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, post or other erection;
 - (c) 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. Where any part of the pleasure ground has, by notices affixed in a conspicuous position in the pleasure ground, been set apart by the Council as a place where horse riding is permitted a person shall not, except in the exercise of any lawful right or privilege, ride a horse in any other part of the pleasure ground.
8. (a) 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:
 - (1) a wheeled bicycle, tricycle or other similar machine;
 - (2) a wheel-chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid.
- (b) 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.

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 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.

9. A person who brings a vehicle into the pleasure ground shall not wheel or station it over or upon:-
 - (a) 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;
 - (b) 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.
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 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 in the pleasure ground:
 - (a) except as hereinafter provided bathe, wade or wash in any ornamental lake, pond, stream or other water;

PROVIDED that this prohibition shall not apply to the children's paddling pools in Victoria Park, Leamington Spa and St. Nicholas Park, Warwick.
 - (b) wilfully, carelessly or negligently foul or pollute any such water.

13. 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.
14. 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.
15. 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:
 - (a) not play on the 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 pleasure ground 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 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;
 - (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.
16. 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.
17. A person shall not in the pleasure ground:
 - (a) 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;

- (b) hang, spread, or deposit any linen or other fabric for drying or bleaching;
 - (c) 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.
18. A person shall not in the pleasure ground place on the ornamental lakes, children's paddling pools or any other water, any power-driven model boats.
19. A person shall not in the pleasure ground willfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the pleasure ground, or willfully 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. A person shall not cause or suffer any dog belonging to him or in his charge to enter any part of the grounds listed in Schedule "B" of these byelaws which by a notice affixed or set up in a conspicuous position is reserved by the Council as a children's play area.
21. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding twenty pounds.
22. 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:-
- (a) 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;
 - (b) 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 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

23. All existing byelaws with respect to parks, gardens, pleasure grounds and open spaces in force in the District of Warwick made by the former Councils of the Borough of Royal Leamington Spa, the Borough of Warwick and the Urban District of Kenilworth are hereby repealed.

SCHEDULE "A" PART I

Byelaws made under Section 164 of the Public Health Act 1875 by Warwick District Council with respect to pleasure grounds known as:-

Beverley Estate Open Space, Leamington Spa
Campion Hills Recreation Ground, Leamington Spa
Dell Gardens, Leamington Spa
Eagle Recreation Ground, Leamington Spa
Edmondscote Recreation Ground, Leamington Spa
Edmondscote Play Area, Leamington Spa
Elisabeth Road Play Area, Leamington Spa
Jephson Gardens, Leamington Spa
Lillington Road Midland Oak Recreation Ground, Leamington Spa
Lillington Waterworks Recreation Ground, Leamington Spa
Mill Gardens Recreation Ground, Leamington Spa
Mill House Open Space, Leamington Spa
Newbold Comyn Park, Leamington Spa
Newbold Terrace East Open Space, Leamington Spa
New River Walk, Leamington Spa
Redlands Road Recreation Ground, Leamington Spa
Riversleigh Road Play Area, Leamington Spa
Roxburgh Croft Play Area, Leamington Spa
Shrubland Hall Recreation Ground, Leamington Spa
Sydenham Estate Open Space, Leamington Spa
Victoria Park, Leamington Spa
Welches Meadow Open Space, Leamington Spa
Willes Meadow Open Space, Leamington Spa
York Walk Gardens, Leamington Spa

Mercia Way Open Space, Warwick
Myton Fields Open Space, Warwick
Pattens Road Play Area, Warwick
Priory Pools Play Area, Warwick
St. Nicholas Park, Warwick

Abbey Fields, Kenilworth
Bates Memorial Field, Kenilworth
Birmingham Road Recreation Ground, Kenilworth
Castle Farm Playing Field, Kenilworth
Castle Green, Kenilworth
Crackley Woods, Kenilworth
The Ford Open Space, Kenilworth
Red Lane Play Area, Kenilworth
St. John's Play Area, Kenilworth
Tainters Hill Open Space, Kenilworth

PART II

Byelaws made under Sections 12 and 15 of the Open Spaces Act 1906 with respect to pleasure grounds known as:-

Acacia Road Play Area, Leamington Spa
Beaconsfield Street Play Area, Leamington Spa
Camion Estate Open Space, Leamington Spa
Haddon Road Play Area, Leamington Spa
King Street/Queen Street Play Areas, Leamington Spa
Learn Road Open Space, Leamington Spa
Mason Avenue Park, Leamington Spa
Parklands Gardens Play Areas, Leamington Spa
Stamford Gardens Play Area, Leamington Spa
Sydenham Estate Fallow Hill Play Area, Leamington Spa
The Pump Room Gardens, Leamington Spa

Blacklow Road Spinney, Warwick
Coventry Road Spinney, Warwick
Millbank Play Area, Warwick
Oakwood Grove Spinney, Warwick
Rear of Bridge Street, Ornamental Area, Warwick
Spinney Hill, Warwick

Kenilworth Common, Kenilworth

PART III

Byelaws made under Section 15 of the Open Spaces Act 1906 in respect of the pleasure grounds known as:-

Beauchamp Square Gardens, Leamington Spa
Clarendon Square Gardens, Leamington Spa
Holt Recreation Grounds, Lillington, Leamington Spa
New Street Open Space, Leamington Spa
Open Spaces Adjoining Parish Church, Leamington Spa

Priory Park, Warwick

Common Lane Spinney, Kenilworth
Tulip Tree Open Space, Kenilworth

BYELAWS made under Section 19(1) of the Warwick Corporation Act 1948 with respect to the pleasure grounds known as:-

St Mary's Lands, Warwick
Saltisford Common, Warwick
Saltisford Open Space, Warwick
Townsend Meadow Play Area, Warwick

SCHEDULE "B"

Children's Play crèche, Victoria Park, Leamington Spa
Children's Padding Pool Area, Victoria Park, Leamington Spa

GIVEN under the COMMON SEAL of the Council this eighteenth day of April One thousand nine hundred and seventy-seven.

THE COMMON SEAL of WARWICK)
DISTRICT COUNCIL was hereunto)
Affixed in the presence of:-)

C J George
Secretary and Solicitor

115/77

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the first day of August 1977.

Signed by authority of the
Secretary of State

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

23 June 1977

Home Office
QUEEN ANNE'S GATE