

Byelaws made under section 15 of the Open Spaces Act 1906 by the Harpenden Town Council with respect to Harpenden Common.

PART 1 – GENERAL **General Interpretation**

1. In these byelaws:
“the Council” means Harpenden Town Council
“the Common” means any of the grounds listed in Schedule I to the byelaws.
“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

2. These byelaws apply to all of the Common listed in Schedule I.

PART 2 - PROTECTION OF THE COMMON, ITS WILDLIFE AND THE PUBLIC

Protection of structures and plants

3. (1) No person shall without reasonable excuse remove from or displace within the Common:
 - (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 Common; 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 part of the Common 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 Common 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

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

Climbing

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

Grazing

6. No person shall without the consent of the Council turn out or permit any animal for which he is responsible to graze on the Common.

Protection of wildlife

7. 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

8. 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

9. (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 9(1) shall not apply to:
 - (a) any event held with the consent of the Council.

Missiles

10. No person shall throw or use any device to propel or discharge on the Common any object which is liable to cause injury to any other person.

Interference with life-saving equipment

11. No person shall except in case of emergency remove from or displace within the Common or otherwise tamper with any life-saving appliance provided by the Council.

PART 3 - HORSES, CYCLES AND VEHICLES

Interpretation of Part 3

12. In this Part:
“cycle” means a unicycle, bicycle, a tricycle, or a cycle, having four or more wheels, not being in any case a motor cycle or motor vehicle.
“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

13. (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 13(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

14. No person shall without reasonable excuse ride a cycle on the Common except in any part of the ground where there is a right of way for cycles.

Motor vehicles

15. (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 Common where there is a right of way 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 on to the Common a vehicle of that class for the sole purpose of transporting it to the route

PART 4 - PLAY AREAS, GAMES AND SPORTS

Interpretation of Part 4

Games

No person shall promote or play organised games on existing pitches or greens prepared by Harpenden Cricket Club, Harpenden Common Golf Club, the Harpenden Rovers Football Club or Bamville Cricket Club respectively, nor obstruct, hinder or interfere with any person lawfully authorised to promote organised games on such pitches and greens or play such games thereon.

Golf

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

PART 5 - WATERWAYS

Interpretation of Part 5

18. In this Part:
"waterway" means any river, lake, pool or other body of water

Bathing

19. No person shall without reasonable excuse bathe or swim in any waterway comprised on the Common.

Fishing

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

Pollution

21. No person shall foul or pollute any waterway.

Blocking of watercourses

22. No person shall cause or permit the flow of any drain or watercourse on the Common to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6 - MODEL AIRCRAFT

Interpretation of Part 6

23. In this Part:
"model aircraft" means an aircraft which weighs not more than 7 kilograms without its fuel;

General prohibition

24. 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 on the Common; or
(b) land on the Common without reasonable excuse.

PART 7 - OTHER REGULATED ACTIVITIES

Provision of services

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

Trading

26. No person shall on the Common, without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.

Public shows and performances

27. 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

28. No person shall except in case of emergency or with the consent of the Council take off from or land on the Common in an aircraft, helicopter, hang glider or hot air balloon.

Metal detectors

29. (1) No person shall use any device designed or adapted for detecting or locating any metal or mineral on the Common.

PART 8 - MISCELLANEOUS

Obstruction

30. 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 Common.

Savings

31. (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 Common or any part of the Common.

Removal of offenders

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

Penalty

33. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Revocation

34. The byelaws made by Harpenden Town Council on 1 March 1963 and confirmed by D G Best, Clerk of the Council relating to the Common are hereby revoked.

SCHEDULE 1 - GROUNDS TO WHICH BYELAWS APPLY

The grounds referred to in Byelaw 1 are those pieces of land with ponds, paths and road thereon (excluding however any roads which may be maintained by the Hertfordshire County Council as Highway Authority) commonly known as 'The Common', 'Hatching Green' and the 'Town Greens', the latter comprising former manorial wastes of Leyton Green, Church Green and those sections of Green bordering the High Street in the Parish of Harpenden.