

MALVERN HILLS DISTRICT COUNCIL



BYELAWS MADE BY THE MALVERN HILLS DISTRICT COUNCIL
UNDER SECTION 1 OF THE COMMONS ACT 1899,
MARSH COMMON, EARLS CROOME

MALVERN HILLS DISTRICT COUNCIL

BYELAWS MADE BY THE MALVERN HILLS DISTRICT COUNCIL UNDER SECTION 1 OF THE COMMONS ACT 1899, WITH RESPECT TO MARSH COMMON, EARLS CROOME

Interpretation

1. In these byelaws:

"the Common" means the piece of land, with ponds, streams, paths and roads thereon, commonly known as Marsh Common, situate in the parish of Earls Croome in the County of Hereford and Worcester, and referred to as "the common" in the Scheme made on 1st November 1993 under section 1 of the Commons Act 1899 for the regulation and management of Marsh Common;

"the Council" means the Malvern Hills District Council;

"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;

"the Scheme" means the Scheme of Management for the Common.

Removal of substances

2. No person shall remove from or displace on the Common any stone, soil or turf, or the whole or any part of any plant or tree.

Removal of structures

3. No person shall, without reasonable excuse, remove from or displace on the Common any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the Common.

Protection of wildlife

4. (1) No person shall on the Common intentionally kill, injure, take or disturb any animal or fish, or engage in hunting, shooting or fishing, or the setting of traps or nets, or the laying of snares.
(2) This byelaw shall not prohibit any fishing which may be authorised by the Council.

Vehicles

5. (1) No person shall, without reasonable excuse, ride or drive a cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle on the Common, or bring or cause to be brought on to the Common a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except on any part of the Common where there is a right of way for that class of vehicle.
(2) If the Council has set apart a space on the Common for use by vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart, or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the Common.
(3) This byelaw shall not extend to invalid carriages.
(4) In this byelaw:

"cycle" means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle;

"invalid carriage" means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;

"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

"motor vehicle" means a mechanically propelled vehicle, not being an invalid carriage, intended or adapted for use on roads;

"trailer" means a vehicle drawn by a motor vehicle, and includes a caravan.

Fires

6. (1) No person shall on the Common intentionally light a fire or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.
- (2) This byelaw shall not prevent the lighting or use of a properly constructed camping stove or cooker in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

Camping

7. No person shall on the Common, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping, except on any area which may be set apart and indicated by notice as a place where camping is permitted.

Model aircraft

8. (1) Where any part of the Common has, by a notice conspicuously exhibited on the Common, been set apart by the Council for the flying of power-driven model aircraft, no person on any other part of the Common 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, on such other part of the Common.
- (2) Where an area within a part of the Common 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 placed in a conspicuous position on the Common, no person shall release such an aircraft for flight, or cause such an aircraft to take off,

on any part of the Common other than that area.

Shows, exhibitions and structures

9. No person shall, except in the case of a fair lawfully held, place on the Common any show, exhibition, swing, roundabout or other like thing.

Missiles

10. No person shall on the Common, to the danger or annoyance of any other person on the Common, throw or discharge any missile.

Games

11. Where the Council has, by a notice placed in a conspicuous position on the Common, set apart an area of the Common for the playing of such games as may be specified in the notice, no person shall:
 - (a) play in such an area any game other than the game for which it has been set apart;
 - (b) use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; or
 - (c) play any game so specified on any other part of the Common in such a manner as to exclude any person not playing the game from the use of that part.
12. No person shall, in any area of the Common which may have been set apart by the Council for any game, play any game when the state of the ground or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the Common.
13. (1) No person shall on the Common play any game:
 - (a) so as to give reasonable grounds for annoyance to any other person using the Common; or
 - (b) which is likely to cause damage to any tree, shrub or plant on the Common.

(2) This byelaw shall not extend to any area set apart by the Council for the playing of any game.

Horses

14. No person shall on the Common:

- (a) without the consent of the Council, break in any horse; or
- (b) intentionally or negligently ride or exercise a horse to the danger of any other person using the Common.

Grazing

15. No person shall, without the consent of the Council, turn out or permit any animal to graze on the Common.

Noise

16. (1) No person on the Common shall, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:

- (a) by shouting or singing;
- (b) by playing on a musical instrument; or
- (c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument;

cause 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 on the Common.

(2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Obstruction

17. No person shall on the Common:

- (a) intentionally obstruct any officer of the Council in the proper

execution of his duties;

(b) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or

(c) intentionally obstruct any other person in the proper use of the Common, or behave so as to give reasonable grounds for annoyance to other persons on the Common.

Savings

18. (1) An act necessary to the proper execution of his duty on the Common by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.

(2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the Common, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the Common or any part thereof.

Removal of vehicles, animals and structures

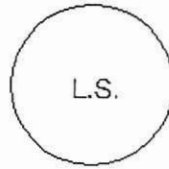
19. An officer of the Council may, after due warning, remove from the Common any vehicle or animal drawn, driven or placed upon the Common, or any structure (including a caravan) erected or placed thereon, in contravention of the Scheme or of any of these byelaws.

Penalty

20. 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.

THE COMMON SEAL of the MALVERN HILLS
DISTRICT COUNCIL was hereunto affixed
on the 11th day of FEBRUARY 1994
in the presence of

K.J. DOUGLAS
District Secretary



The foregoing byelaws are hereby confirmed by the Secretary of State and
shall come into operation on the fourth day of July 1994

Signed by authority of the Secretary of State

M.E.HEAD

An Assistant Under-Secretary of State

27th June 1994
Home Office
London, SW1.