

ROTHER DISTRICT COUNCIL
BYELAWS FOR BEXHILL DOWN

Byelaws made under and pursuant to the Commons Regulation (Bexhill) Provisional Order Confirmation Act 1895 for the government, control, improvement and management of the Common known as Bexhill Down.

Interpretation

1. In these byelaws:

"the Council" means Rother District Council

"the Common" means Bexhill Down including the several areas to the south of Little Common Road and those areas to the north thereof including the cricket pitch and fairground.

Vehicles

2. (1) No person shall, without reasonable excuse, ride or drive a motor cycle, motor vehicle or any other mechanically propelled vehicle (other than a cycle) on the Common, or bring or cause to be brought onto the Common a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except in any part of the Common where there is a right of way for that class of vehicle.
- (2) No person shall, without reasonable excuse, ride a cycle, except where there is a right of way for cycles, or along such routes as may be fixed by the Council and indicated by signs placed in conspicuous positions on the Common.
- (3) 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.
- (4) This byelaw shall not extend to invalid carriages.
- (5) 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 fewer 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.

Aircraft

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

Archery, Discus, Hammer or Javelin Throwing, Shot Putting

4. No person shall on the Common, except in connection with an event organised by or with the consent of the Council, engage in the sport of archery, discus, hammer or javelin throwing or shot putting.

Ball Games

5. (1) No person who has attained the age of 14 years shall play or take part in any ball game on that part of the Common lying to the south of Little Common Road.
(2) This byelaw shall not apply to any person who being bona fide in charge of a child under the age of 14 years plays or takes part in any ball game with that child.

Camping

6. 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.

Children's Play Apparatus

7. No person who has attained the age of 14 years shall use any apparatus on the Common which, by a notice placed on or near thereto, has been set apart by the Council for the exclusive use of persons under the age of 14 years.

Climbing

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

Cricket Balls

9. No person shall on the Common, use any cricket ball, except in the Cricket pitch and any part of the Common which by a notice placed in a conspicuous position has been set aside by the Council as an area where a cricket ball may be used.

Erection of Structures

10. No person shall on the Common, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

Fires

11. (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.

Games

12. (1) Where the Council has, by a notice placed in a conspicuous position on the Common, set apart an area on 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 in 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.
- (2) 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 Common 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.
- (3) (a) No person shall on the Common play any game:
- (i) so as to give reasonable grounds for annoyance to any other person on the Common; or
 - (ii) which is likely to cause damage to any tree, shrub or plant on the Common.

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

Golf

13. No person shall on the Common drive, chip or pitch a hard golf ball.

Grazing

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

Horses (Dangerous Riding)

15. No person shall on that part of the Common lying to the north of Little Common Road (except the cricket pitch), intentionally or negligently ride a horse to the danger of any other person using the Common.

Horses (Prohibition)

16. No person shall, except in the exercise of any lawful right or privilege, ride a horse on that part of the Common lying to the south of Little Common Road or the cricket pitch.

Interference with Life-Saving Equipment

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

Kites

18. No person shall on the Common fly or cause or permit to be flown any kite in such a manner as to cause a danger or annoyance to any other person on the Common.

Metal Detectors

19. No person shall on the Common use any device designed or adapted for detecting or locating any metal or mineral in the ground.

Missiles

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

Model Aircraft

21. (1) In these byelaws:

"model aircraft" means an aircraft which either weighs not more than 7 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 or by compressed gas;

- (2) (a) No person shall on the Common release any power-driven model aircraft for flight or control the flight of such an aircraft.
- (b) No person shall cause any power-driven model aircraft to take off or land on the Common.

Noise

22. (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.

Pollution of Waterways

23. No person shall intentionally, carelessly or negligently foul or pollute any waterway comprised in the Common.

Protection of Flower Beds, Trees, Grass etc

24. No person shall on the Common tread upon:
- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant, or
 - (b) any part of the Common set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.

Protection of Wildlife

25. (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.

Public Shows, Exhibitions and Structures

26. No person shall on the Common, without the consent of the Council, place or take part in any show or exhibition, or set up any swing, roundabout or other like thing.

Removal of Structures

27. 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.

Removal of Substances

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

Removal of Vehicles, Animals & Structures

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

Repairing of Vehicles

30. No person shall clean, paint or carry out repairs to any vehicle parked on the Common, except in the event of an accident, breakdown or other emergency.

Skateboarding and Roller Skating

31. No person shall on the Common skate on rollers, skateboards, wheels or other mechanical contrivances in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons on the Common.

Trading

32. 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.

Watercourses

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

Obstruction

34. 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

35. (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.

Penalty

36. 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

37. The Byelaws made by the Mayor Aldermen and Burgesses of the Borough of Bexhill on 30th December 1953 and confirmed by the Secretary of State, Home Department on 5th March 1954 relating to the Common are hereby revoked.

GIVEN under the Common Seal of)
ROTHER DISTRICT COUNCIL by)
Order of the Council this 14th)
day of June 1999)



member
Chairman of the Council

NO. IN SEAL
REGISTERED
7575

[Signature]
Secretary Chief Executive,

DOE 1651
The foregoing byelaws are hereby confirmed by the Secretary of State for the Environment, Transport and the Regions and shall come into force on 1 November 1999

[Signature]
Signed by authority of the Secretary of State
2 September 1999
Susan Carter
A Grade 5 in the Department of the Environment, Transport and Regions