

1967

CITY OF SOUTHAMPTON

BYELAWS

MADE BY

Maximum penalty
increased to £20 -
S.92(2), Criminal
Justice Act, 1967

The Mayor, Aldermen and Citizens

of the

City of Southampton

ACTING BY THE COUNCIL

WITH RESPECT TO

PLEASURE GROUNDS

Sealed by the Council 12th April,
1967. Confirmed by the Home Office
31st July, 1967. Date of operation
1st September, 1967.

A. NORMAN SCHOFIELD

Town Clerk

PRICE - ONE SHILLING

CITY OF SOUTHAMPTON

BYELAWS

made under Section 164 of the Public Health Act, 1875, and Section 87 of the Southampton Corporation Act, 1910, and Section 15 of the Open Spaces Act, 1906, and Section 10 of the Commons Act, 1899, by the Mayor, Aldermen and Citizens of the City of Southampton, acting by the Council, with respect to the PLEASURE GROUNDS hereinafter mentioned.

1. (1) Throughout these byelaws the expression "the Council" means the Mayor, Aldermen and Citizens of the City of Southampton, acting by the Council, and the expression "the pleasure ground" means, except where inconsistent with the context, each of the undermentioned pleasure grounds situate in the City of Southampton:-

Archery Ground
Bassett Green
Bitterne Manor Grounds
Burgess Road (otherwise known as Swaythling Recreation Ground)
Butts Road
Castle and Dell
Cedar Lodge Park
Deepdene
East Park (otherwise known as East Marlands or Andrews Park)
Freemantle Common
Freemantle Lake (otherwise known as Freemantle Park)
Green Park
Hoglands
Houndwell (otherwise known in part as Palmerston Park)
Lawn Road
Mansel Park
Mayfield Park
Mayflower Park
Millbrook Recreation Ground
Northam Recreation Ground
Pear Tree Green
Platform (otherwise known as Vokes Memorial Gardens)
Portswood Recreation Ground
Queen's Park
Riverside Park (otherwise known as Manor Farm Road, Cobden Meadows,
Bitterne Park Recreation Ground, Woodmill Meadows, Mansbridge)
St. James' Churchyard
Shirley Ponds (including Warren Avenue)
Shirley Recreation Ground
Sholing Common (otherwise known as Donkey Common)
Surrey House Grounds

The Avenue Lands

The Municipal Sports Centre (including, for the avoidance of doubt, the Golf Courses and part of Red Lodge)

The Southampton Common (otherwise known as The Common)

Thornhill Park (otherwise known as Hinkler Road Recreation Ground)

Town Quay Park, including Forty Steps

Veracity Recreation Ground

West End Road Recreation Ground (otherwise known as Pound Street Recreation Ground)

West Park (otherwise known as West Marlands or Watts Park)

Weston Cricket Ground

Weston Shore Park (including Netley Castle Grounds, West Wood and Weston Shore)

(2) The expression "The Avenue Lands" where it occurs in these Byelaws means the undermentioned strips of parkland:-

- (a) abutting on the western side of The Avenue and situate respectively between Northlands Road and a point opposite the junction of The Avenue with Avenue Road, between Banister Road and Brighton Road, between Brighton Road and Archers Road, between Archers Road and Rockstone Place, and south of Rockstone Place adjoining the Ordnance Survey Offices;
- (b) situated between the carriageways of The Avenue aforesaid (the eastern carriageway of which is sometimes known as "The Inner Avenue") between Lodge Road on the North and College Place on the south, the most southerly strip being known as "Asylum Green".

2. An act by an employee of the Council necessary to the proper execution of his duty, or by any person in pursuance of an authority granted by the Council, shall not be deemed an offence against these Byelaws.

3. A person shall not in the pleasure ground -

- (i) carelessly or negligently deface, injure or destroy any wall or fence in or enclosing the pleasure ground, or any building, barrier, railing, post or seat, or any erection or ornament;
- (ii) 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;
- (iii) climb any wall or fence in or enclosing the pleasure ground, or any tree or any barrier, railing, post or other erection;
- (iv) 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.

4. A person shall not bring or cause to be brought into the pleasure ground any cattle, sheep, goats or pigs, or any beast of draught or burden, unless, in pursuance of an agreement with the Council, or otherwise in the exercise of any lawful right or privilege, he is authorised to do so.

5. (i) A person shall not, except in the exercise of any lawful right or privilege, ride, lead or exercise a horse in any pleasure ground, other than the pleasure ground known as Southampton Common, except in a part of a pleasure ground which the Council have by notice conspicuously exhibited set apart for those purposes.

(ii) Where any part of the pleasure ground known as Southampton Common has by notice conspicuously exhibited in the pleasure ground been set apart for the riding of horses, a person shall not, except in the exercise of any lawful right or privilege, ride, lead or exercise a horse in any other part of the pleasure ground.

(iii) A person shall not in any part of a pleasure ground set apart in accordance with paragraph (i) or (ii) of this Byelaw ride, lead or exercise a horse to the danger of any other person using the pleasure ground.

6. (i) 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 -

(a) a wheeled bicycle, tricycle or other similar machine without mechanised power;

(b) a wheel-chair, perambulator or chaise drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid;

Provided that where the Council set apart a space in the pleasure ground for the use of any class of vehicle with mechanised power, this Byelaw shall not be deemed to prohibit the 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.

(ii) 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 grounds:

Provided that paragraphs (i) and (ii) of this Byelaw shall not apply to the Common.

(iii) No person shall, except in the exercise of any lawful right or privilege, on any part of the Common except on the roads and paths specified in the Schedule to these Byelaws:-

- (a) bring or cause to be brought any truck or barrow;
- (b) drive or cause to be driven any vehicle other than a wheelchair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid;
- (c) ride any bicycle, tricycle or other similar machine.

7. A person who brings a vehicle into the pleasure ground shall not wheel or station it over or upon -

- (i) 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;
- (ii) 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.

8. A person shall not in the pleasure ground walk, run, stand, sit or lie upon -

- (i) any grass, turf or other place where adequate notice to keep off such grass, turf or other place shall be placed;

Provided that such notice shall not apply to more than one fifth of the area of the pleasure ground;

- (ii) 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.

9. A person shall not in the pleasure ground -

- (i) remove, cut or displace any soil, turf or plant;
- (ii) pluck any bud, blossom, flower or leaf of any tree, shrub or plant.

10. A person shall not in the pleasure ground -

- (i) bathe, wade or wash in any ornamental lake, pond, stream or other water artificially constructed:

Provided that this byelaw shall not be deemed to prohibit the wading either by a person in any water which, by a notice set up near thereto, shall be set apart by the Council as a model boat

lake, or by a person under the age of fourteen years in any water which, by a notice set up near thereto, shall be set apart by the Council as a paddling pool for children;

- (ii) wilfully, carelessly or negligently foul or pollute or deposit any broken glass or other sharp substance in any water;
- (iii) take, injure or destroy, or attempt to take, injure or destroy any fish provided for ornamental purposes in any water, or wilfully disturb or worry any water fowl.

11. 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 a 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 water fowl, and from entering any ornamental lake, pond, stream or other water artificially constructed, but dogs are not prevented by this byelaw from entering the Cemetery Lake and the Ornamental Lake both situated on Southampton Common.

12. 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.

13. 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 -

- (i) not play on the space any game other than the game for which it is set apart;
- (ii) 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;
- (iii) when the space is already occupied by other players, not begin to play thereon without their permission;

(iv) 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;

(v) 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.

14. 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.

15. A person shall not in the pleasure ground -

(i) 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;

(ii) beat, shake, sweep, brush or cleanse any carpet, drugget, rug or mat, or any other fabric retaining dust or dirt;

(iii) hang, spread or deposit any linen or other fabric for drying or bleaching;

(iv) 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.

16. A person shall not in the pleasure ground wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the pleasure ground, or wilfully obstruct, disturb or interrupt any employee of the Council in the proper execution of his duty, or any person lawfully engaged in the proper execution of any work in connection with the laying out or maintenance of the pleasure ground or otherwise engaged upon any activity authorised by the Council.

17. No person shall play any ball game in The Avenue Lands.
18. No person shall in the pleasure ground discharge any firearm.
19. A person who has attained the age of thirteen years shall not use any apparatus on the pleasure ground which, by a notice affixed or set up on or near thereto, has been set apart by the Council for the exclusive use of persons under the age of thirteen years.
20. (i) A person shall not fly any tethered or untethered power driven model aircraft in the pleasure ground except in any part which has, by notice conspicuously exhibited in the pleasure ground, been set apart by the Council for the flying of tethered or untethered model aircraft respectively.

(ii) A person shall not, in the pleasure ground, fly any jet propelled or rocket propelled model aircraft unless it is tethered.

(iii) In this byelaw the expression "power driven model aircraft" means any model aircraft driven by the combustion of petrol vapour or other combustible substances and the expression "tethered" requires a model aircraft to be attached to a control line and kept under effective control.
21. A person shall not in the pleasure ground drive, pitch or chip a solid golf ball Provided that this byelaw shall not apply to any area specially constructed or by notice set apart for the playing (or practising) of golf.
22. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding five pounds.
23. 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 -

(i) 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;

(ii) where the infraction of the byelaw is committed within the view of such officer or constable and, from the nature of such infraction,

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or from any 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.

24. The following byelaws are hereby repealed:-

- (a) with respect to the Southampton Common made by the Council on the 11th day of July 1951 and confirmed by the Secretary of State on the 10th day of September 1951;
- (b) with respect to certain pleasure grounds made by the Council on the 26th day of October 1955 and confirmed by the Secretary of State on the 21st day of December 1955;
- (c) with respect to the Southampton Common made by the Council on the 26th day of October 1955 and confirmed by the Secretary of State on the 21st day of December 1955;
- (d) with respect to the Municipal Sports Centre (excluding the Golf Courses) made by the Council on the 24th day of July 1957 and confirmed by the Secretary of State on the 18th day of September 1957.

THE SCHEDULE hereinbefore referred to

A. Driving and cycling are permitted on the following:-

- (1) The carriageway of The Avenue.
- (2) The carriageway of the road known as Cemetery Road leading from Northlands Road to the Main Lodge Gate of the Southampton Cemetery.
- (3) The carriageway of Highfield Avenue.
- (4) The carriageway of Winn Road.
- (5) The carriageway of Westwood Road.
- (6) The carriageway of Northlands Road.
- (7) The carriageway of Highfield Road.
- (8) The road which leads from The Avenue to "The Cowherds" Inn and returns in a semi-circle to The Avenue.

- (9) The road commencing at the west end of Oakmount Avenue and proceeding in a westerly direction to join The Avenue.

B. Cycling only is permitted on the following:-

- (10) The path commencing on the west side of The Avenue opposite its junction with the north side of Winn Road and proceeding in a westerly direction until it joins the path described in paragraph (15) of this Schedule.
- (11) The path commencing on the south side of Burgess Road south-east of its junction with Glen Eyre Road and proceeding in a south-westerly direction to Highfield Avenue.
- (12) The path commencing at the west end of Salisbury Road and proceeding in a westerly direction to join the path described in paragraph (11) of this Schedule.
- (13) The path commencing at the west end of Blenheim Avenue and proceeding in a south-south-westerly direction to join Winn Road.
- (14) The path commencing on the south side of Burgess Road south-west of its junction with Butterfield Road proceeding in a general south-south-easterly direction to "The Cowherds" Inn.
- (15) The path commencing on the east side of Hill Lane opposite its junction with Bellemoor Road and proceeding in a general south-easterly direction to the junction with Northlands Road.
- (16) The path commencing on the east side of Hill Lane opposite its junction with Bellemoor Road and proceeding in a general east-north-easterly direction, crossing the path described in paragraph (14) of this Schedule to meet the west side of The Avenue.
- (17) The road commencing at a point on the east side of Hill Lane opposite its junction with Raymond Road and proceeding in a north-easterly direction to the westernmost end of Cemetery Road.
- (18) The path commencing on the west side of The Avenue 40 yards south of its junction with Burgess Road and proceeding in a general westerly direction, crossing the path described in paragraph (14) of this Schedule, then proceeding in a general southerly direction to a point on the east side of Hill Lane opposite its junction with Bellemoor Road.

(19) The path commencing at the junction of the east side of Hill Lane and the south side of Burgess Road and proceeding in a south-easterly direction as far as its junction with the path described in paragraph (18) of this Schedule.

The Corporate Seal of The Mayor, Aldermen) and Citizens of the City of Southampton) was hereunto affixed by Order of the) Council on the twelfth day of April One) thousand nine hundred and sixty seven in) the presence of:-)

L.S.

(signed) S. M. G. Mitchell
Mayor

(signed) A. Norman Schofield
Town Clerk

The Secretary of State this day confirmed the foregoing byelaws and fixed the date on which they are to come into operation as the first day of September, 1967.

(signed) N. Cairncross

An Assistant Under Secretary of State

L.S.
Whitehall
31st July, 1967

CERTIFICATE FOR THE PURPOSE OF SECTION 252 OF THE
LOCAL GOVERNMENT ACT, 1933

I, _____ Town Clerk of the City
of Southampton hereby certify that the within written byelaws were
made by the Mayor Aldermen and Citizens of the said City of Southampton
acting by the Council; that they are a true copy of the said byelaws;
that the said byelaws were made by the said Council on the 12th April, 1967
and confirmed by the Secretary of State for the Home Office on the 31st
July, 1967, and that the date fixed by him for the coming into operation
of the said byelaws was the 1st September, 1967.

Town Clerk