

**EXETER CITY COUNCIL**



**BYELAWS FOR PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES**

**J. M. ATYEO**  
**City Solicitor**  
**EXETER**

## EXETER CITY COUNCIL

### PLEASURE GROUNDS, PUBLIC WALKS AND OPEN SPACES

Byelaws made by the Council of the City of Exeter under Section 164 of the Public Health Act 1875, Section 15 of the Open Spaces Act 1906 and Sections 12 and 15 of the Open Spaces Act 1906 with respect to the pleasure grounds listed in the first attached schedule.

1. In these byelaws:
  - "the Council" means the Exeter City Council
  - "the pleasure ground" means the pleasure grounds listed in the first schedule attached hereto (unless otherwise indicated herein)
2. An act necessary to the proper execution of his duty in the pleasure ground 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.
3.
  - (i) This byelaw applies to the pleasure grounds listed in the second schedule attached hereto:
  - (ii) The pleasure ground shall be opened at the hour of 7.30 in the forenoon and shall be closed one hour after sunset or at the hour of 10.00 in the afternoon of every day (whichever is the earlier) throughout the year provided always that this byelaw shall not be deemed to require the pleasure ground to be opened and closed at the hours hereinbefore prescribed on any day when, in pursuance of any statutory provision in that behalf, the Council close the pleasure ground to the public;
  - (iii) On any day on which the pleasure ground is open to the public a person shall not enter it before the time or enter or remain in it after the time appointed in this byelaw.
4. A person shall not in the pleasure ground without reasonable excuse:
  - (i) climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, post or other erection;
  - (ii) 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.
5. 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.
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 or other similar machine;
    - (b) a wheelchair or perambulator 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, this byelaw shall not be deemed to prohibit the driving in or to the space by a direct route from the entrance to the pleasure ground of any vehicle for which it is set apart.
  - (ii) A person shall not except in the exercise of any lawful right or privilege ride any bicycle or other similar machine in any part of the pleasure ground.
7. A person who brings a vehicle in to the pleasure ground shall not wheel or station it over or upon:
  - (i) any flowerbed, shrub, or plant, or any ground in course of preparation as a flowerbed, 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, sit or lie upon:
- (i) any grass, turf or other place where adequate notice to keep off such grass, turf or other place is exhibited;  
Provided that such notice shall not apply to more than one fifth of the area of the pleasure ground
  - (ii) any flowerbed, shrub or plant, or any ground in course of preparation as a flowerbed, or for the growth of any tree, shrub or plant.
9. A person shall not in the pleasure ground:
- (i) bathe, wade or wash in any ornamental lake, pond, stream or other water;
  - (ii) without reasonable excuse foul or pollute any such water.
10. 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.
11. 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.
12. 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.
13. 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) 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.
14. No person shall in the pleasure ground:
- (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 ground, or behave so as to give reasonable grounds for annoyance to other persons in the ground.

15. (i) In this byelaw:—  
“model aircraft” means an aircraft which either weighs not more than 5 kilogrammes 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;
- (ii) (a) No person in the pleasure ground shall 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 in the pleasure ground.
16. (i) A person shall not in the ground drive, chip or pitch a hard golf ball except on land set aside by the Council for use as a golf course, golf driving range, golf practice area or putting course.  
(ii) A person shall not, to the danger or annoyance of any other person in the ground, throw or discharge any missile.
17. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.
18. Any person offending against any of these byelaws may be removed from the ground by any officer of the Council, or any constable.

#### **REPEAL OF BYELAWS**

19. The pleasure ground byelaws specified in the third schedule attached hereto are repealed with effect from the date on which these byelaws shall come into operation.

#### **THE FIRST SCHEDULE**

The pleasure grounds referred to in Byelaw 1 are as follows:

##### **Part 1**

Under Section 164 of the Public Health Act 1875

Exwick Playing Fields, Exwick, Exeter  
Pinces Gardens, Pinces Road, St. Thomas, Exeter  
King George V Playing Fields (Part), Countess Wear, Exeter  
Belmont Park (Part), Belmont Road, Exeter  
Northernhay Gardens, Northernhay Place, Exeter  
Rougemont Gardens, Castle Street, Exeter  
Heavitree Pleasure Ground, Whipton Lane, Heavitree, Exeter  
Exwick (Station Road) Play Area, Station Road, Exwick, Exeter  
Bury Meadow, New North Road, Exeter  
Bull Meadow, Bull Meadow Road, Exeter  
St. Thomas Pleasure Ground, Cowick Street, St. Thomas, Exeter

##### **Part 2**

Under Section 12 and 15 of the Open Spaces Act 1906

King George V Playing Fields (Part), Countess Wear, Exeter  
Flowerpot Playing Fields, Okehampton Street, Exeter  
Cowick Barton Playing Fields, Barton Road, Exeter  
Hamlin Lane Playing Fields, Hamlin Lane, Exeter  
Belmont Park (Part), Belmont Road, Exeter

**Part 3**

Under Section 15 of the Open Spaces Act 1906

Wonford Playing Field, Chestnut Avenue, Exeter

Southernhay Green, Southernhay, Exeter

**THE SECOND SCHEDULE**

The pleasure grounds referred to in byelaw 3 are as follows:

Bury Meadow, New North Road, Exeter

Cowick Barton Playing Field, Barton Road, St. Thomas, Exeter

King George V Playing Field, Countess Wear, Exeter

Northernhay Gardens, Northernhay Place, Exeter

Pinces Gardens, Pinces Road, St. Thomas, Exeter

St. Thomas Pleasure Ground, Cowick Street, St. Thomas, Exeter

Rougemont Gardens, Castle Street, Exeter

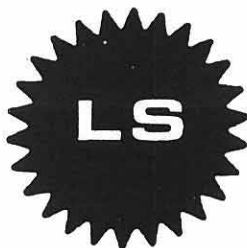
**THE THIRD SCHEDULE**

The following pleasure ground byelaws are repealed from the date these byelaws come into operation:

Description: pleasure ground byelaws relating to:	by whom made	date of making	by whom confirmed	date of confirmation
1. Belmont Park and Bury Meadow, Exeter	The Mayor Aldermen and Citizens of the City and County of the City of Exeter	20th July 1953	Secretary of State	13th November 1953
2. Southernhay Green, Exeter	The Mayor Aldermen and Citizens of the City and County of the City of Exeter	6th March 1952	Secretary of State	19th May 1952
3. Cowick Barton Playing Fields, Exwick Playing Fields, Flowerpot Playing Fields, Hamlin Lane Playing Fields, Wonford Playing Fields, Exeter	The Mayor Aldermen and Citizens of the City and County of the City of Exeter	6th March 1952	Secretary of State	19th May 1952
4. Rougemont Gardens, Exeter	The Mayor Aldermen and Citizens of the City and County of the City of Exeter	6th March 1952	Secretary of State	19th May 1952
5. Heavitree Pleasure Ground, Exeter	The Mayor Aldermen and Citizens of the City and County of the City of Exeter	6th March 1952	Secretary of State	19th May 1952

Description: pleasure ground byelaws relating to:	by whom made	date of making	by whom confirmed	date of confirmation
6. Bonhay Pleasure Ground, Chestnut Avenue Playground, Commercial Road Playground and Haven Banks Playground, Exeter	The Mayor Aldermen and Citizens of the City and County of the City of Exeter	6th March 1952	Secretary of State	19th May 1952
7. King George V Playing Field, Countess Wear, Exeter	The Mayor Aldermen and Citizens of the City and County of the City of Exeter	6th March 1952	Secretary of State	19th May 1952
8. Northernhay Gardens, Pines Gardens and St. Thomas Pleasure Ground, Exeter	The Mayor Aldermen and Citizens of the City and County of the City of Exeter	6th March 1952	Secretary of State	19th May 1952
9. Bull Meadow Pleasure Ground and Exwick Pleasure Ground, Exeter	The Mayor Aldermen and Citizens of the City and County of the City of Exeter	6th March 1952	Secretary of State	19th May 1952

THE COMMON SEAL of  
EXETER CITY COUNCIL  
was hereunto affixed this  
Fifth day of December 1989  
in the presence of:—



J. M. ATYEO  
*City Solicitor*

The foregoing byelaws are hereby  
confirmed by the Secretary of State  
and shall come into operation on  
the Tenth day of April 1990



Signed by authority of the Secretary of State

C. L. SCOBLE  
*An Assistant Under-Secretary of State*

Home Office,  
LONDON, SW1.

22 March 1990