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# Bye-Laws

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made 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, by the Council of the Borough of Elmbridge with respect to the Pleasure Grounds shown in the attached schedule.

1. Throughout these bye-laws the expression “the Council” means the Council of the Borough of Elmbridge

And the expression “the Pleasure Ground” means the pleasure grounds shown in the attached schedule.

2. An act necessary to the proper execution of his duty in the pleasure ground by an officer of the Council, or by any person or servant of any person employed by the Council, shall not be deemed an offence against these bye-laws.
3. A person shall not in the pleasure ground
  - i. 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;
  - ii. climb any wall or fence in or enclosing the pleasure ground, or any tree, or any barrier, railing, post or other erection;
  - iii. 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. 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.

5.

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 –

i. a wheeled bicycle, tricycle or other similar machine;

ii. 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 any class of vehicle, this bye-law 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 ground.

6. A person who brings a vehicle into 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 notice-board affixed or set up in some conspicuous position in the pleasure ground prohibit its being wheeled or stationed.

7. A person shall not affix any bill, placard or notice, to or upon any wall or fence in or enclosing the pleasure ground, or to or upon any tree, or plant, or to or upon any part of any building, barrier, or railing, or of any seat, or of any other erection or ornament in the pleasure ground.

8. A person shall not in the pleasure ground walk, run, stand, sit, or lie upon 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. Wilfully, carelessly, or negligently foul or pollute any ornamental lake, pond, stream, or other water;
  - ii. Take, injure, or destroy, or attempt to take, injure or destroy any fish in any such water, or wilfully disturb or worry any water fowl.
10. 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 dog be and continue to be under proper control, and be effectually restrained.
- i. From causing annoyance to any person;
  - ii. From worrying or disturbing any animal or water fowl,
  - iii. From entering any lake, pond or stream, or any paddling, swimming or boating pool or other water, or any sand pit or similar place equipped for children's play.
11. Where the Council set apart any such part of the pleasure ground as may be fixed by the Council, and described on a notice-board affixed or set up in some conspicuous position in the pleasure ground, for the purpose of any game specified on 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 a 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 – 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.
12. A person shall not in the pleasure ground drive, pitch or chip a solid golf ball.
- Provided that where the Council set a side a space in the pleasure ground for the purpose of a putting green this bye-law shall not be deemed to prohibit the putting of a solid golf ball within the 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 affixed 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 a match in which he is taking part, nor 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 fly any power-driven model aircraft being a model aircraft driven by the combustion of petrol-vapour or other combustible substance.
16. 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 a 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 or hire in the pleasure ground such commodity or article;
  - iii. Deliver any public address.

17. 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 officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of any work in connection with the layout or maintenance of the pleasure ground.
18. Every person who shall offend against any of these bye-laws shall be liable on summary conviction to a fine not exceeding £50.
19. Every person who shall infringe any bye-law 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 bye-law is committed within the view of such officer or constable, and the name and residence of the person infringing the bye-law are unknown to and cannot be readily ascertained by such officer or constable;
  - ii. Where the infraction of the bye-law is committed within the view of such officer or constable, and, from that nature of such infraction, 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 bye-law may result in another infraction of the bye-law, or that the removal of such person from the pleasure ground is otherwise necessary as a security for the proper use and regulation thereof.

## REPEAL OF BYE-LAWS

20. The bye-laws relating to pleasure grounds which were made by the Urban District Council of Esher on the 2<sup>nd</sup> day of October, 1961, and were confirmed by the Secretary of State on the 28<sup>th</sup> day of November, 1961, are hereby repealed.
21. The bye-laws relating to the pleasure grounds which were made by the Urban District Council of Walton and Weybridge on the 13<sup>th</sup> day of November, 1951, and were confirmed by the Secretary of State on the 15<sup>th</sup> day of February, 1952, are thereby repealed.

22. The bye-laws relating to the pleasure ground at Cowey Sale which were made by the Urban District Council of Walton and Weybridge on the 13th day of August, 1955, and were confirmed by the Secretary of State on the 5th day of October, 1955, are hereby repealed.

## **THE SCHEDULE**

### **Part I**

Grounds for which bye-laws are made under Section 165, Public Health Act, 1875

Ashley Park (part)  
Churchfield Recreation Ground  
Coronation Playing Fields  
Cowey Sale  
Dorney Gardens  
Elm Grove Recreation Ground  
Hersham Old Recreation Ground  
Hinchley Wood  
Stompond Sports Ground

### **Part II**

Grounds for which bye-laws are made under Section 15, Open Spaces Act, 1906

Graburn Way Recreation Ground  
Neilson's Playing Field  
Oatlands Park Recreation Ground  
Palace Estate  
Terrace Road Recreation Ground

### **Part III**

Ground for which bye-laws are made under Sections 12 and 15 of the Open Spaces Act, 1906

Ashley Park (part)  
Cigarette Island  
Claygate Recreation Ground  
Emberside Recreation Ground  
Ferry Road Recreation Ground  
Franklyn Road  
Hurst Park  
Long Ditton Recreation Ground  
Lower Green Recreation Ground

Molesey Hurst Recreation Ground  
Riverside Gardens  
Station Approach Garden Hinchley Wood  
Stoke d'Abernon Recreation Ground and Children's Playground  
Summer Road Recreation ground  
Walton Lane Recreation Ground  
West End Recreation Ground  
West Molesey Recreation Ground  
Grovelands Park

## **BYE-LAWS PLEASURE GROUNDS**

Bye-law made by the Elmbridge Borough Council under Section 164 of the Public Health Act. 1875 with respect to a pleasure ground.

The series of bye-laws made under Section 164 of the Public Health Act. 1875. Sections 12 and 15 of the Open Spaces Act, 1906 and Section 15 of the Open Spaces, 1906, by the Borough Council of Elmbridge on 26<sup>th</sup> January 1979, and confirmed by the Secretary of State on 13<sup>th</sup> June, 1979, are hereby extended to apply to the pleasure ground known as the Cobham Recreation Ground, which name shall be added to Part I of the schedule to the above mentioned bye-laws.

THE COMMONSEAL of the ELMBRIDGE  
BOROUGH COUNCIL was hereunto  
Affixed on the twenty fifth day of June, One thousand nine  
Hundred and eighty-one in the presence of:

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L.S.

V.L. Waller  
Mayor

D.W.L. Jenkins  
Borough Secretary

The foregoing bye-laws are hereby confirmed by the Secretary of State and shall come into operation on the twenty-third of September, 1981.

Signed by authority of the Secretary of State

L.S.

G.I. de Deney

An Assistant Under-Secretary of State  
Home Office,  
London SW1  
10<sup>th</sup> September, 1981

This printed copy of the Bye-laws is a true copy of the Bye-laws as confirmed by the Secretary Of State.

D.W. Jenkins  
Borough Secretary