

BOROUGH OF DARLINGTON

BYELAWS

Made under Section 164 of the Public Health Act 1875 and Sections 12 and 15 of the Open Spaces Act 1908 by the Council of the Borough of Darlington with respect to Pleasure Grounds.

1. Throughout these byelaws the expression 'the Council' means the Council of the Borough of Darlington and the expression 'the pleasure ground' means, except where inconsistent with the context, each of the pleasure grounds set out in the Schedule to these byelaws.
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 byelaws.
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 or equipment;
 - (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 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. A person shall not, except in the exercise of any lawful right or privilege, ride any horse in 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;
 - (b) A wheel-chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or an invalid;
 - (c) A three wheeled carriage specially constructed for the use of an invalid.

- (d) 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 that space over the roadway provided 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
- 7. A person shall not fly or permit to fly in the pleasure ground any model aircraft driven by the combustion of petrol vapour or other combustible substances.
- 8. A person who brings a machine or 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
- 9. 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.
- 10. 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 is exhibited.

Provided that such notices shall not apply to more than one-fifth of the area of the pleasure ground;
 - (ii) Any flower bed, shrub or plant on any ground in course of preparation as a flower bed, or for the growth of any tree, shrub or plant.
- 11. A person shall not in the pleasure ground drive, pitch or chip a solid golf ball except on land set aside by the Council as golf links or a putting course.
- 12. A person shall not in the pleasure ground :-
 - (i) Bathe, wade, or wash in any ornamental lake, pond, stream, or other water;

Provided that this prohibition shall not apply to any paddling pool in the pleasure ground.
 - (ii) Wilfully, carelessly, or negligently foul or pollute any such water;
 - (iii) Take, injure or destroy, or attempt to take injure or destroy any fish in any such water;

Provided that with respect to South park this prohibition shall not apply where upon an application to the Council they grant permission to fish in any such lake, pond, stream or other water.

(iv) Wilfully disturb or worry any water fowl

13.

- (i) A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in Bushel Hill Play Area.
- (ii) Without prejudice to sub-paragraph (i) of this byelaw, 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 from causing annoyance to any person, or any damage from worrying, injuring, destroying or disturbing any animal or waterfowl, and from entering any lake, pond, stream or ornamental water.

Provided that in any part of the pleasure ground which has been set aside by the Council as an ornamental garden or childrens play-ground, and indicated by notices as being an area where a dog must be kept on a lead – a dog shall not be deemed to be under proper control in that area unless it is so led.

- 14. 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.
- 15. 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 to 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.

16. 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.

17. 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 purposes 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.

18. A person shall not to the annoyance of any other person using the pleasure ground play any musical instrument, radio or any machine for the reproduction of sound and/or vision or sign in the pleasure ground;

Provided that this byelaw shall not be deemed to prohibit the playing of a musical instrument, radio or any machine for the reproduction of sound and/or vision, or signing at any function held in the pleasure ground by or in pursuance of an agreement with the Council.

19. A person shall not in the pleasure ground wilfully obstruct, disturb, interrupt, or annoy any other person in the property 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 his duty.

20. Where by a notice conspicuously displayed in the pleasure ground the Council set apart any part of the pleasure ground for the exclusive use of persons under the age of sixteen years, no person who has attained the age of sixteen years shall enter that part of the pleasure ground unless accompanying or in charge of a person under the age of sixteen years.

21. A person who has attained the age of fifteen years shall not use any swing or other apparatus in the pleasure ground which, by a notice affixed or set up near thereto, shall be set apart by the Council for the exclusive use of children under the age of fifteen years.

22. A person shall not in the pleasure ground hold or take part in any public meeting or deliver any public address; Provided that where any part of a pleasure ground has, by a notice exhibited in a conspicuous position in the pleasure ground, been set apart by the Council for the holding of public meetings, and
- (a) A person has given to the Chief Executive of the Council seven days prior notice in writing specifying the site, date, time and duration of the meeting or address and,
 - (b) He has not been notified by the Chief Executive of the Council that, at the date and time specified in his notice,
 - (i) The use of that site has been claimed by an earlier applicant or,
 - (ii) The use of the site for the holding of a meeting or the delivery of an address has been temporarily with-drawn from the public to prevent interference with any entertainment or other function held in the pleasure ground by, or in pursuance of, an agreement with the Council;

He may then hold a meeting or deliver an address at the site on the date and at the time and for the period of duration specified in the said notice.

23. Nothing in these byelaws shall be deemed to prohibit the delivery of a public address:
- (a) In the pleasure ground or in any part thereof during any time when, in pursuance of any statutory provision in that behalf, the Council close the pleasure ground or the part thereof as the case may be, to the public, or
 - (b) In connection with any entertainment or function held in any part of the pleasure ground set apart by the Council in pursuance of any statutory provision in that behalf.
24. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding Twenty pounds.
25. Every person who shall infringe any byelaw for the regulation of the pleasure ground may be removed there from by any officer of the Council, or by an 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 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.

REPEAL OF BYELAWS

The byelaws relating to pleasure grounds which were made by the Mayor Aldermen and Burgesses of the County Borough of Darlington on the First day of June, 1961 and on the 7th day of November, 1963 and were confirmed by the Secretary of State on the First day of September, 1961 and the Twenty eighth day of January 1964 respectively are hereby repealed.

SCHEDULE

Pleasure Grounds to which these byelaws apply –

| | |
|------------------------------------|---------------------------------|
| North Lodge Park | Green Park |
| Eastbourne Park | Stanhope Green |
| North Park | St. Cuthbert's Green |
| Brinkburn Dene | Southend Avenue |
| Pierremont Tower | Fryer Recreation Ground |
| Hundens Park | Albert Hill Recreational Ground |
| Sugar Hill Recreation Ground | Branksome Park |
| Alderman Crook's Recreation Ground | Mayfair Road Recreation Ground |
| South Park | Salters Lane Recreation Ground |
| Bushel Hill Play Area | Red Hall Park |
| Pendleton Road Recreation Ground | Devonshire Road Open Space |
| Bishop's Close Open Space | West Auckland Road Open Space |
| Mowden Park | Lascelles Park |
| Sherbourne Close Open Space | |

GIVEN under the Common Seal of the Council of the Borough of Darlington this Twenty Second day of April 1976.

THE COMMON SEAL of the Council)
Was hereunto affixed in the presence of)

J.E. PATERSON
Mayor

H. ROGERS
Chief Executive

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the first day of October, 1976

Signed by authority of the
Secretary of State

R.F.D. SHUFFREY
An Assistant Under Secretary of State

Home Office
WHITEHALL

September, 1976

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