

COMMONS ACT, 1899.

[62 & 63 VICT. c. 30.]

MULBARTON COMMON.

SCHEME.

Description
of common
and manage-
ment by
District
Council.

1. The piece of land with the ponds paths and roads thereon commonly known as Mulbarton Common, situate in the parish of Mulbarton in the county of Norfolk and hereinafter referred to as "the common," as the same is delineated in a plan deposited at the office of the Rural District Council of Henstead, hereinafter called "the Council" and thereon coloured green, being a "Common" within the meaning of the Commons Act, 1899, shall henceforth be regulated by this scheme and the management thereof shall be vested in the Council.

Appointment
of officers.

2. The powers of the Council generally as to appointing or employing officers and servants and paying them under the general Acts applicable to the Council shall apply to all such persons as in the judgment of the Council may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the common and otherwise for the purposes of this scheme and the Council may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed and may alter such rules as occasion may require.

Protection
and improve-
ment of
common.

3. The Council may execute any works of drainage raising levelling or fencing or other works for the protection and improvement of the common and shall preserve the turf shrubs trees plants and grass thereon and for this purpose may for short periods enclose by fences such portions as may require rest to revive the same and may plant trees and shrubs for shelter or ornament and may place seats upon and light the common and otherwise improve the common as a place for exercise or recreation but the Council shall do nothing that may otherwise vary or alter the natural features or aspect of the common or interfere with free access to every part thereof, and shall not erect upon the common any shelter pavilion or other building without the previous consent of the person entitled to the soil of the common.

Against en-
croachments.

4. The Council shall maintain the common free from all encroachments and shall not permit any trespass on or partial or other enclosure of any part thereof.

Public right
of access and
recreation.

5. The inhabitants of the district and neighbourhood shall have a right of free access to every part of the common and a privilege of playing games and of enjoying other species of recreation thereon, subject to any byelaws made by the Council under this scheme.

Maintenance
and construc-
tion of paths
and roads.

6. The Council shall have power to repair and maintain the existing paths and roads on the common and to set out make and maintain such new paths and roads on the common as appear to the Council to be necessary or expedient and to take any proceedings necessary for the stopping or diversion of any highway over the common.

Fencing of
quarries, &c.

7. The Council may for the prevention of accidents fence any quarry pit pond or other like place on the common.

Games, &c.

8. The Council may set apart for games any portion or portions of the common as they may consider expedient and may form cricket grounds and may allow the same to be temporarily enclosed with any open fence so as to prevent cattle and horses straying thereon but such grounds shall not be laid out so near to any dwelling-house as to create a nuisance or be an annoyance to the inhabitants thereof.

Byelaws.

9. The Council may, for the prevention of nuisances and the preservation of order on the common and subject to the provisions of section 10 of the Commons Act, 1899, make revoke and alter byelaws for any of the following purposes, viz. :—

- a. For prohibiting the deposit on the common, or in any pond thereon, of road-sand, materials for repair of roads, dung, rubbish, wood, or other matter ;
- b. For prohibiting any person without lawful authority from digging, cutting, or taking turf, sods, gravel, sand, clay, or other substance on or from the common, and from cutting, felling, or injuring any gorse, heather, timber or other tree, shrub, brushwood, or other plant growing on the common ;
- c. For regulating the place and mode of digging and taking turf, sods, gravel, sand, clay, or other substance, and cutting, felling, and taking trees or underwood on or from the common, in exercise of any right of common or other right over the common ;

Steward's Office

- d. For prohibiting the injury, defacement, or removal of seats, fences, notice-boards, or other things put up or maintained by the Council on the common ;
- e. For prohibiting or regulating the posting or painting of bills, placards advertisements, or notices on trees or fences or notice-boards on the common ;
- f. For prohibiting any person without lawful authority from bird-catching, setting traps or nets or liming trees or laying snares for birds or other animals, taking birds' eggs or nests, and shooting or chasing game or other animals on the common ;
- g. For prohibiting or regulating the drawing without lawful authority upon the common of any carriage, cart, caravan, truck, or other vehicle and the erecting or permitting to remain on the common, without the consent of the Council or other lawful authority, any building, shed, tent, fence, post, railing, or other structure whether used in connection with the playing of games or not, and for authorising an officer of the Council to remove from the common any vehicle drawn upon the common and any structure erected thereon in contravention of any such byelaw ;
- h. For prohibiting (except in the case of a fair lawfully held) or regulating the placing on the common of any photographic cart, or of any show, exhibition, swing, roundabout or other like thing, and for authorising an officer of the Council to remove from the common any thing placed upon the common in contravention of any such bye-law ;
- j. For prohibiting or regulating the lighting of any fire on the common ;
- k. For prohibiting or regulating the firing or discharge of fire-arms or the throwing or discharge of missiles on the common ;
- l. For regulating games to be played and other means of recreation to be exercised on the common, and assemblages of persons thereon ;
- m. For regulating the use of any portion of the common temporarily enclosed or set apart under this scheme for any purpose ;
- n. For prohibiting or regulating horses being exercised or broken in without lawful authority by grooms or others on the common ;
- o. For prohibiting any person without lawful authority from turning out or permitting to remain on the common any cattle, sheep, or other animals ; and for authorising an officer of the Council to remove from the common any cattle, sheep, or other animal being upon the common in contravention of any such byelaw ;
- p. Generally, for prohibiting or regulating any act or thing tending to injury or disfigurement of the common or to interference with the use thereof by the public for the purposes of exercise and recreation ;
- q. For authorising an officer of the Council, after due warning, to remove or exclude from the common any person who within his view commits, or whom he reasonable suspects of committing an offence against any byelaw made under this scheme or against the Vagrancy Act, 1824 ;
- r. For prohibiting the hindrance or obstruction of an officer of the Council in the exercise of his powers or duties under this scheme or under any byelaws made thereunder.

Publication
of byelaws on
common.

10. All byelaws made under this scheme shall be published on notice-boards placed on such parts of the common (not less than 2) as to the Council may appear desirable.

Saving of
rights &c. in
the soil and
highways.

11. Nothing in this scheme or any byelaw made thereunder shall prejudice or affect any right of the person entitled as lord of the manor or otherwise to the soil of the common, or of any person claiming under him which is lawfully exerciseable in or over under or on the soil or surface of the common in connection with game or with mines minerals or other substrata or otherwise, or prejudice or affect the lawful use of any highway or thoroughfare on the common or affect any power or obligation to repair any such highway or thoroughfare.

Copies of
scheme.

12. Printed copies of this scheme shall at all times be sold at the office of the Council to all persons desiring to buy the same at a price not exceeding sixpence each.



MULBARTON COMMON BYELAWS

BYELAWS MADE BY THE RURAL DISTRICT COUNCIL OF FOREHOE AND HENSTEAD IN PURSUANCE OF A SCHEME MADE BY THEM AND APPROVED BY THE MINISTER OF AGRICULTURE, FISHERIES AND FOOD UNDER SECTION 1 (1) OF THE COMMONS ACT, 1899, WITH RESPECT TO MULBARTON COMMON IN THE PARISH OF MULBARTON IN THE RURAL DISTRICT OF FOREHOE AND HENSTEAD IN THE COUNTY OF NORFOLK.

1. Throughout these byelaws the expression "the Council" means the Rural District Council of Forehoe and Henstead and the expression "the Common" means the piece of land with the ponds, streams, paths and roads thereon Commonly known as Mulbarton Common situate in the parish of Mulbarton in the County of Norfolk and referred to as "the Common" in the Scheme under the Commons Act, 1899 made by the Rural District Council of Henstead on the 14th day of September 1909, and approved by Order of the Board of Agriculture and Fisheries on the 30th day of September 1909, and the expression "the Scheme" means the aforesaid Scheme.
2. An Act necessary to the proper execution of his duty on the Common by an officer of the Council or by any person or servant of any person employed by the Council shall not be deemed to be an offence against these Byelaws.
3. A person shall not place or deposit and leave on the Common without lawful authority any road-sand, materials for repair of roads, wood or other matter.
4. A person shall not without lawful authority, dig, cut or take turf, sods, gravel, sand, clay or other substance on or from the Common or cut, fell or injure any gorse, heather, timber or other tree, shrub, brushwood or other plant growing on the Common.
5. A person shall not carelessly or negligently deface, injure or remove any seat, shelter, pavilion, drinking fountain, fence, rubbish receptacle or any works erected or maintained by the Council on the Common.
6. A person shall not without lawful authority shoot or chase game or other animals on the Common.
7. A person shall not without lawful authority, draw, drive or place upon the Common or any part thereof any carriage, cart, caravan, truck, motor-cycle or other vehicle (unless intended for the conveyance of a child or children or an invalid), or any aircraft (except in the case of accident or other sufficient cause). Provided that where the Council set apart a portion of the Common for the use of vehicles, this byelaw shall not be deemed to prohibit the driving or wheeling in or to that portion of a vehicle of the class for which it is set apart.
8. A person shall not without the consent of the Council or other lawful authority, erect or permit to remain on the Common, any building, shed, tent, fence, post, railing or other structure.
9. A person shall not (except in the case of a fair lawfully held) place on the Common any show, exhibition, swing, roundabout or other like thing.
10. A person shall not, without lawful authority, camp or light any fire on the Common.
11. A person shall not, without lawful authority, fire or discharge any firearm, or to the damage or danger of any person throw or discharge any missile on the Common.
12. A person shall not, without lawful authority, turn out or permit to remain on the Common, any cattle, sheep, or other animals.
13. A person shall not, without lawful authority, drive, exercise or break in any horse on any part of the Common.
14. A person shall not hinder or obstruct any officer of the Council in the exercise of his powers or duties under the Scheme or under any of the foregoing Byelaws.
15. Every person who shall offend against any of the foregoing Byelaws shall be liable on summary conviction to a fine not exceeding £20.00 (Twenty pounds).*
16. An officer of the Council, after due warning, may remove from the Common any vehicle or animal drawn, driven or placed, or any structure erected or placed thereon in contravention of the Scheme or of the foregoing Byelaws, and may remove from the Common any person who, within his view, commits, or whom he reasonably suspects of committing an offence against such Byelaws or against the Vagrancy Acts.

Adopted at a meeting of the said Rural District Council of Forehoe and Henstead on 16 November 1970, confirmed by the Secretary of State, Home Office on 14 January 1971 and coming into operation on 1 February 1971.

(NOTE: THE POWERS OF THE FORMER FOREHOE AND HENSTEAD RURAL DISTRICT COUNCIL ARE NOW VESTED IN THE SOUTH NORFOLK DISTRICT COUNCIL, AS SUCCESSOR AUTHORITY AND REFERENCES IN THESE BYELAWS TO "THE COUNCIL" ARE TO BE REGARDED AS REFERENCES TO SOUTH NORFOLK DISTRICT COUNCIL.

* By virtue of the Criminal Law Act, 1977, Section 31 and Criminal Justice Act, 1982, Section 37 and 46, the maximum fine is now a sum not exceeding level 1 on the standard scale.

THE 'ROUGH GUIDE' TO MULBARTON COMMON BYE-LAWS

This brief summary of the bye-laws of Mulbarton Common outlines the key points. For details of each one, please consult the official wording (on display near the church fence and at the South-East corner of the Common).

3. DO NOT PLACE or DEPOSIT anything on the common*
4. DO NOT DIG or CUT anything*
5. DO NOT REMOVE OR DAMAGE seats, bins, etc*
6. DO NOT SHOOT or CHASE birds or animals*
7. DO NOT DRIVE or PARK VEHICLES, except where permitted*
8. DO NOT ERECT BUILDINGS, FENCES, POSTS, TENTS, etc.*
9. DO NOT HAVE SHOWS or exhibitions, etc.*
10. DO NOT CAMP; DO NOT LIGHT A FIRE *
11. DO NOT DISCHARGE MISSILES (*N.B. includes golf balls*)*
12. DO NOT ALLOW ANIMALS to remain on the common*
13. DO NOT RIDE HORSES across the common*

NOTE:

15. Offenders can be convicted and fined;
16. Vehicles, animals, structures and people which offend the bye-laws can be removed from the common.

Every bye-law states 'without lawful authority'*.

* The "Lawful Authority" is:

South Norfolk District Council, at South Norfolk House, Long Stratton.

The Scheme for Management of Mulbarton Common is dated 1899: "The (local) inhabitants shall have a **right** of free access to every part of the common, and a **privilege** of playing games and enjoying other recreation, subject to any byelaws" (item 5). The District Council may protect and improve the common as a place for exercise and recreation by draining, planting, placing seats, making new paths and roads etc. (items 3 & 6)

Mulbarton Common Bye-laws were approved by the UK Secretary of State in 1971.
