

Bye-laws

These Bye-laws were passed under the Commons Act 1899, on the Ninth Day of June 1989.

1. Throughout these bye-laws the expression “The Council” means the BOROUGH COUNCIL OF HINCKLEY AND BOSWORTH and the expression “the common” means BURBAGE COMMON situate in the County of Leicester and referred to as “the common” in the Scheme under the Commons Act 1899 made by the Urban District Council of Hinckley on the 8th day of May 1964 and approved by the Minister of Agriculture Fisheries and Food on the 14th day of May 1964.

“Model aircraft” means an aircraft which either weighs not more than 5 kilograms 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 electrical motors) (or by compressed gas)

2. An act necessary to the proper execution of his duty in the common 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 against these bye-laws.
3. A person shall not on the common:
 - (i) Climb any wall or fence in or enclosing the common or any tree, or any barrier, railing, post or other erection:
 - (ii) WITHOUT REASONABLE EXCUSE 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 common.
4. A person shall not except in the 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 onto the common 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 onto the common 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. Provided that where the Council set apart a space on the common for the use of 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 common 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 common.

6. A person who brings a vehicle onto the common shall not wheel or station it over or upon

(i) any flower bed, shrub, or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant.

(ii) any part of the common where the Council by way of a notice board fixed or set up in some conspicuous position in the common prohibits it being wheeled or stationed.

7. A person shall not on the common 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 notice shall not apply to more than one fifth of the area of the common;

(ii) any flower bed, shrub, or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant.

8. A person shall not on the common;

(i) bathe, wade, or wash in any ornamental lake, pond, stream, or other water;

(ii) WITHOUT REASONABLE EXCUSE foul or pollute any such water.

9. (i) Every person in charge of a dog in the ground shall as far as is reasonably practicable keep the dog under close control and restrain the dog from behaviour giving reasonable grounds for annoyance.

(ii) Every person in charge of a dog in the ground shall, as far as is reasonably practicable, comply with a direction given by a Council Officer to keep the dog on a lead.

(iii) A direction under paragraph (ii) above may only be given if such restraint is reasonably necessary to prevent the worrying or disturbance of any animal or bird.

10. Where the Council set apart any such part of the common as may be fixed by the Council and described in a notice board affixed or set up in some conspicuous position on the common for the purpose of any game specified in the notice board, which by reason of the rules or the manner of playing or for the prevention of damage, danger, or discomfort of any person on the common 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 common - a person shall not in any space elsewhere on the common play or take part in any game so

so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such space.

11. A person resorting to the common and playing or taking part in any game for which the exclusive use of any space on the common 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 proper care to prevent undue interference with the proper use of the common 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 on any part of the common 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 common.

13. A person shall not on the common

- (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 common such commodity or article.

14. A person shall not on the common

- (i) intentionally obstruct any Officer of the Council in the proper execution of his duties.

- (ii) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any Contract with the Council; or
 - (iii) intentionally obstruct any other person in the proper use of the common or behave so as to give reasonable grounds for annoyance to other persons on the common.
15. (i) A person shall not on the common release any power driven model aircraft for flight or control the flight of such an aircraft.
- (ii) A person shall not cause any power driven model aircraft to take off or land on the common.
16. Every person who shall offend against any of these bye-laws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
17. Any person offending against any of these bye-laws may be removed from the common by any Officer of the Council or by any constable.

Repeal of Bye-laws

- 18 The bye-laws relating to the common which were made by the Borough Council of Hinckley and Bosworth on the twenty eighth day of January 1986 and were confirmed by the Secretary of State on the second day of July 1986 are hereby repealed.

