

BOROUGH OF HOVE

Byelaws made by Hove Borough Council under section 164 of the Public Health Act 1875, with respect to the Museum Gardens.

Interpretation

1. In these byelaws:

"the Council" means Hove Borough Council;

"the ground" means the Museum Gardens at 19 New Church Road, Hove.

Vehicles

2. (1) No person shall, without reasonable excuse, ride or drive a cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle in the ground, or bring or cause to be brought into the ground a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle other than a cycle.

(2) This byelaw shall not extend to invalid carriages.

(3) In this byelaw:

"cycle" means a bicycle, a tricycle, or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle;

"invalid carriage" means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person;

"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms;

"motor vehicle" means a mechanically propelled vehicle, not being an invalid carriage, intended or adapted for use on roads;

"trailer" means a vehicle drawn by a motor vehicle, and includes a caravan.

Ball games

3. No person shall in the ground:

(a) play or take part in any ball game; or

(b) practise the game of golf.

Skateboarding and rollerskating

4. No person shall in the ground skate on rollers, skateboards, wheels or other mechanical contrivances.

Climbing

5. No person shall, without reasonable excuse, climb any wall or fence in or enclosing the ground, or any tree, or any barrier, railing, post or other structure.

Removal of structures

6. No person shall, without reasonable excuse, remove from or displace in the ground any barrier, railing, post or seat, or any part of any structure or ornament, or any implement provided for use in the laying out or maintenance of the ground.

Erection of structures

7. No person shall in the ground, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

Trading

8. No person shall in the ground, without the consent of the Council, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.

Protection of flower beds, trees, grass, etc

9. No person who brings or causes to be brought into the ground a vehicle or cycle shall wheel or park it over or upon:
 - (a) 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; or
 - (b) any part of the ground where the Council, by a notice placed in a conspicuous position in the ground, prohibits its being wheeled or parked.
10. No person shall in the ground enter upon:
 - (a) 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; or
 - (b) any part of the ground set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.

Model aircraft

- 11.(1) No person shall in the ground release any power-driven model aircraft for flight or control the flight of such an aircraft.
- (2) No person shall cause any power-driven model aircraft to take off or land in the ground.
- (3) In this byelaw:

"model aircraft" means an aircraft which either weighs not more than 7 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 electric motors or by compressed gas.

Removal of substances

12. No person shall remove from or displace in the ground any stone, soil or turf, or the whole or any part of any plant, shrub or tree.

Metal detectors

13. No person shall on the land use any device designed or adapted for detecting or locating any metal or mineral in the ground.

Fires

- 14.(1) No person shall in the ground intentionally light a fire, or place, throw or let fall a lighted match or set off any firework or any other thing so as to be likely to cause a fire.
- (2) This byelaw shall not apply to any event held with the consent of the Council.

Noise

15. No person in the ground shall, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting on his behalf:
 - (a) by shouting or singing;
 - (b) by playing on a musical instrument; or
 - (c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument;

cause or permit to be made any noise which is so loud or so continuous or so repeated as to give reasonable cause for annoyance to other persons in the ground.

Grazing

16. No person shall, without the consent of the Council, turn out or permit any animal to graze in the ground.

Obstruction

17. No person shall in the 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.

Savings

- 18.(1) An act necessary to the proper execution of his duty in the 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.
- (2) Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the ground, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the ground or any part thereof.

Removal of offenders

19. Any person offending against any of these byelaws may be removed from the ground by an officer of the Council or a constable.

Penalty

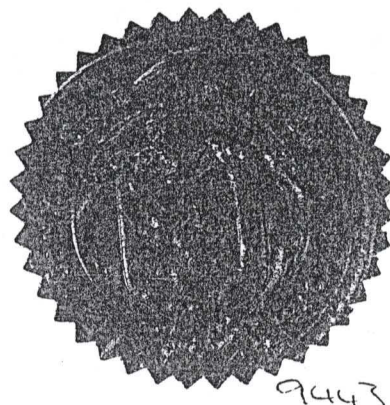
20. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

21. Byelaws made by Hove Borough Council on 22 June 1990 and confirmed by the Secretary of State for the Home Department on 4 September 1990 are hereby revoked in so far as they apply to the ground known as Museum Gardens.

Given under the
Common Seal of
Hove Borough Council
This Twelfth day of September 1996.


Legal Services Manager



The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the twenty-fifth day of November 1996.

Signed by authority of the Secretary of State



R. G. EVANS

Head Of Unit

Constitutional and Community Policy Directorate

8 NOV 1996

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LONDON, SW1.

BL960501 (TR)