

London Borough of Richmond upon Thames

BYELAWS

Relating to Commons in the Borough

Byelaws made under the Richmond Petersham and Ham Open Spaces Act, 1902, the Metropolitan Commons (Ham) Supplemental Act, 1901, the Surrey (Riverside Areas) Order 1933, the Metropolitan Common Scheme (Palewell) Confirmation Act, 1935, the Richmond (Surrey) Corporation Act, 1937, the Metropolitan Commons (Barnes) Supplemental Act, 1898, and the Metropolitan Commons (East Sheen) Supplemental Act, 1898 by the Mayor and Burgesses of the London Borough of Richmond upon Thames, acting by the Council at a meeting of the Council held on 8th March 1988 with respect to commons.

1. Throughout these byelaws the expression "the Council" means the Mayor and Burgesses of the London Borough of Richmond upon Thames acting by the Council and the expression "common" means except where inconsistent or incompatible with the context each of the lands set out in the First Schedule to these byelaws.
2. An act by a person for the time being duly authorised by the Council for any purpose in connection with the management, maintenance, improvement or regulation of the common and acting in the proper execution of that purpose or a person duly authorised by such a person and acting in the proper execution of such authority or a person acting in the legal exercise of some right in, over or affecting the common shall not be deemed an offence against these byelaws.
3. A person shall not on the common
 - (a) climb any fence or any tree, or any barrier, railing, post or other erection.
 - (b) without reasonable cause remove or displace any wall or fence in or enclosing the common, or any barrier, railing, post, seat, board, plate or tablet, 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 on the common remove or displace any soil, turf, tree, shrub or plant.

5. A person shall not cause or suffer any dog belonging to him or in his charge to remain on the common, unless such dog be and continue to be under proper control and be effectually restrained from causing annoyance to any person and from worrying or disturbing any animal or waterfowl and from entering any ornamental water.
6. 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 on to the common any cattle, horses, sheep, goats, or pigs, or any beast of draught or burden.
7. (a) A person shall not, except in the exercise of any lawful right or privilege, bring or cause to be brought on to the common any barrow, truck, machine or vehicle other than —
- (i) a wheeled bicycle, tricycle or other similar machine
 - (ii) a wheel-chair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children
 - (iii) a vehicle which is an invalid carriage complying with the requirements of and used in accordance with the conditions prescribed by Regulations made under Section 20 of the Chronically Sick and Disabled Persons Act 1970

Provided that this byelaw shall not be deemed to prohibit the driving over any public road or any track authorised by the Council for the purpose and indicated in a notice board affixed or set up in some conspicuous position near to such track of any vehicle or, where the Council set apart a space on the common for the use of any class of vehicle, 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

- (b) A person shall not except in the exercise of any lawful right or privilege ride any bicycle, tricycle or other similar machine on any part of the common.
8. A person who brings a vehicle onto the common shall not wheel or station it over or upon
- (a) 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
 - (b) any part of the common where the Council by a notice board affixed or set up in some conspicuous position in the common prohibit its being wheeled or stationed.
9. A person shall not affix any bill, placard, notice, sign or other mark to or upon any wall or fence on the common 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 on the common.

10. A person shall not on the common walk, run, stand, sit, or lie upon 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.

11. A person shall not

(a) bathe, wade, or wash in any lake, pond, stream or other water on the common

(b) intentionally, recklessly or negligently foul or pollute any such water

(c) kill, molest or intentionally disturb any fish or water fowl

Provided that this byelaw shall not be deemed to prohibit bathing, wading or fishing from any part of the common which, by a notice conspicuously exhibited near thereto, may be set apart by the Council for the purpose of bathing, wading or fishing

(i) during such period as may be specified on the notice board

(ii) by such number of persons not exceeding at any one time the number specified on the notice board.

12. 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 manner of playing, or for the prevention of damage, danger or discomfort to 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 specified in such a manner as to exclude persons not playing or taking part in the game from the use of such a space.

13. 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

(a) not play on the space any game other than the game for which it is set apart

(b) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the common by other persons

(c) when the space is already occupied by other players not begin thereon without their permission

- (d) 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
 - (e) 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.
14. 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
- (a) 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
 - (b) except at such times as may be prescribed by the Council and advertised by notices set up on the portion or portions of the common so appointed.
15. A person shall not on the common play with a cricket ball, a hard golf ball or with any other hard ball to the danger of any other person using the common Provided that this byelaw shall not be deemed to prohibit the playing of any game with a hard ball in any part of the common which may be set apart by the Council for the playing of organised games and described in a notice board affixed or set up on a conspicuous position on the common.
16. A person shall not on the common
- (a) 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, booth, stand, building, or other structure, upon such occasion and for such purpose as are specified in the application
- (b) 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 on the common such commodity or article.
17. A person shall not, on the common, intentionally obstruct, disturb, or annoy any other person in the proper use of the common, or intentionally obstruct, or disturb, 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 laying out or maintenance of the common.

18. A person shall not on the common hold or take part in any public meeting except on any part of the common which, by a notice conspicuously exhibited, the Council set aside for public meetings.
19. A person shall not take part in any public show or performance on the common Provided that this byelaw shall not apply to any person taking part in a band show or any other entertainment held on the common in pursuance of an agreement with the Council.
20. A person shall not by playing any musical instrument or singing or by operating or causing or suffering to be operated any wireless set, gramophone, amplifier, tape recorder or similar instrument make, cause or suffer to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons on the common.
21. A person shall not break in any horse on the common.
22. Where any part of the common, by notices affixed in a conspicuous position on the common, has been set apart by the Council as a place where horse-riding is permitted, a person shall not, except in the exercise of any lawful right or privilege—
 - (a) ride a horse on any other part of the common
 - (b) ride a horse on any part of the common so set apart to the danger or annoyance of other persons on the common
 - (c) ride a horse on any part of the common so set apart 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 riding.
23. A person shall not go upon any ice upon any pond or water on the common which shall have been set apart by the Council for the purpose of skating or sliding and adequately indicated by a notice board affixed or set up in a conspicuous position near to such ice except at such times as may be indicated in such notice or notices and no person shall intentionally break up or remove any ice on any pond or water so set apart and indicated, or throw or place any stones, earth or other substance on such ice so as to render the same less suitable for skating or sliding.
24. A person shall not on the common
 - (i) release any power driven model aircraft for flight or control the flight of such an aircraft or

- (ii) cause any power driven model aircraft to take off or land on the common.
25. For the purposes of bye-law 24 the expression "model aircraft" means an aircraft which either weighs not more than five kilogrammes without its fuel or is for the time being exempted (as a model aircraft) from the provisions of the Air Navigation Orders and the expression "power driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances.
26. Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds.
27. Any officer of the Council or Police Constable may remove from the common any person guilty of brawling fighting or using indecent or improper language or any disorderly person.

Repeal of Byelaws

28. The byelaws described in the Second Schedule are hereby repealed.

FIRST SCHEDULE

- Barnes Common - as defined in Section 1 of the Metropolitan Commons (Barnes) Supplemental Act 1898
- East Sheen Common - as defined in Section 1 of the Metropolitan Commons (East Sheen) Supplemental Act 1898
- Ham Common - as defined in Section 1 of the Metropolitan Commons (Ham) Supplemental Act 1901
- Ham Riverside Land - as defined in Section 3 of the Richmond Petersham and Ham Open Spaces Act 1902
- Palewell Common - as defined in the Metropolitan Common Scheme (Palewell) Confirmation Act 1935
- Richmond Riverside Land - as defined in Section 3 of the Richmond Petersham and Ham Open Spaces Act 1902
- Riverside Walk (Richmond to Kew) - as defined in Section 86(3) and (4) of the Richmond (Surrey) Corporation Act 1937

SECOND SCHEDULE

Commons	Byelaws made by	Date	Byelaws confirmed by	Date
Ham Common	The Mayor Aldermen and Burgesses of the Borough Richmond (Surrey)	12 February 1935	The Minister of Health	1 April 1935
	The Mayor Aldermen and Burgesses of the Borough Richmond (Surrey)	11 May 1937	The Minister of Health	29 June 1937
	The Mayor Aldermen and Burgesses of the Borough Richmond (Surrey)	8 March 1949	The Secretary of State	23 May 1949
Barnes Common	The Mayor Aldermen and Burgesses of the Borough of Barnes	15 June 1938	The Minister of Health	24 November 1938
Barnes Common	The Mayor and Burgesses of the London Borough of Richmond upon Thame	29 June 1982	The Secretary of State	21 October 1982
East Sheen Common	The Mayor Aldermen and Burgesses of the Borough of Barnes	15 June 1938	The Minister of Health	24 November 1938
Ham Riverside Land	County Council of The Administrative County of Surrey	25 July 1939	The Minister of Health	1 September 1939
Richmond Riverside Land	The Mayor Aldermen and Burgesses of the Borough of Richmond (Surrey)	25 July 1933	The Minister of Health	13 September 1933
	The Mayor Aldermen and Burgesses of the Borough of Richmond (Surrey)	14 May 1935	The Minister of Health	25 June 1935
	The Mayor Aldermen and Burgesses of the Borough of Richmond (Surrey)	14 February 1939	The Minister of Health	27 March 1939
Riverside Walk (Richmond to Kew)	The Mayor Aldermen and Burgesses of the Borough of Richmond (Surrey)	9 November 1938	The Minister of Health	30 December 1938

**THE COMMON SEAL
OF THE MAYOR AND
BURGESSES OF THE
LONDON BOROUGH
OF RICHMOND UPON
THAMES** was hereunto
affixed in the presence of:

L.S.

M. P. EMERSON
Mayor

M. J. HONEY
Chief Executive

Seal Register No 151/2

The foregoing byelaws are
hereby confirmed by the
Secretary of State and
shall come into operation
on the 23rd day of June
1988.

Seal of the
Secretary of State
Home Department

Signed by authority of
the Secretary of State on
26th May 1988

Q. J. THOMAS
An Assistant
Under Secretary of State