

Romney Marsh Rural District Council

CLERK OF THE COUNCIL
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Kent.*

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YOUR REF.

OUR REF. FS/MA/ 03.02.03.

2nd April, 1969.

Mr. B. Castle,
Clerk of Dymchurch Parish Council,
32, Orgarswick Avenue,
Dymchurch,
Kent.

Dear Mr. Castle,

Byelaws

I am now informed by the Home Office that the proper local authority to make byelaws in respect of recreation grounds is the appropriate parish councils, unless the Rural District Council have any interest, estate or control of the recreation grounds which in the case of Dymchurch we do not. The byelaws as made by the Parish Council can be made under either section 8 (1)(d) of the Local Government Act 1894 or section 15 of the Open Spaces Act 1906. The byelaws should apply to a specifically named ground or grounds and the Parish Council should, in the preamble to the byelaws, name the statute (see above) under which they are made.

I am attaching a 3 page memorandum from the Home Office on the procedure to be applied by parish councils in making these byelaws, together with a copy of the byelaws we submitted, for your information. If you require any help from the Home Office their address is Whitehall, London, S.W.1. and their reference EYE/67/5/1074/1. I will also be pleased to help you in any way I can. In respect of the seashore and promenade byelaws I am in the process of finalising these with the Home Office and will keep you informed.

Yours sincerely,

Clerk of the Council.



Under Section 8 (1) (d) of the Local Government Act 1894.

BYELAWS made by the Parish Council of Dymchurch with respect to the Dymchurch Recreation Ground.

1. Throughout these byelaws the expression "the Council" means the Parish Council of Dymchurch and the expression "the ground" means the Dymchurch Recreation Ground.
2. Any act necessary to the proper execution of his duty on the 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 wilfully, carelessly, or negligently soil or defile any wall or ~~or~~ fence in or enclosing the ground, or any building, barrier, railing, post or seat or any erection or ornament on the ground.
4. A person shall not except in pursuance of a lawful agreement with the Council, or otherwise in the exercise of a lawful right or privilege bring, or cause to be brought on to the ground any beast of draught or burden or any cattle, sheep, goats or pigs.
5. (i) A person shall not except in the exercise of any lawful right or privilege bring or cause to be brought on to the ground any barrow, truck, machine or vehicle other than-- (a) a wheeled bicycle 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 aside a space on the ground for the use of any class of vehicle this byelaw shall not deem to prohibit the driving in or to a space by a direct route from the entrance to the 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 or other similar machine on any part of the ground.
6. A person shall not affix any bill, placard, or notice to or upon any tree, or to or upon any part of any building, seat, or erection on the ground.
7. Where the Council set apart any such part of the ground as may be fixed by the Council, and may be described in a notice board affixed or set up in some conspicuous position on the ground, for the purpose of any game specified in the notice board, which, by the reason of the rules or manner of playing, or for the prevention of danger, damage or discomfort of any person on the ground, may necessitate the exclusive use by the player or players of any space on such part of the ground -- a person shall not in any place elsewhere on the 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 space.
8. A person shall not except with the consent of the Council erect any post, rail, fence, pole, tent, booth, stand, building or other structure on the ground.
9. A person shall not on the ground (a) beat, shake, sweep, brush, or cleanse any carpet, rug, or mat or any other fabric retaining dust or dirt; (b) hang, spread or deposit any linen or other fabric for drying or bleaching.

10. A person on the ground shall not wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the 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.
11. Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding---
-twenty pounds.
12. Any person who shall infringe any byelaw for the regulation of the ground may be removed ~~to~~ therefrom by an officer of the Council, or by any constable in any one of the several cases hereinafter specified; that is to say--- (1) 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 .
(2) 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 grounds for belief that the continuance on the ground of the person infringing the byelaw may result in another infraction of a byelaw, or that the removal of such person from the ground is otherwise necessary as a security for the proper use and regulation thereof.

Given under our hands and seals this *Tenth*

day of *January* 1972

(Signed) *[Signature]*

(Signed) *[Signature]*

Members of the Dymchurch Parish Council.

