

COMMONS ACT 1899

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BYELAWS
made by

THE PARISH COUNCIL OF CHALFONT ST PETER

for the

REGULATION OF THE COMMONS

in the Parish of Chalfont St Peter

Byelaws made by the Parish Council of Chalfont St Peter under section 1 of the Commons Act 1899 with respect to Commons.

1. Interpretation

In these byelaws:

"the Common" means each of the pieces of land with ponds, paths and roads thereon – commonly known as Austenwood Common, Gold Hill Common and other lands, situate in the Parish of Chalfont St Peter in the County of Buckinghamshire and referred to as "the Commons" in the Scheme made by the Amersham Rural District Council and approved by the Board of Agriculture and Fisheries on 3rd March, 1913, under section 1 of the Commons Act 1899 for the regulation and management of Commons.

"the Council" means the Parish Council of Chalfont St Peter in the County of Buckinghamshire.

2. Removal of substances

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

3. Protection of wildlife

(i) No person shall on the Common intentionally kill, injure, take or disturb any animal or fish, or engage in hunting, shooting or fishing, or the setting of traps or nets, or the laying of snares.

(ii) This byelaw shall not prohibit any fishing which may be authorised by the Council.

4. Aircraft

No person shall, except in case of emergency or with the consent of the Council, take off from or land upon the Common in an aircraft, helicopter or hot air balloon.

5. Vehicles

(i) No person shall, without the consent of the Council, ride or drive, or bring or cause to be brought onto the Common, a cycle, motor vehicle, trailer or any other mechanically propelled vehicle.

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

(iii) 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 or horse and includes a caravan.

6. Erection of structures

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

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

7. Fires

- (i) No person shall on the Common intentionally light a fire, or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.
- (ii) This byelaw shall not prevent the lighting or use of a properly constructed camping stove or cooker in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

8. Missiles

No person shall on the Common, to the danger or annoyance of any other person on the Common, throw or discharge any missile.

9. Golf

No person shall on the Common drive, chip or pitch a golf ball of any kind.

Games

10. Where the Council has, by a notice placed in a conspicuous position on the Common, set apart an area on the Common for the playing of such games as may be specified in the notice, no person shall:

- (i) play in such an area any game other than the game for which it has been set apart;
- (ii) use any such area so as to give reasonable grounds for annoyance to any person already using that area for any purpose for which it has been set apart; or
- (iii) play any game so specified in any other part of the Common in such a manner as to exclude any person not playing the game from the use of that part.

11. No person shall, in any area of the Common which may have been set apart by the Council for any game, play any game when the state of the Common or other cause makes it unfit for use and a notice is placed in a conspicuous position prohibiting play in that area of the Common.

12.(i) No person shall on the Common play any game:

- (a) so as to give reasonable grounds for annoyance to any other person on the Common; or
- (b) which is likely to cause damage to any tree, shrub or plant on the Common.

(ii) This byelaw shall not extend to any area set apart by the Council for the playing of any game.

13. Model Aircraft

(i) No person shall release on the Common any power-driven model aircraft for flight or control the flight of such an aircraft.

(ii) No person shall cause any power-driven model aircraft to take off or land on the Common.

(iii) 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).

14 Horses

No person shall on the Common intentionally or negligently ride a horse to the danger of any other person using the Common.

15 Grazing

No person shall, without the consent of the Council, turn out or permit any animal to graze on the Common.

16. Protection of flower beds, trees, grass etc.

No person shall on the Common tread 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; or
- (ii) any part of the Common set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.

17. Obstruction

No person shall 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.

18. Savings

(i) An act necessary to the proper execution of his duty on 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 under these byelaws.

(ii) 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 Common, or the rights of any person acting legally by virtue of some estate, right or interest in, over or affecting the Common or any part thereof.

19. Removal of offenders

Any person offending against any of these byelaws may, after due warning, be removed from the Common by an officer of the Council.

20. Penalty

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.

21 Revocation

The byelaws made by the Parish Council of Chalfont St Peter on 6 April 1914 and allowed by the Local Government Board on 21 May 1914 relating to the Common are hereby revoked.

At a meeting of the Parish Council of the Parish of Chalfont St Peter held this 28th day of April, 1997, the foregoing byelaws are hereby made by the said Council under the hands and seals of:-

Cllr Mrs P. Bacon - Chairman of the Parish Council

Cllr Mrs L. Smith - member of the Parish Council

DOE 1286

The foregoing byelaws are hereby confirmed by the Secretary of State for the Environment, Transport and the Regions and shall come into force on 1st May 1998.

Signed by authority of
The Secretary of State for the
Environment, Transport and
the Regions

Susan Carter
A Grade 5 in the
Dept of the Environment