

Malvern Hills District Council – Byelaws as relating to MONKWOOD GREEN

Byelaws – made by Malvern Hills District Council in respect of the areas of common land listed in the attached schedule.

1 Throughout these byelaws:

“the Council” means Malvern Hills District Council

“the commons” means the areas of common land listed in the attached schedule, all in the county of Hereford and Worcester.

“the schemes” means the schemes of management for each common listed in the schedule.

“model aircraft” means an aircraft which either weighs not more than 5 kilogrammes without its fuel or is for the time being exempted (as a model aircraft) from 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.

“jet-propelled or rocket-propelled” means driven by jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding one inch in length.

2 No person shall, except in the exercise of any lawful right or privilege, remove or displace any soil or plant.

3 No person shall dig or take turf, sods, gravel, sand, clay, or other substance, or cut, fell, or take trees or underwood on or from any part of the Common which is temporarily enclosed by the Council for the revival of the turf, shrubs, trees, plants, or grass thereon, or set apart for games if similar turf or other such respective substances or products as aforesaid can conveniently be dug or taken or cut or felled from some other part of the common.

4 A person shall not, 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.

5 (a) No person shall without lawful excuse on the common, except in the exercise of any lawful right or privilege, kill, molest or intentionally disturb any animal, bird or fish or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares.

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

6 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 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 byelaw 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.

7 (a) No person shall light a fire on the common or place or throw or let fall a lighted match or any thing so as to be likely to cause a fire.

(b) The 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.

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- 8 No person shall erect a tent or use any vehicle, including a caravan or any other structure for the purpose of camping on the common except on any area which may be set apart and indicated by notice as a place where camping is permitted.
- 9 Where any part of the common has, by a notice conspicuously exhibited in the commons been set apart by the Council for the flying of power-driven model aircraft, no person in any other part of the commons shall release any such aircraft for flight, or control the flight of such an aircraft, and no person shall –
 - a) cause such an aircraft to take off; or
 - b) without reasonable excuse, cause such an aircraft to land, in such other part of the commons.

Where an area within a part of the commons so set apart for the flying of power-driven model aircraft is designated by the Council as an area from which aircraft may be launched and is described in a notice affixed or set up in some conspicuous position on the commons a person shall not release such an aircraft for flight, or cause such an aircraft to take off, in any part of the commons other than that area.

- 10 No person shall (except in the case of a Fair lawfully held) place on the commons any show, exhibition, swing, roundabout or other like thing.
- 11 No person shall without lawful authority fire or discharge any firearm, or to the danger of any person throw or discharge any missile on the commons.
- 12 Where the Council set apart any part of the commons as may be fixed by the Council, and described in a notice board affixed or set up in some conspicuous position on the commons 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 commons 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 commons – a person shall not in any space elsewhere on the commons 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.
- 13 A person resorting to the commons and playing or taking part in any game for which the exclusive use of any space on the commons 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 commons by other persons;
 - (c) when the space is already occupied by other players not begin to play 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.

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- 14 No person shall on any part of the commons 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 on that part of the common.
- 15 No person shall without lawful authority –
 - (a) break in any horse on the commons;
 - (b) drive or exercise any horse on the commons to the danger or annoyance of any other person.
- 16 No person shall, without lawful authority, turn out or permit to graze on the commons any cattle, sheep or other animals. And it shall be lawful for any officer of the Council or person authorised by them to remove from the Common any cattle, sheep, or other animal being upon the common in contravention of this Byelaw.
- 17 A person shall not in the ground 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 his duty.
- 18 No person shall, 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.
- 19 An officer of the Council or person authorised by them, may, after due warning, remove or exclude from the commons, any vehicle or animal drawn, driven or placed upon the commons, or any structure (which shall include a caravan) erected or placed thereon in contravention of the Scheme or of any of the foregoing byelaws, and may remove from the commons any person who within his view infringes any such byelaw or any provision of the Vagrancy Acts.
- 20 Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding one hundred pounds.

Repeal of Byelaws

- 21 The Byelaws relating to commons which were made by –

Bromyard Rural District Council	on	3 May 1951
Ledbury Rural District Council	on	8 April 1902
Martley Rural District Council	on	9 September 1921
		3 September 1926
Upton upon Severn Rural District Council	on	17 August 1905
		22 February 1906
		12 April 1928
		23 September 1947

and confirmed by the Secretary of State then in office, are hereby repealed.

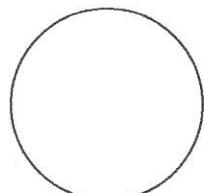
Malvern Hills District Council
Byelaws for Commons
Schedule

The areas of common land covered by the above byelaws:

Commonly known as	Situate in the Parish(es) of
Kempsey Common)	
Normoor Common)	
Stonehall Common)	Kempsey
Ashmoor Common)	
Kerswell Green)	
 Broadmoor Common	Woolhope
Bromyard Downs	Norton and Linton
Bringsty Common	Linton and Whitbourne
Badley Wood Common	Whitbourne
Dunstall Common	Earls Croome and Severn Stoke
 Smithmoor Common	Earls Croome
Broadheath	Cotheridge and St John-in-Bedwardine
King's Green Common	Wichenford
Birtsmorton or Coombgreen Common	Birtsmorton
Monkwood Green	Grimley

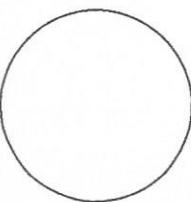
The common seal of Malvern Hills District Council was
hereunto affixed on the Thirteenth day of April 1988
in the presence of

P Graham
Secretary and Solicitor



The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on 12 August 1988.

Signed by authority of the Secretary of State 15 July 1988

Q J Thomas
Assistant Under-Secretary at the Home Office