

SUFFOLK COASTAL DISTRICT COUNCIL
COMMONS ACT 1899 – BLAXHALL COMMON

BYELAWS

BYELAWS made by Suffolk Coastal District Council under Section 1 of the Commons Act 1899, with respect to Blaxhall Common.

INTERPRETATION

- 1 In these Byelaws:

“the Common” means the pieces of land with the ponds, paths and roads thereon, commonly known as Blaxhall Common, situate in the Parish of Blaxhall in the County of Suffolk, and referred to as “the Common” in the Scheme made by Suffolk Coastal District Council on 5 October 1993, as amended on 22 November 1994, under section 1 of the Commons Act 1899 for the regulation and management of Blaxhall Common;

“the Council” means Suffolk Coastal District Council.

REMOVAL OF SUBSTANCES

- 2 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.

REMOVAL OF STRUCTURES

- 3 No person shall, without reasonable excuse, remove from or displace on the Common 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 Common.

PROTECTION OF WILDLIFE

- 4 (1) 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.
- (2) This byelaw shall not prohibit any fishing which may be authorised by the Council.

VEHICLES

- 5 (1) No person shall, without reasonable excuse, ride or drive a cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle on the Common, or bring or cause to be brought onto the Common a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except on any part of the Common where there is a right of way for that class of vehicle.
- (2) If the Council has set apart a space on the Common for use by vehicles of any class, this byelaw shall not prevent the riding or driving of those vehicles in the space so set apart, or on a route, indicated by signs placed in conspicuous positions, between it and the entrance to the Common.
- (3) This byelaw shall not extend to invalid carriages.
- (4) 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.

GLIDERS, AIRCRAFT AND MODELS

- 6 Except in the case of accident or other sufficient cause, no person shall on the Common take off, fly or land any glider or aircraft (including any model).

PUBLIC SHOWS, EXHIBITIONS AND STRUCTURES

- 7 No person shall without lawful authority, except in the case of a fair lawfully held, place on the Common any show, exhibition, swing, roundabout or other like thing.

GAMES

- 8 (1) 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:
- (a) play in such an area any game other than the game for which it has been set apart;
 - (b) 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
 - (c) 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.
- (2) 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.
- (3) 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.
- (4) This byelaw shall not extend to any area set apart by the Council for the playing of any game.

HORSES

- 9 Where any part of the Common has, by notices or waymarking placed in a conspicuous position on the Common, been set apart by the Council as an area where horse riding is permitted, no person shall, except in the exercise of any lawful right or privilege, ride a horse on any other part of the Common.

GRAZING

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

BATHING

- 11 No person shall, without reasonable excuse, bathe or swim in any waterway comprised in the Common, except in an area where a notice exhibited by the Council permits bathing and swimming.

CAMPING

- 12 No person shall on the Common, without the consent of the Council, erect a tent or use any vehicle, including a caravan, or any other structure for the purpose of camping, except on any area which may be set apart and indicated by notice as a place where camping is permitted.

FIRES

- 13 (1) 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.
- (2) 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.

TRADING

- 14 No person shall on the Common, 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.

OBSTRUCTION

- 15 No person shall on the Common:
- (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 Common, or behave so as to give reasonable grounds for annoyance to other persons on the Common.

SAVINGS

- 16 (1) 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.
- (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 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.

REMOVAL OF VEHICLES, ANIMALS AND STRUCTURES

- 17 Any officer of the Council may, after due warning, remove from the Common any vehicle or animal drawn, driven or placed on the Common or any structure (including a caravan) erected or placed thereon, in contravention of the Scheme or of any of these byelaws.

REMOVAL OF OFFENDERS

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

PENALTY

- 19 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.

GIVEN under the Common Seal of
SUFFOLK COASTAL DISTRICT COUNCIL
this 11th day of July
One thousand nine hundred and ninety seven

A Healey
Chairman

Simon Burridge
Duly Authorised Officer

DOE 1137

The foregoing byelaws are hereby confirmed by the Secretary of State for the Environment and shall come into force on 1 November 1997

Signed by authority of
the Secretary of State
23 September 1997

Susan Carter
An Assistant Secretary in the
Department of the Environment

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