

# **FLINTSHIRE COUNTY COUNCIL**

## **BYELAWS**

Byelaws made by Flintshire County Council under the Scheme of Regulation made pursuant to section 1 of the Commons Act 1889 by the Buckley Urban District Council on 13 June 1933 and approved by the Board of Agriculture and Fisheries on 4 July 1933 and under all other enabling powers, in respect of the Buckley Lower, Middle and Upper Commons.

### **1. INTERPRETATION**

In these Byelaws:

“the Council” means Flintshire County Council

“the Common” means Buckley Commons, the area of which is more particularly delineated on the attached plan

“the Scheme” means the aforementioned Scheme of Regulation

### **2. AIRCRAFT**

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

### **3. ANGLING**

No person shall on the Common cast any net or line used or intended for use in angling except upon any waters comprised in the Common where fishing is permitted by the Council.

### **4. ARCHERY**

No person shall on the Common, except in connection with an event organised by or with the consent of the Council, engage in the sport of archery.

### **5. BATHING**

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.

**6. BOATS**

No person shall, without the consent of the Council, launch, operate or sail on any waterway comprised in the Common any boat, power craft, dinghy, canoe, sailboard, inflatable or any like craft.

**7. CAMPING**

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 a notice as a place where camping is permitted.

**8. CHILDREN'S PLAY AREAS**

(1) No person who has attained the age of 14 years shall use any apparatus on the Common which, by a notice placed on or near thereto, has been set apart by the Council for the exclusive use of persons under the age of 14 years.

(2) No person who has attained the age of 14 years shall enter or remain in the children's play area known as Higher Common Play Area.

(3) This by-law shall not apply to any person who is in charge of a child under the age of 14 years.

**9. CLIMBING**

No person shall, without reasonable excuse, climb any wall or fence on or enclosing the Common, or any tree, barrier, railing, post or other structure.

**10. CRICKET BALLS**

No person shall use a cricket ball, except on any part of the Common which by a notice placed in a conspicuous position has been set aside by the Council as an area where a cricket ball may be used.

**11. CYCLING**

(1) No person shall, without reasonable excuse, ride a cycle on the Common, except in any part of the Common where there is a right of way for cycles, or along such routes as may be fixed by the Council and indicated by signs placed in conspicuous positions on the Common.

(2) In this Byelaw, “cycle” means a bicycle, tricycle or a cycle having four or more wheels, not being in any case a motor cycle or motor vehicle.

**12. DISCUS THROWING**

No person shall on the Common, except in connection with an event organised by or with the consent of the Council, engage in the sport of discus throwing.

**13. 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.

**14. FIRES**

(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.

**15. GAMES**

(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 games 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) (a) No person shall on the Common play any game ;
- (i) so as to give reasonable grounds for annoyance to any other person on the Common ; or
  - (ii) which is likely to cause damage to any tree, shrub or plant on the Common.
- (b) This byelaw shall not extend to any area set apart by the Council for the playing of any game.

**16. GATES**

Where the Council indicates by a notice conspicuously exhibited on or alongside any gate on the Common that leaving that gate open is prohibited, no person, having opened that gate, or caused it to be opened, shall leave it open.

**17. GOLF**

No person shall on the Common drive, chip or pitch a hard golf ball except on land set aside by the Council for use as a golf course, golf driving range, golf practice area or putting course.

**18. GRAZING**

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

**19. HAMMER THROWING**

No person shall on the Common, except in connection with an event organised by or with the consent of the Council, engage in the sport of hammer throwing.

**20. HORSES : (DANGEROUS RIDING)**

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

**21. HORSES : (ONLY IN DESIGNATED AREAS)**

Where any part of the Common has, by a notice 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, without the consent of the Council, ride a horse on any other part of the Common.

**22. INTERFERENCE WITH LIFE-SAVING EQUIPMENT**

No person shall, except in case of emergency, remove from or displace on the Common or otherwise tamper with any life-saving appliance provided by the Council.

**23. JAVELIN THROWING**

No person shall on the Common, except in connection with an event organised by or with the consent of the Council, engage in the sport of javelin throwing.

**24. KITES**

No person shall on the Common fly or cause or permit to be flown any kite in such a manner as to cause a danger or annoyance to any other person on the Common.

**25. METAL DETECTORS**

No person shall on the Common use any device designed or adapted for detecting or locating any metal or mineral in the ground.

**26. MISSILES**

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

**27. MODEL AIRCRAFT**

(1) 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 2000 (S.I. 2000/1562);

“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.

(2) (a) no person shall on the Common release any power-driven model aircraft for flight or control the flight of such an aircraft ;

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

**28. MODEL BOATS : (ONLY IN DESIGNATED AREAS)**

No person shall, without the consent of the Council, operate or sail on any waterways comprised in the Common any model boat, except in an area where a notice exhibited by the Council permits the use of such boats.

**29. MODEL BOATS (POWER DRIVEN) : (ONLY IN DESIGNATED AREAS)**

(1) No person shall operate or sail on any waterway comprised in the Common any power-driven model boat, except in any area where a notice exhibited by the Council permits the use of such boats.

(2) In this bye-law, “power-driven” means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances.

**30. NOISE**

(1) No person on the Common shall, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person on his behalf

- (a) by shouting or singing,
- (b) by playing on a musical instrument, or
- (c) by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument,

cause or permit 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.

(2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

**31. OVERNIGHT PARKING**

No person shall, without the consent of the Council, leave any vehicle or cause or permit any vehicle to be left on the Common between the hours of 12 midnight and 6.00 a.m.

**32. POLLUTION OF WATERWAYS**

No person shall intentionally, carelessly or negligently foul or pollute any waterway comprised in the Common.

**33. PROTECTION OF FLOWER BEDS, TREES, GRASS ETC.**

(1). No person who brings or causes to be brought on to the Common a vehicle shall wheel or park it over or upon :

(a) 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

(b) any part of the Common where the Council, by a notice placed in a conspicuous position in the ground, prohibits its being wheeled or parked.

(2) No person shall on the common tread upon :

(a) 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

(b) any part of the common set aside for the renovation of grass or turf, where an adequate notice to keep off such grass or turf is exhibited.

**34. PROTECTION OF WILDLIFE**

(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.

**35. PUBLIC SHOWS, EXHIBITIONS AND STRUCTURES**

No person shall on the Common, without the consent of the Council, place or take part in any show or exhibition, or set up any swing, roundabout or other like thing.

**36. REMOVAL OF STRUCTURES**

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.

**37. 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.

**38. REMOVAL OF VEHICLES, ANIMALS AND STRUCTURES**

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.

**39. REPAIRING OF VEHICLES**

No person shall clean, paint or carry out repairs to any vehicle parked on the Common, except in the event of an accident, breakdown or other emergency.

**40. SHOT-PUTTING**

No person shall on the Common, except in connection with an event organised by or with the consent of the Council, engage in the sport of shot-putting.

**41. SKATEBOARDING AND ROLLER SKATING**

No person shall on the Common skate on rollers, skateboards, wheels or other mechanical contrivances in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons on the Common.

**42. TRADING**

No person shall on the Common, without the consent of the Council, sell or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.



#### **43. VEHICLES**

(1) No person shall, without reasonable excuse, ride or drive a motor cycle, motor vehicle or any other mechanically propelled vehicle (other than a cycle) on the Common, or bring or cause to be brought on to the Common a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except in 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 bye-law 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 :-

“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, intended or adapted for use on roads.

“trailer” means a vehicle drawn by a motor vehicle, and includes a caravan.

#### **44. WATERCOURSES**

No person, shall knowingly cause or permit the flow of any drain or watercourse on the Common to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus on the land.

#### **45. OBSTRUCTION**

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.

**46. SAVINGS**

(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.

**47. 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.

**48. CONSENTS**

Where in these Byelaws a person is required to obtain the consent of the Council, he/she should apply for such consent in writing to the Proper Officer of the Council at County Hall, Mold, CH7 6NR.

**49. REVOCATION**

The byelaws made by the Urban District Council of Buckley on 12th December 1933 and confirmed by the Minister of Health on 9th February 1934 relating to the Common are hereby revoked.

GIVEN under the Common Seal of Flintshire County Council this \_\_\_\_\_ day of 2003.

**THE COMMON SEAL** of  
**FLINTSHIRE COUNTY COUNCIL**  
was hereunto affixed in the  
presence of :-

A person authorised by the Council

In the exercise of the functions vested in the National Assembly for Wales, the foregoing Byelaws are hereby confirmed by authority of the Minister for Environment, Planning and Countryside acting on behalf of the Welsh Assembly Government

The Byelaws shall come into force on the    day of    2003.

**SIGNED** by authority of the Assembly Minister for Environment, Planning and Countryside

K S POWELL  
Head of Planning Division

Date:

BUCK-BYLAWS-MW  
AB-AM - 2/5/03