

LEWES DISTRICT COUNCIL

BYELAWS made by LEWES DISTRICT COUNCIL under Section 1 of the Commons Act 1899, with respect to Commons.

Interpretation

1 In these byelaws:

"the Common" means each of the pieces of land, with the ponds, paths and roads thereon, commonly known as Markstakes Common, and other Common or waste lands in the Parish of Barcombe; North Common, Lane End Common, Godley's Green, part of the Village Green and other Common or waste lands in the Parish of Chailey; and part of Fletching Common, the Village Green and other Common or waste land in the Parish of Newick, all in the County of East Sussex and referred to as "the Commons" in the Scheme made by the Rural District Council of Chailey on 18 June 1915 and approved by the Board of Agriculture and Fisheries on 8 September 1915, under Section 1 of the Commons Act 1899 for the regulation and management of the Commons;

"the Council" means Lewes District Council;

"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.

Vehicles

2(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 on to 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.

Climbing

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

Removal of structures

- 4 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.

Erection of structures

- 5 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.

Trading

- 6 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.

Grazing

- 7 No person shall, without lawful authority, turn out or permit any animal to graze on the Common.

Removal of substances

- 8 No person shall, without lawful authority, remove from or displace on the Common any stone, soil or turf, or the whole or any part of any plant, shrub or tree.

Camping

- 9 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

- 10 (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.

Protection of wildlife

- 11 (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.

Shows, exhibitions and structures

- 12 No person shall, except in the case of a fair lawfully held, place on the Common any show, exhibition, swing, roundabout or other like thing.

Missiles

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

Model aircraft

- 14 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.

- (1) No person shall on the Common release any power-driven model aircraft for flight or control the flight of such an aircraft.
- (2) No person shall cause any power-driven model aircraft to take off or land on the Common.

Horses

- 15 No person shall on the Common ride a horse to the danger of any other person using the Common.

Games

- 16 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:

- (1) play in such an area any game other than the game for which it has been set apart;
- (2) 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
- (3) 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.

- 17 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.

- 18 (1) 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.
- (2) This byelaw shall not extend to any area set apart by the Council for the playing of any game.

Watercourses

- 19 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 Common.

Pollution of waterways

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

Obstruction

- 21 No person shall on the Common:
- (1) intentionally obstruct any officer of the Council in the proper execution of his duties;
 - (2) intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (3) 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

- 22 (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 offenders

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

Removal of vehicles, animals and structures

- 24 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.

Penalty

25 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.

Revocation

26 The byelaws made by the Rural District Council of Chailey on 29 August 1952 and confirmed by the Secretary of State for the Home Department on 22 October 1952 relating to the Common are hereby revoked.

GIVEN under the COMMON SEAL of LEWES DISTRICT COUNCIL this ^{TWENTY - EIGHTH} day of MAY One thousand nine hundred and ninety-seven in pursuance of a Resolution of the Council passed on the fourteenth day of May One thousand nine hundred and ninety-seven

THE COMMON SEAL of)
LEWES DISTRICT COUNCIL)
was hereunto affixed)
in the presence of:)

Catherine King

District Solicitor



108197

DOE 1118

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

Susan E. Carter

**Signed by authority of
the Secretary of State**

28 July 1997

**Susan Carter
A Grade 5 in the
Department of the Environment**