

EASTBOURNE BOROUGH COUNCIL

BYELAWS RELATING TO EASTBOURNE DOWNLAND

Byelaws made by Eastbourne Borough Council under Section 90 of the National Parks and Access to the Countryside Act 1949 with respect to the Eastbourne Downland.

Interpretation

1. In these byelaws:

"the Council" means Eastbourne Borough Council;
"the land" means the Eastbourne Downland as described in the Schedule to these Byelaws and Map;
"the consent of the Council" means prior consent of the Proper Officer of the Council.

Vehicles

2. (1) No person shall, without reasonable excuse, ride or drive a cycle, motor cycle, motor vehicle or any other vehicle, propelled mechanically or otherwise, on the land, or bring or cause to be brought onto the land a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except on any part of the land where there is a right of way for that class of vehicle.
- (2) If the Council has set apart a space on the land 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 land.
- (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 vehicles" 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.

Climbing

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

Abseiling and Cliff Climbing

4. No person shall, without lawful excuse, climb or abseil any cliff face.

Removal of structures

5. No person shall, without reasonable excuse, remove from or displace on the land 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 land.

Camping

6. No person shall on the land, 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

7. (a) No person shall on the land 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.

(b) This byelaw shall not prevent the lighting or use of a properly constructed camping stove, cooker or barbecue in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.

Metal Detecting

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

Trading, Commercial Filming and Photography

9. No person shall on the land, 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 or offer for reward any service or entertainment except in pursuance of an agreement with the Council.
10. No person shall on the land make for commercial gain any film, telerecording or photograph except in pursuance of an agreement with the Council.

Protection of Wildlife

11. (a) No person shall on the land, without lawful excuse or authority, 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.

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

- (c) No person in charge of a dog shall permit the dog to kill, injure or disturb any animal on the land.

Grazing

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

Horses

- 13. No person shall, except in the exercise of any lawful right or privilege, ride or exercise a horse on the land.

Gates

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

Bathing

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

Pollution of Ponds

- 16. No person shall intentionally, carelessly or negligently foul or pollute any pond comprised in the land.

Noise

- 17. (1) No person on the land shall, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any person acting 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 land.

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

Model Aircraft

18. (1) Where any part of the land has, by a notice conspicuously exhibited on the land, been set apart by the Council for the flying of power driven model aircraft, no person in any other part of the land 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 land.
- (2) Where an area within a part of the land 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 placed in a conspicuous position on the land, no person shall release such an aircraft for flight, or cause such an aircraft to take off, in any part of the land other than that area.
- (3) 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.

Aircraft

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

Obstruction

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

Savings

21. (a) An act necessary to the proper execution of his duty on the land 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.
- (b) 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 land or the rights of any person acting legally by virtue of some estate, right or interest in, over, or affecting the land or any part thereof.

Penalty

22. 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

23. The byelaws made by Mayor Aldermen and Burgesses of the County Borough of Eastbourne on 20 October 1972 and confirmed by the Secretary of State on 28 March 1973 relating to the land are hereby revoked.

SCHEDULE

All that land to which the public have access acquired under the Eastbourne Corporation Act, 1926 comprised within an area designated as an area of Outstanding Natural Beauty under the National Parks and Access to the Countryside Act, 1949 known as the Downland and shown edged in black on the plan attached hereto.

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| Given under the Common Seal |) | |
| of EASTBOURNE BOROUGH COUNCIL |) | L.S. |
| this 21st day of November 1997 |) | 9686 |

Mrs. B. Healy
Mayor

Martin H. Ray
Assistant Chief Executive
and Solicitor to the Council

DOE 1300

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 June, 1998

**Signed by authority of
the Secretary of State
26th April 1998**

**Susan Carter
A Grade 5 in the
Department of the
Environment,
Transport and the
Regions**