



Dartford Borough Council

BYELAWS

relating to Dartford Heath Common
made under Section 1 of
the Commons Act 1899 by the
Dartford Borough Council

1. AIRCRAFT

No person shall, except in case 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.

2. ARCHERY, DISCUS, HAMMER, JAVELIN THROWING AND 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 archery, discus, hammer, javelin throwing or shot putting.

3. 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 notice as a place where camping is permitted.

4. CRICKET BALLS

No person shall on the Common, use any cricket ball, except in 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.

5. 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.

6. FIRES

No person shall, without the consent of the Council, on the Common intentionally light a fire, stove or barbecue or place, throw or let fall a lighted match or any other thing so as to be likely to cause a fire.

7. 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 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) (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.

8. GOLF

No person shall on the Common drive, chip or pitch a hard golf ball.

9. GRAZING

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

10. 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.

11. HORSES : (ONLY IN DESIGNATED AREAS)

Where any part of the Common has, by notices placed in conspicuous positions on the Common, been set apart 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.

12. INTERPRETATION

In these byelaws:

"the Council" means- the Dartford Borough Council

"the Common" means- the piece of land with the ponds, streams, paths and roads thereon, commonly known as Dartford Heath Common, situate in the Borough of Dartford in the County of Kent, and referred to as "the common" in the Scheme made on 19 October 2004 under Section 1 of the Commons Act 1899 for the regulation and management of Dartford Heath Common.

13. 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.

14. METAL DETECTORS

No person shall, without the consent of the Council, on the Common use any device designed or adapted for detecting or locating any metal or mineral in the ground.

15. MISSILES

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

16. MODEL AIRCRAFT

(1) In these byelaws:

"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;

"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 2.54 centimetres (1 inch) in length.

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

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

(b) (i) No person shall in the ground release any jet-propelled or rocket-propelled model aircraft for flight or control the flight of such an aircraft.

(ii) No person shall cause any jet-propelled or rocket-propelled model aircraft to take off or land in the ground.

17. 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 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 Common.

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

18. 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.

19. 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 8 am.

20. 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.

21. POLLUTION OF WATERWAYS

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

22. PROTECTION OF WILDLIFE

(1) No person shall, on the Common intentionally kill injure, take or disturb any mammal, bird, fish, reptile, amphibian or invertebrate or engage in hunting, shooting or the setting of traps or nets, or the laying of snares.

(2) No person shall, intentionally remove, disturb or destroy any wildlife habitat, including any nest, burrow, hive, refugium or any other place used by mammal, bird, fish, reptile, amphibian or invertebrate for breeding or shelter.

23. 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.

24. 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.

25. REMOVAL OF SUBSTANCES

No person shall remove from or displace on the Common any stone, soil, sand, gravel or turf, or the whole or any part of any plant, shrub or tree.

26. REMOVAL OF OFFENDERS

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

27. 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 Schems or of any of these byelaws.

28. 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.

29. REVOCAION

The byelaws made by the Dartford Borough Council on 14 January 1997 and confirmed by the Secretary of State for Environment on 1 March 1997 relating to the Common are hereby revoked.

30. 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.

31. 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.

32. TRADING

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.

33. 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

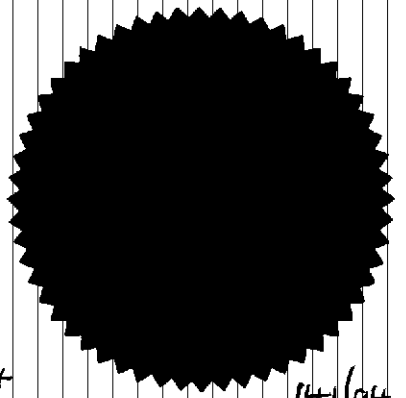
cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except in any part of the Common where there is a right of way for that class of vehicle.

- (2) No person shall, without reasonable excuse, ride a cycle, 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.
- (3) 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.
- (4) This byelaw shall not extend to invalid carriages.
- (5) 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 led 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 fewer 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.

34. 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.

The COMMON SEAL of
THE DARTFORD BOROUGH
COUNCIL
was hereunto affixed in the
presence of:-



[Signature]
Head of Legal Services

Dated: 20 October 2004

14/10/04

The Secretary of State
this day confirmed the
foregoing byelaws and
fixed the date on which
they are to come into
operation as the 12 day of
May 2005

David Coleman
David Coleman

A Grade 5 in Defra
Signed by the authority of the
Secretary of State this 14 day of April 2005.