

**THE DISTRICT COUNCIL OF BASINGSTOKE**

**B Y E L A W S**

**made by**

**THE DISTRICT COUNCIL OF BASINGSTOKE**

**with respect to**

**NEWTON COMMON SHERFIELD GREEN and SILCHESTER COMMON**

**in pursuance of the**

**COMMONS ACT 1899**

BYELAWS FOR COMMON LANDS IN THE ADMINISTRATIVE AREA OF THE  
BOROUGH COUNCIL OF BASINGSTOKE AND DEANE

COMMONS ACT 1899

1. In these byelaws the expression “the Council” means the District Council of Basingstoke; the expression “The Commons” means the land with the ponds, streams, paths and roads covered by Schemes of Management approved under the Commons Act 1899 and commonly known as:-

(i) Newtown Common, situate in the Parish of Newtown (Scheme of Management approved on 28<sup>th</sup> April 1930).

(ii) Sherfield Green situate in the Parish of Sherfield-on-Loddon (Scheme of Management approved on 4<sup>th</sup> October 1971).

(iii) Silchester Common situate in the Parish of Silchester (Scheme of Management approved in 22<sup>nd</sup> April 1970).

all in Hampshire.

CONDUCT OF PERSONS ON THE COMMONS

2. No person shall, without lawful authority, dig, cut, or take any turf, sods, gravel, sand, clay or other substance on or from the Commons, or cut, fell or carelessly or negligently injure any gorse, heather, timber or other tree, shrub, brushwood, or

other plant growing thereon; nor deposit or abandon on any part of the Commons any refuse, rubbish, wood or soil.

3. No person shall on the Commons
  - (i) Defile, soil, remove, displace or deface any wall or fence on or enclosing the land, or any building, barrier, railing, post, noticeboard or seat, or any erection or ornament, or any implement provided for use in the laying out or maintenance of the Commons.
  - (ii) Climb any wall or fence on or enclosing the land, or any tree, or any barrier, railing, post or other erection on the Commons.
4. No person shall without the written authority of the Council affix or cause to be affixed any advertisement, bill, placard or notice upon any building, wall, fence, gate, door, pillar, post, noticeboard, tree, rock or stone on or enclosing the Commons.
5. (a) No person without lawful authority shall on the Commons kill, take, molest, or wilfully disturb any animal, bird or fish or take or injure any egg or nest 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.
  
- 6.
  - (a) No person shall without lawful authority light a fire on the Commons or place or 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 or cooker in any area set aside for the purpose, in such a manner as not to cause danger of or damage by fire.
  
- 7. No person shall cause or suffer a dog belonging to him or in his charge to enter or remain on the Commons unless such dog be and continue to be under proper control, and be effectually restrained from causing annoyance to any person, and from worrying or disturbing any animal.
  
- 8. No person shall discharge any firearm, or air weapon on the Commons.
  
- 9. No person shall wilfully, carelessly or negligently throw or discharge on the Commons any missile to the damage or danger of any person.
  
- 10. A person shall not on the Commons chip, pitch or drive a solid golf ball to the danger, discomfort or annoyance of any other person using the Commons.

11. No person shall without lawful authority turn out or permit any animal to graze or remain on the Commons.
12. No person shall on the Commons sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire any commodity or article nor place on the Commons any show, rally, exhibition, swing, roundabout, sideshow or fair except in pursuance with a written agreement with the Council.
13. A person shall not except with the written consent of the Council erect any post, rail, fence, pole, tent, booth, stand, building or other structure on the Commons.

#### VEHICLES

14. No person shall, without lawful authority, draw, drive or permit to remain upon the Commons any carriage, cart, caravan, truck, motor vehicle, motor cycle, or any other vehicle. Provided that this byelaw shall not apply:
  - (i) to the use by any vehicle of any road on the Common for the purpose of travelling to or from any property to which the common affords the sole means of vehicular access;

- (ii) to the standing of any vehicle upon any road on the Commons within 10 yards of any property to which the Commons affords the sole means of vehicular access in connection with the use of that property;
  - (iii) to land set aside by the Council for the parking of vehicles in accordance with their powers under the Scheme.
  - (iv) to invalid carriages conforming to the provisions of regulations made under the Chronically Sick and Disabled Persons Act 1970.
15. Where by a notice exhibited on or near thereto the Council set apart any space on the Commons as a parking place for machines or vehicles or for machines or vehicles of a specified class, a person shall not, except in exercise of any lawful right or privilege:
- (i) park a vehicle in any other part of the Commons, provided that this byelaw shall not apply to vehicles parked in accordance with byelaw 13 (ii) or byelaw 13(iv) above;
  - (ii) leave in the parking place any machine or vehicle unless it is of the class so specified;

- (iii) leave in the parking place any machine or vehicle between the hours of 11.59 pm and 6.00 am.
16. No person shall, without lawful authority, place on the Commons any aircraft or helicopter except in the case of accident or other sufficient cause.

### RIDING

17. No person shall ride any horse on the Commons so as to cause danger or annoyance to any other person lawfully using the Commons.
18. Where any part of the Commons has, by notices affixed in a conspicuous position been set apart by the Council as a place where horse riding is prohibited, a person shall not except in the exercise of any lawful right or privilege ride a horse on that part of the Commons.
19. Where any part of the Commons has, by notices fixed in a conspicuous position, been set apart by the Council as a place where horse-riding is temporarily prohibited to enable any damage caused to the tracks, footpaths, grass or shrubs to be repaired, a person shall not, except for the exercise of any lawful right or privilege, ride on that part of the Commons.

### PONDS, STREAMS AND WATERWORKS

20. No person shall obstruct the flow of any drain or water-course, or open, shut or otherwise interfere with any sluiceway or similar apparatus on the Commons.
21. No person shall bathe in any waterway or pond comprised in the Commons nor wilfully, carelessly or negligently foul or pollute any such waterway or pond.

### ANNOYANCE OR OBSTRUCTION

22. No person shall on the land wilfully obstruct, disturb, interrupt or annoy any other person in the proper use of the Commons or wilfully obstruct, disturb or interrupt a warden or other officer of the Council in the proper execution of his duty, or any person or servant of any person employed by the Council in the proper execution of any work in connection with the laying out or maintenance of the Commons.
23. (a) An act necessary to the proper execution of his duty on the Commons by an officer of the Council or by any person or servant of any person employed by the Council, shall not be deemed an offence against 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 Commons 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.

### PENALTIES

24. Every person who shall offend any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding £20, and in the case of a continuing offence, a further fine not exceeding £5 for each day during which the offence continues after conviction thereof.
25. (a) An officer of the Council may, after due warning, remove from the Commons any vehicle or animal drawn, driven or placed or any structure erected or placed thereon in contravention of the foregoing Byelaws.
- (b) An officer of the Council may, after due warning, remove from the Commons any person who, within his view infringes any of the foregoing Byelaws or any provision of the Vagrancy Act 1824.

### EXCEPTION

26. Nothing in this byelaw made thereunder shall prejudice or affect any right of the person entitled as lord of the manor or otherwise to the soil of the common, or of any person claiming under him, which is lawfully exercisable in, over, under, or on the soil or surface of the common in connection with game, or with mines, minerals, or other substrata or otherwise, or prejudice or affect any right of the commoners in or over the common, or the lawful use of any highway or thoroughfare on the common, or affect any power or obligation to repair any such highway or thoroughfare.

#### REPEAL OF BYELAWS

27. The byelaws relating to Newtown Common which were made by the Rural District Council of Kingsclere on the first day of September 1931 and were confirmed by the Minister of Health on the seventeenth day of September 1931, are hereby repealed.
28. The byelaws Nos. 1 to 11 and 15 to 19 inclusive of the series of byelaws relating to Silchester Common which were made by the Rural District Council of Basingstoke on the twenty second day of May 1970 and were confirmed by the Secretary of State for the Home Office on the twenty third day of July 1970, are hereby repealed.

THE COMMON SEAL of THE DISTRICT )  
COUNCIL OF BASINGSTOKE was hereunto )  
affixed in pursuance of a resolution of the )  
Council on the tenth day of November One )  
thousand nine hundred and seventy seven in )  
the presence of )

D R HUDSON

Director of Administration

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the first day of April 1978.

Signed by authority of the

Secretary of State

(R F D SHUFFREY)

An Assistant Under Secretary of State

Home Office

LONDON

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THE FOLLOWING BYELAWS REFER TO SILCHESTER COMMON

BYELAWS MADE BY BASINGSTOKE RURAL DISTRICT COUNCIL

UNDER THE COMMONS ACT 1899

In these Byelaws the expression “the Council” means the Basingstoke Rural District Council; the expression “the Common” means the land with the ponds, streams, paths and roads thereon commonly known as Silchester Common situate in the Parish known as Silchester in the County of Hampshire and referred to as “the Common” in the Scheme for the regulation and management of such Common approved under the Commons Act 1899 on the twenty second day of April One thousand nine hundred and seventy by the Minister of Housing and Local Government; and the expression “the Scheme” means the Scheme for the regulation and management of the Common herein before referred to.

12. Where any part of the Common has, by a notice conspicuously exhibited on the Common, been set apart by the Council for the flying of power-driven model aircraft a person shall not fly or permit any such model aircraft to fly in any other part of the Common.
  
13. No person shall fly any jet propelled or rocket propelled model aircraft unless it is attached to a control line and is kept under effective control.

14. In these byelaws the expression “power-driven model aircraft” means any model aircraft driven by the combustion of petrol vapour or other combustible substances.

#### Penalties

Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding £20.

An officer of the Council may, after due warning, remove from the Common any person who, within his view infringes any of the foregoing Byelaws or any provision of the Vagrancy Act 1824.

The Common Seal of the Basingstoke Rural )  
District Council was hereunto affixed in )  
pursuance of a resolution of the Council )  
on the twenty-second day of May, 1970, )  
in the presence of:- )

J. OLIVER-BELLASIS

Chairman

R. F. FLETCHER

Clerk

The Secretary of State this day confirmed the fore going byelaws and fixed the date on which they are to come into operation as from the date hereof.

L.S.

Philip Woodfield

An Assistant Under Secretary of State

Home Office

Whitehall

23 July 1970