

# SOUTHBOROUGH COMMON

## BYELAWS

Made by the Town Council of Southborough  
under Section 1 of the Commons Act 1899, with respect to Southborough Common

### INTERPRETATION

1. In these byelaws:  
"the Common" means the piece of land with the ponds, streams, paths and roads thereon, commonly known as Southborough Common, which includes Whortleberry Wood, situate in the District of Tunbridge Wells in the County of Kent, and referred to as "the Common" in the Scheme made on 28 June 1949 under section 1 of the Commons Act 1899 for the regulation and management of Southborough Common;  
"the Council" means the Town Council of Southborough.

### 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.
- (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 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.

### SHOWS, EXHIBITIONS AND STRUCTURES

3. 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.

### 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.

### CAMPING

6. 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

7. (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.

### TRADING

8. 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.

### MISSILES

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

### PROTECTION OF WILDLIFE

10. (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.

### GRAZING

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

### HORSES

12. No person shall, without the consent of the Council, drive, ride, exercise or break in a horse on the Common.

### WATERCOURSES

13. 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

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

### BATHING

15. 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.

### GAMES

16. A person resorting to the Common and playing or taking part in any game for which the exclusive use of any space on the Common has been set apart shall:
  - (a) not play on the space any game other than the game for which it is set apart;
  - (b) in preparing for playing and in playing, use reasonable care to prevent undue interference with the proper use of the Common by other persons; or
  - (c) where the exclusive use of the space has been granted by the Council for the playing of a match, not play on that space later than a quarter of an hour before the time fixed for the beginning of the match unless he is taking part therein.

### OBSTRUCTION

17. 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.

### SAVINGS

18. (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.

### PENALTY

19. 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

20. The byelaws made by the Urban District Council of Southborough on 30 November 1949, 20 July 1953 and 25 July 1972 and confirmed by the Secretary of State for the Home Department on 1 February 1950, 1 September 1953 and 16 November 1972 relating to the Common are hereby revoked.