

Bye-laws

Applicable to both Surrey and Hampshire County Council Landholdings on the Canal.

These byelaws were confirmed by the Home Office and came into effect on 1 January 1995.

BYELAWS MADE BY THE COUNTY COUNCIL OF SURREY (and or HAMPSHIRE) UNDER SECTION 90 OF THE NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949 WITH RESPECT TO THE BASINGSTOKE CANAL

EXTENT

These byelaws shall apply to the Basingstoke Canal from New Haw to Ash Vale in Surrey ('the Canal') and to the land owned by or under management of the County Council of Surrey which adjoins the Canal ('the land') shown edged red on the plans marked 'Basingstoke Canal' sealed by that Council, one set of which is deposited and available for inspection at the offices of the County Council of Surrey.

INTERPRETATION

In these byelaws:

'the Council' means either the County Council of Surrey or Hampshire;
'master' means the owner or any other person for the time being responsible for the conduct or management of a vessel;
'vessel' includes anything (howsoever propelled or moved) constructed or used to carry persons or goods or materials by water.

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 land, or bring or cause to be brought on to 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) No person shall, without reasonable excuse, ride a cycle except on any part of the land 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 land.

(3) 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.

(4) No person shall on the land carry out or cause or permit to be carried out any work of construction, repair or maintenance to any vehicle, or any work of dismantling or breaking up of any vehicle, except such work as may be necessary to enable a vehicle which has broken down to be removed from the land or the Canal.

(5) This byelaw shall not extend to invalid carriages.

(6) 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 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.

FIRES

(1) 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.

(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 or damage by fire

HORSES

(1) No person shall ride or lead a horse on the towpath.

(2) This byelaw shall not apply to horses on the towpath for the purpose of plying boats or barges using the canal

GRAZING

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

PROTECTION OF WILDLIFE

(1) No person shall on the land or on the Canal 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.

MISSILES AND OTHER WEAPONS

(1) No person shall have in his possession while he is on the land or on the Canal a bow, crossbow, catapult (other than a catapult used for the laying of the fishing bait), or any explosive, firework or detonator, or a part of a component or replica or any of the foregoing.

(2) No person shall on the land or on the Canal, to the danger or annoyance of any other person on the land or on the Canal, throw or discharge any missile.

REMOVAL OF PLANTS, SOIL ETC

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

BATHING AND WADING

No person shall:

skate on the canal; or

without reasonable excuse, bathe, swim or wade in the Canal.

POLLUTION OF WATERWAYS

No person shall intentionally, carelessly or negligently foul or pollute the land or the Canal, or take or waste any water.

WATERCOURSES

No person shall knowingly cause or permit the flow of any drain or watercourse on the land to be obstructed or diverted, or open, shut or otherwise work or operate any sluice or similar apparatus on the land.

CAMPING AND OVERNIGHT PARKING

(1) 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.

(2) No person shall, without the consent of the Council, leave or cause or permit to be left any vehicle on the land between the hours of 12 midnight and 6 am.

NOISE

(1) No person on the land or on the canal shall, after being requested to desist by an officer of the Council, or by any person annoyed or disturbed, or by any other person acting on his behalf:

by shouting or singing;

by playing on a musical instrument;

by operating or permitting to be operated any radio, gramophone, amplifier, tape recorder or similar instrument; or

without reasonable excuse, by sounding a car horn;

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 or on the Canal.

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

MODEL AIRCRAFT AND BOATS

(1) No person shall:

on the land release any power-driven model aircraft for flight or control the flight of such an aircraft;

cause any power-driven model aircraft to take off or land on the land: or

operate or sail on the Canal any power-driven modal boat.

(2) In this byelaw:

'model aircraft' means an aircraft which either weighs not more than 5 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.

TRADING

No person shall on the land, without 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.

CLIMBING

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.

REMOVAL OF STRUCTURES

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.

METAL DETECTORS

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

CONDUCT AT MOVABLE BRIDGES

No person shall:

remain on a movable bridge when he is warned that the bridge is about to be opened, but shall immediately leave that bridge on being so warned;

go on to any movable bridge on being warned that the bridge is about to be opened;

pass, or attempt to pass, a protection gate or other barrier to a movable bridge which is intended to prevent persons, for their safety, from having access to the bridge; or

pass over the Canal by means of a movable bridge or leave a movable bridge which he has moved unless it is secured in position so as to permit persons and other traffic to pass safely on it over the Canal.

USE OF TOWPATH

(1) No person using the towpath of the Canal shall intentionally obstruct the hauling or navigation of a vessel on the Canal.

(2) Every person on the towpath shall permit any person engaged in hauling or navigating a vessel on the Canal, and any horse hauling a vessel, to pass on the side of the towpath nearest to the Canal.

VESSELS

No person shall, while on the land, intentionally cast adrift a vessel that is on the Canal, or cut off, cut loose or remove a mooring, rope or fastening of any vessel, or take any other such action which might cause a vessel to be moored insecurely.

LICENCE

No person shall knowingly use, bring or cause to be used or brought on to the Canal a vessel in respect of which a current license issued by the Council is not in force, and a vessel so licensed shall be used in accordance with the terms and conditions of the license at all time.

NAVIGATION

The master of a vessel on the Canal shall navigate the vessel with care and caution and in such a manner and as such a speed as shall not give reasonable grounds for annoyance, nor cause nuisance, excessive wash

or injury, nor danger of damage or injury to any other vessel, person or property on the Canal, nor to the banks of the Canal or any person or property thereon.

SPEED

No person shall, without reasonable excuse, navigate any vessel on the Canal:

at a speed exceeding 4 miles per hour (6.4 kilometres per hour); or
if the Council has imposed a speed limit lower than 4 miles per hour on any part of the Canal and has indicated this by means of a notice, at a speed in excess of that limit; or

at a speed which creates a breaking wash, notwithstanding that such speed is less than 4 miles per hour or such lesser speed referred to in paragraph (b) above.

MOORINGS AND MOORING SITES

(1) No person (other than in the course of navigation) shall moor any vessel, unless he has the written authority of the Council to do so and does so in accordance with any conditions of that authorisation.

(2) this byelaw shall not apply to an established houseboat having no means of propulsion, which is used for residential purposes and was moored on the Canal for a continuous period of 12 months before the date of the making of these byelaws.

DRUNKENNESS

No master of any vessel or any other person shall navigate it while unfit to do so through drink or drugs.

OBSTRUCTION

No person shall on the land or on the Canal:

intentionally obstruct any officer of the Council in the proper execution of his duties;

intentionally obstruct any person carrying out an act which is necessary to the proper execution of any contract with the Council; or

intentionally obstruct any other person in the proper use of the land or the Canal, or behave so as to give reasonable grounds for annoyance to other persons on the land or on the Canal.

SAVINGS

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

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.

Given under seal this ninth day of August 1994.

These byelaws were confirmed by the Department of the Environment and came into effect on 1 January 1995

REMOVAL OF CANINE FAECES AND DOGS ON LEADS

BYELAWS MADE BY THE COUNTY COUNCIL OF SURREY UNDER SECTION 90 OF THE NATIONAL PARKS AND ACCESS TO THE COUNTRYSIDE ACT 1949 WITH RESPECT TO PUBLIC WALKS AND PLEASURE GROUNDS.

(1) Byelaw 3 applies to the public walks and pleasure grounds or parts thereof described in Schedule 1, hereafter referred to as the 'canine faeces removal areas'.

(2) Byelaw 5 applies to public walks and pleasure grounds or parts thereof described in schedule 2, hereafter referred to as the 'dogs on leads areas'.

(3) Byelaw 5 does not apply to any roads within the dogs on leads areas for the time being designated under Section 27 of the Road Traffic Act 1988.

(4) Byelaw 5 does not apply in respect of any dogs to which section 1 of the Dangerous Dogs Act 1991 applies.

(5) Notice of the effect of these byelaws shall be given by signs placed in conspicuous positions on or near each of the grounds.

INTERPRETATION

(1) In these byelaws:
'the Council' means the County Council of either Surrey or Hampshire.

(2) For the purpose of these byelaws the keeper of the dog shall be deemed in charge thereof, unless the dog has been placed in or taken into the charge of some other person at the same time when an offence under these byelaws had been committed.

(3) In paragraph (2) above 'the keeper' shall include the owner of the dog or any person who habitually has it in his possession.

REMOVAL OF CANINE FAECES

Every person (other than a registered blind person) in charge of a dog which is in any of the canine faeces removal areas who, without reasonable excuse, fails to remove forthwith from any such area any faeces deposited by the dog shall be guilty of an offence.

For the purpose of compliance with Byelaw 3 the following provisions shall apply:

it shall be a sufficient removal from the canine faeces removal areas if the faeces are deposited in a receptacle in any area which has been provided for that purpose by the Council;

without prejudice to the generality of the foregoing, it shall not be a reasonable excuse that a person in charge of a dog did not have with him any means of removal of the faeces.

DOGS ON LEADS

(1) Every person in charge of a dog in any of the dogs on leads areas shall, as far as reasonable practicable comply with a direction given by any officer of the Council or constable to keep the dog on a lead and restrained from behaviour likely to cause annoyance or disturbance whilst on the land.

(2) A direction under paragraph (1) above may only be given if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any person in the dogs on leads areas or the worrying or disturbance of any animal or bird.

PENALTY

Any person offending against Byelaw 3 or 5 shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale.