

## **Mitcham Common Byelaws**

### **BYELAWS**

made by the Mitcham Common Conservators under the Scheme confirmed by the Metropolitan Commons (Mitcham) Supplemental Act 1891, with respect to Mitcham Common.

### **Interpretation**

1. In these byelaws:

"the Act" means the Metropolitan Commons (Mitcham) Supplemental Act 1891;

"the Common" means the pieces of land with the ponds and roads thereon, commonly known as Mitcham Common and Mill Green (formerly Beddington Corner), situate in the London Boroughs of Croydon, Merton and Sutton, being parts of "the Commons" referred to in the Scheme confirmed by the Act;

"the Conservators" means the Conservators for the time being appointed under the Scheme confirmed by the Act.

### **Trading**

2. No person shall on the Common, without the consent of the Conservators, sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article.

### **Camping**

3. No person shall on the Common, without the consent of the Conservators, 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.

### **Erection of structures**

4. No person shall on the Common, without the consent of the Conservators, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

### **Protection of wildlife**

5. (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 Conservators.

### **Cattle, etc.**

6. No person shall, without the consent of the Conservators, bring or cause to be brought on to the Common any cattle, sheep, goats or pigs, or any beast of draught or burden.

### **Removal of substances**

7. No person shall, without the consent of the Conservators, remove from or displace on the Common any stone, soil or turf, or the whole or any part of any plant or tree.

### **Fires**

8. (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 apply to any event held with the consent of the Conservators.
- (3) 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.

### **Protection of Ground**

9. No person shall enter upon any part of the Common which may have been set apart by the Conservators for the purpose of preparation for the growth of any tree, shrub, plant, grass or turf, where a notice to keep out of such an area is placed in a conspicuous position on the Common.

### **Removal of structures**

10. No person shall, without reasonable excuse, remove from or displace on the Common any barrier, railing, fence, 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.

### **Vehicles**

11. (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 Conservators have 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.

### **Aircraft**

12. No person shall, except in case of emergency or with the consent of the Conservators, take off from or land upon the Common in an aircraft, helicopter, hang-glider or hot-air balloon.

### **Horse-riding**

13. Where any part of the Common has, by notices placed in conspicuous positions on the Common, been set apart by the Conservators as an area where horse-riding is permitted, no person shall, without the consent of the Conservators, ride a horse on any other part of the Common.

### **Games**

14. (1) No person shall, on any portion of the Common which may have been set apart by the Conservators for any game, play or practise any game when the state of

the ground or other cause makes it unfit for use, and a notice is placed in a conspicuous position prohibiting play on that portion of the Common.

(2) Where the Conservators have, by a notice placed in a conspicuous position on the Common, set apart a portion of the Common for the playing of such games as may be specified in the notice, no person shall:

- (a) Without the consent of the Conservators, play or practise on such a portion any game other than the game for which it has been set apart;
- (b) without the consent of the Conservators, play or practise any game so specified on any other part of the Common;  
or
- (c) play or practise any game so specified, except in accordance with any regulations made by the Conservators for the time being in force.

### **Annoyance and damage from games**

15. (1) No person shall on the Common play any game:

- (a) so as to give reasonable grounds for annoyance to any other person on the Common; or
- (b) which is likely to cause damage to any tree, shrub or plant on the Common.

(2) This byelaw shall not extend to any area set apart by the Conservators for the playing of any game specified in byelaw 14 (2).

### **Golf**

16. (1) No person, other than a member of the Club or a person authorised by the Club, shall play or practise golf on the golf course.

(2) In this byelaw:

"the Club" means Mitcham Golf Club or their successors or assigns;

"the golf course" means any part of the Common which is for the time being set apart for use as a golf course.

### **Missiles**

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

### **Model aircraft and boats**

18. (1) No person shall on the Common, except in such places and subject to such conditions as the Conservators may prescribe:

- (a) release any power-driven model aircraft for flight or control the flight of such an aircraft;
- (b) cause any power-driven model aircraft to take off or land; or
- (c) operate or sail on any pond any boat other than a model yacht or toy 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.

## **Noise**

19. (1) No person on the Common shall, after being requested to desist by an officer of the Conservators, 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 or assembly held with the consent of the Conservators.

## **Obstruction**

20. No person shall on the Common:

(a) intentionally obstruct any officer of the Conservators 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 Conservators; 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**

21. (1) An act necessary to the proper execution of his duty on the Common by an officer of the Conservators, or any act which is necessary to the proper execution of any contract with the Conservators, 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.

## **Removal or Persons**

22. Any disorderly person may be removed from the Common by an officer of the Conservators or a constable.

## **Penalty**

23. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

## **Revocation**

24. The byelaws made by the Conservators on 30 December 1891 and confirmed by the Local Government Board on 18 February 1892 relating to the Common are hereby revoked.

GIVEN under our Corporate Seal this twenty first day of July One thousand nine hundred and ninety four.

SEALED with the Common Seal of the Conservators in the presence of:

W. E. R. HADDOW Chairman.

G. J. NORRIS Clerk to the Conservators.

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the twenty third day of January 1995.

Signed by authority of the Secretary of State M. E. HEAD An Assistant Under-Secretary of State

20 December 1994 Home Office London SW1