

## COMMONS ACT 1899

### SCHEME OF REGULATION FOR SHERFIELD GREEN

#### Description of Common Management by District Council

1. The pieces of land which the ponds, streams, paths and roads thereon, commonly known as Sherfield Green situated in the Parish of Sherfield on Loddon in the County of Hampshire, and hereinafter referred to as "the common" is the same as delineated in a plan sealed by, and deposited at the office of the Rural District Council of Basingstoke, hereinafter called "the Council" and thereon coloured green, being a "Common" within the meaning of the Commons Act 1899, shall henceforth be regulated by this Scheme, and the management thereof shall be vested in the Council.

#### Appointment of Officers

2. The powers of the Council generally as to appointing or employing officers and servants and paying them under the general Acts applicable to the Council shall apply to all such persons as in the judgment of the Council may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the common and otherwise for the purposes of this Scheme, and the Council may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed and may alter such rules as occasion may require.

#### Protection and Improvement

3. The Council may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the common, and may, for the prevention of accidents, fence any quarry, pit, pond, stream or other like place on the common, and shall preserve the turf, shrubs, trees, plants and grass thereon, and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament and may place seats upon and light the common and otherwise improve the common as a place for exercise and recreation. Save as hereinafter provided, the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the common or interfere with free access to any part thereof, and shall not erect upon the common any shelter, pavilion, drinking fountain, convenience or other building without the consent of the person or persons entitled to the soil of the common and of the Secretary of State for the Environment (in this Scheme referred to as "the Secretary of State"). The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Secretary

of State before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.

#### Encroachment

4. The Council shall maintain the Common free from all encroachments and shall not permit any trespass on or partial or other enclosure of any part thereof.

#### Public Right of Access

5. The inhabitants of the district and neighbourhood shall have a right of free access to every part of the common and a privilege of playing games and of enjoying other species of recreation thereon, subject to any byelaws made by the Council under this Scheme.

#### Maintenance and construction of paths and roads

6. The Council shall have power to repair and maintain the existing paths and roads on the common other than highways maintainable at the public expense and to set out, construct and maintain or authorise the construction and maintenance of such the paths and roads on the common as appear to the Council to be necessary or expedient and to take any proceedings necessary for the stopping or diversion of any highway over the common.

#### Games etc.

7. The Council may set apart for games any portico or portions of the common as they may consider expedient, and may form grounds thereon for cricket, football, tennis, bowls and other similar games, and may allow such grounds to have to be temporarily enclosed with any open fence, so as to prevent cattle and horses from straying thereon; but such grounds shall not be so numerous or extensive as to affect prejudicially the enjoyment of the common as an open space or the lawful exercise of any right of common, and shall not be so near to any dwellinghouse or road as to create a nuisance or be an annoyance, to the inhabitants of the house or to persons using the road.

#### Parking

8. The Council, may, with the consent of the person or persons entitled to the soil of the common and of the Secretary of State, temporarily set apart and fence such portion or portions of the common as they may consider expedient for the parking of motor and other vehicles, and may make such charges for the use of such part as they may deem necessary and reasonable; provided that any area so set apart shall not be so near to any dwellinghouse as to create a nuisance or be an annoyance to the inhabitants of the house. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Secretary of State before forming an opinion whether

an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.

#### Byelaws

9. The Council may, for the prevention of nuisances and the preservation of order on the common, and subject to the provisions of Section 10 of the Commons Act, 1899, make, revoke and alter byelaws for any of the following purposes, viz: -
  - (a) For prohibiting the placing or depositing and leaving on the common without lawful authority or road-sand, materials for repair of roads, wood, glass, china, earthenware, tin, carton, paper or other refuse or litter, so as to affect or tend to affect Injuriously the public amenities of the common.
  - (b) For prohibiting any person without lawful authority from digging, cutting or taking turf, sods, gravel, sand, clay or other substance on or from the common, and from cutting, felling, or injuring any gorse, heather, timber, or other tree, shrub, brushwood or other plant growing on the common.
  - (c) For regulating the place and mode of digging and taking turf, sods, gravel, sand, clay or other substance, and cutting, felling and taking trees or underwood on or from the common in exercise of any right of common or other right over the common.
  - (q) For prohibiting the hindrance or obstruction of an officer of the Council in the exercise of his powers or duties under this Scheme or under any byelaw made thereunder.

#### Publication of Byelaws on Common

10. All byelaws made under this Scheme shall be published on notice boards placed on such parts of the common (not less than two) as to the Council may appear desirable.

#### Savings of rights, etc. in soil and highways

11. Nothing in this Scheme or any 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 to connection with game, or with mines, minerals, 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.

#### Copies of the Scheme

12. Printed copies of this Scheme shall at all times be sold at the office of the Council to all persons desiring to buy the same at a price of 2½ pence each.

THE COMMON SEAL of  
BASINGSTOKE RURAL DISTRICT  
COUNCIL was hereunto  
affixed, in pursuance of a  
resolution dated the 20th  
March, 1970, on the  
*twentieth* day of *August* One  
thousand nine hundred and  
seventy-one.



*David Bell*  
Chairman.  
*R. J. Fletcher*  
Clerk.

Approved by Order of the Secretary of State for  
the Environment on 4<sup>th</sup> October 1971

H E Roberts

Authorised by the Secretary of State  
to sign in that behalf

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 10yards 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 14 (ii) or byelaw 14(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*

D R HUDSON



2104

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.

*R.F.D. Shuffrey*

Signed by authority of the  
Secretary of State

(R F D SHUFFREY)  
An Assistant Under Secretary  
of State

Home Office  
LONDON SW1  
23 February 1978





