

CITY OF BIRMINGHAM

BYE-LAWS
With respect to
Parks, public walks
and places of
Public resort or recreation

(except the Lickey Hills)

1927

CITY OF BIRMINGHAM

BYE LAWS MADE BY THE LORD MAYOR, ALDERMEN
AND CITIZENS OF THE CITY OF BIRMINGHAM,
ACTING BY THE COUNCIL. WITH RESPECT TO THE
PARKS, PUBLIC WALKS AND PLACES OF PUBLIC
RESORT OR RECREATION BELONGING TO THEM,
EXCEPT THE RECREATION GROUND OR OPEN SPACE
KNOWN AS THE LICKEY HILLS.

1. Throughout these Bye-Laws the expression "The Council" means the Lord Mayor, Aldermen and Citizens of the City of Birmingham, acting by the Council: the expression "the park," except where inconsistent with the context, means each of the parks, public walks and places of public resort or recreation belonging to or under the control of the Council, either within or beyond the limits of the City of Birmingham, except the recreation ground or open space known as "the Lickey Hills"; the expression "lake" means and includes every lake, pond, stream, or ornamental water in the park.

2. The provision contained in (the following Bye-Laws numbered 3, 6, 7, 8, 11, 12, 19, 30, 32 and 35 shall not be deemed to apply to any officer of the Council in the proper execution of his duty, or to 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 park, and nothing in these Bye-Laws shall be deemed to prohibit the use of any public or private right of way along or across the park.

3. A person shall not on any day on which the park may open to the public enter the park before the time appointed for the opening thereof, or enter the park or remain therein after the time appointed for the closing thereof.

4. A person shall not remove, damage, deface or defile any fixed seat or any fence, gate, notice-board, structure or other thing put up or maintained by the Council in the park.

5. A person shall not bring or cause to be brought into the park any cattle, sheep or other animal, unless, in pursuance of an agreement with the Council, or otherwise in the exercise of any lawful right or privilege, such person may be duly authorised to drive or bring any such animal or to cause any such animal to be driven or brought into the park for pasturage or for any other lawful purpose.

6. A person shall not at any time drive or bring, or cause to be driven or brought into the park, any beast of draught or burden, or any cart, wagon, carriage, motor car, bicycle or vehicle, other than a wheeled chair drawn or propelled by hand, or a perambulator or a chaise drawn or propelled by hand and used solely for the conveyance of a child or children or a invalid, except upon the drives specially provided for such traffic in the park, and indicated in a notice or notices affixed or set up in a conspicuous position in the park. He shall not cause or suffer any such vehicle to halt or loiter so as to impede the passage along such drive. Provided that this bye-law shall not apply to any cart, wagon, or other vehicle, carting goods or material of any kind for a purpose in connection with the park.

7. A person shall not damage or deface any tree, shrub or plant or any turf or flower bed in the park.

8. A person shall not, except with the consent of the Council, post, fix up, exhibit or distribute in the park any notice, advertisement or printed matter.

9. A person shall not at any time, in any part of the park, pluck any bud, blossom, flower or leaf of any tree, shrub or plant.

10 A person shall not throw or deposit any filth, rubbish, bottles, tins or refuse upon any part of the park, or throw down or scatter any paper in any park where receptacles for rubbish are provided.

11. A person shall not discharge any firearm, or wantonly throw or discharge any stone or other missile, make or light any fire, or throw or set fire to any fireworks in the park. Provided that this Bye-law shall not be deemed to apply in any case where an offence is committed against Section 80 of the Explosives Act 1875.

12.A person shall not climb any wall or fence in or enclosing the park, or any tree, or any barrier, railing, post or other erection in the park.

13 A person shall not, excepting in such places as may be set apart for the purpose, and indicated in a notice or notices affixed or set up in a conspicuous position in the park, bathe, wade or wash in any lake in the park, or carelessly or negligently foul or pollute any such lake or willfully disturb or worry or ill-treat any fowl in any such water or elsewhere in the park.

14. A person shall not, except as hereinafter provided, take, injure or destroy, or attempt to take, injure or destroy, or willfully disturb any fish in any lake in the park. Provided that his Bye-law shall not be deemed to apply in any case where upon application to the Council for permission to take any fish in any such lake upon such occasion, or upon such days as shall be specified in such application, the Council may grant permission to any person to take any fish in such lake.

15. A person shall not, in any part of the park, willfully displace or disturb, injure or destroy any bird's nest, or willfully take, injure or destroy any .bird's egg.

16. A person shall not, in any part of the park, take, injure or destroy any animal or bird, or spread or use any net, or set or use any snare or other engine, instrument or means for the taking, injury or destruction of any animal or bird.

17. A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the park 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 beast, and from entering any lake, and from injuring or destroying, worrying or disturbing any owl in the park.

18(i). A person shall not play or take part in any game of football, bowls, tennis, hockey, golf or cricket, or any other game which by reason of the rules or manner playing, or for the prevention of damage, danger or discomfort of any person in the park, may necessitate at any time during the continuance of the game the exclusive use by the player or players of any space in the park, except in such parts of the park and at such times as may from time to time be prescribed by a notice or notices fixed or set up by the Council in a conspicuous position within the park.

(ii). Every person resorting to the park for the purpose of playing or taking part in any game on any space in the park prescribed for the playing of any game as aforesaid, shall comply with the following requirements:-

(a) He shall not play on such space any game other than the game or games for

which such space is set apart;

(b) He shall, in making preparation for the playing of such game or games and in the manner of playing, use reasonable and proper care to prevent undue interference with the reasonable and proper use of the park by other persons;

(c) He shall not at any time in any part of a space which is already occupied by other players begin to play without permission of such other players:-

(d) Except in any case where the exclusive use of any space may have been granted by the Council for the playing of any game or match for which the Council have granted an extension of the time hereinafter specified, a player or company of players shall not, in making preparation for playing and in playing any game, use any part of such space for a longer time than 1 hour continuously, if at the expiration of that time any other player or company of players, for whose use no other part of the park may be available, shall make known to such first mentioned player or company of players an intention to use, for the purpose of playing, such space as shall have been previously used by such players or company of players.

(iii). A person shall not play or take part in any game upon any space in the park prescribed for the playing of any game as aforesaid, for the use of which space a charge is made by the Council, unless such person shall have paid to the Council the proper charges for the use thereof.

(iv) A person shall not play tennis or bowls on any court or green in the park unless such person be wearing boots or shoes having soles of India rubber or other material similarly adapted for preventing damage to the court or green.

19. A person shall not erect any post, rail, fence, tent, booth, stand building or other structure in any part of the park except with the consent of the Council or in pursuance of an agreement with the Council.

20. A person shall not in any part of the park, beat, shake, sweep, brush or cleanse any carpet, drugget, rug or mat, or any other fabric retaining dust or dirt.

21. A person shall not, in any part of the park, hang, spread or deposit any linen or other fabric for the purpose of drying or bleaching.

22. A person shall not, in the park, preach, lecture, take part in any meeting for political, religious or any other purpose, or take part in any public show, performance or demonstration, except in such part or parts of the park as may be defined or described in a notice or notices which shall be affixed or set up in some performance or demonstration, except in such part or conspicuous position in the park and at or near to each of the principal entrances thereto, and in accordance with the following regulations:-

Previous written application shall be made to the Council for permission to use part or parts of the park so set aside for any of the purposes aforesaid, and the Council may refuse such permission on the ground that a breach of the peace is anticipated if such meeting or demonstration takes place, or on the ground that permission to use the park or part of the park referred to in such application for the purpose of a meeting or demonstration has already been applied for in respect of the same date and time.

23. A person shall not solicit or collect money or money's worth in the park in connection with any meeting, performance, exhibition, representation or demonstration, and a person attending any such meeting or demonstration shall conduct himself in an orderly manner. Provided that nothing in this bye-law shall interfere with the operation of any regulations made under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

24. A person shall not in any part of the park, sell, or offer or expose for sale, or let to hire, or offer or expose for hire, any commodity or article, unless, in pursuance of an agreement with the Council. or otherwise in the exercise of any lawful right or privilege, such person may be duly authorised to sell or let to hire in the park such commodity or article.

25. A person shall not, in any part of the park willfully obstruct, disturb, interrupt or annoy any other person in the proper use of the park, or wilfully obstruct, disturb, or interrupt any 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 park.

26. A person shall not, in the park, use any indecent or obscene language to the annoyance of any person.

27. A person shall not smoke tobacco or other like substance in any building in the park, where by notice or notices affixed or set up in some conspicuous position the Council may prohibit smoking.

28. A person shall not play any musical instrument or sing or give any entertainment in any part of the park except with the consent of the Council or in pursuance of an agreement with the Council.

29. A man, or boy above seven years old, resorting to the park, shall not intrude on or use any closet or building therein which shall be set apart for the use of any women, girl or child under seven years old. A women or girl resorting to the park shall not intrude on or use any closet or other building therein which shall be set apart for the use of any man or boy above seven years old.

30. A person shall not enter any enclosure or area set apart by the Council for the performance of music or for any concert or other entertainment except upon payment for admission thereto of the charges for admission subscribed by the Council in a notice or notices affixed to or set up in some conspicuous position in or near to such enclosure. Provided that the foregoing prohibition shall not apply when such enclosure is not being used or about to be used in connection with such performance of music, or any such concert or other entertainment.

31. A person shall not skate or slide in the park, except in such parts of the park and at such times as may from time to time be prescribed by a notice or notices affixed or set up by the Council in a conspicuous position within the park.

32. A person shall not wilfully break or otherwise damage the ice on any lake in the park.

33. A person shall not sail a model boat upon any lake in the park except where the same is permitted by a notice or notices affixed or set up in a conspicuous position in the park.

34. A person shall not, without reasonable excuse, go into any boathouse in the park for any pleasure boat, or remain therein except for the purpose of embarking in or disembarking from any such pleasure boat. A person shall not, at any mooring place for any Pleasure boat in the park, wilfully or improperly unfasten or interfere with the fastening of any such pleasure boat.

36. A person hiring or using a pleasure boat in the park shall not land or row such boat alongside the banks of the lake, except at the landing stage, or other place appointed for the purpose, and indicated by a notice or notices affixed or set up in a conspicuous position at or near to such landing stage or place. He shall use such boat in a careful and orderly manner so as not to interfere with the enjoyment of other persons using the lake.

37. A person hiring any pleasure boat shall, in any case when no boatman is in charge of such boat, on the termination of the period for which such boat was hired by him, return such boat to the boathouse or mooring place from which he hired the same.

38. An officer or constable of the Corporation may exclude or remove from the park any person who is offensively dirty.

39. Every person who shall offend against any of the foregoing Bye-laws shall be liable for every such offence to a penalty of five pounds. Provided, nevertheless, that the Justices or Court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit, adjudge the payment, as a penalty, of any sum less than the full amount of the penalty imposed by this Bye-law.

40. Every person who shall infringe any Bye-law for the regulation of the park may be removed therefrom by any officer of the Council or by any constable, in any one of the several cases hereinafter specified, that is to say.

(i) Where the infraction of the Bye-law is committed within the view of such officer or constable, and the name and residence of the person infringing the Bye-law are unknown to and cannot be readily ascertained by such officer or constable. (ii) Where the infraction of the Bye-law is committed within the view of such officer or constable, and from the nature of such infraction, or from any other fact of which such officer or constable may have knowledge, or of which he may be credibly informed, there may be reasonable ground for belief that the continuance in the park of the person infringing the Bye-law may result in another infraction of a Bye-law, or that the removal of such person from the park is otherwise necessary as a security for the proper use and regulation thereof.

41. The foregoing Bye-laws shall not be deemed to apply in any case where an offence is committed against any provision of the Malicious Damage Act, 1861. Repeal of Bye-laws.

42. From and after the date of the confirmation of these Bye-laws the Bye-laws relating to the Public Parks, Public Walks, and Places of Public Resort or Recreation belonging to the Council, which were made by the Council on the 19th day of November, 1909, and were confirmed by the Local Government Board on the 19th day of January, 1910, and the Bye-laws which were made by the Council on the 15th day of April, 1921, and confirmed by the Minister of Health on the 22nd day of April, 1921, shall be repealed.

THE COMMON SEAL
of the Lord Mayor,
Aldermen and Citizens
of the
City of Birmingham
was hereunto affixed
this Fourth day
of February 1927

F. H. C. WILTSHIRE
Town clerk

*Seal of the
Corporation*

Allowed by the
Minister of Health
this Thirty-first day of
March 1927

*Seal of the
Ministry of Health*

E. H. RHODES,
*Assistant Secretary
Ministry of Health*