

THE COUNCIL OF THE BOROUGH OF HARROGATE
STRAY BYELAWS

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Schedule 1 – Area where cycling is permitted

Byelaws made under Section 7 of the Harrogate Stray Act 1985 by the Council of the Borough of Harrogate, with respect to the Stray.

Part 1
GENERAL

General Interpretation

1. In these Byelaws:

"the Council" means the Council of the Borough of Harrogate;

"the Act" means the Harrogate Stray Act 1985 and "the Stray" has the meaning assigned to it by Section 3 of that Act;

"designated area" means an area of the Stray which is set aside for a specified purpose, that area and its purpose to be indicated by notices placed in a conspicuous position;

"invalid carriage" means a vehicle, whether mechanically propelled or not,

(a) the unladen weight of which does not exceed 150 kilograms.

(b) the width of which does not exceed 0.85 metres, and

(c) which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person.

Application

2. The Byelaws apply to the Stray.

Part 2

PROTECTION OF THE STRAY ITS WILDLIFE AND THE PUBLIC

Interpretation of Part 2

In this Part:

"Sky lantern" means any unmanned device, which relies on an open flame or other heat source to heat air within it with the intention of causing it to lift into the atmosphere.

Protection of structure, plants and turf.

3. A person shall not without reasonable excuse:

(a) remove from or displace within the Stray any barrier, post seat or implement, or any part of a structure or ornament provided for use in the laying out or maintenance of the Stray;

(b) remove from or displace within the Stray any stone, gravel, sand, clay, soil or turf or the whole or any part of any plant, shrub or tree;

(c) affix any bill, placard or notice to or upon any tree, plant, wall, fence, barrier, building, seat or other erection or ornament; and/or

(d) walk, run, stand, sit or lie upon any grass, turf or other place, where adequate notice to keep off such grass, turf or other place is exhibited, provided that such notice shall not apply to more than one sixth of the area of the Stray.

Unauthorised erection of Structures

4. No person shall without the consent of the Council erect any tents, fence, rail, barrier, post, kiosk, ride or swing, building, path or roadway or any other structure.

5. **Climbing**

No person shall without reasonable excuse climb any wall or fence in or enclosing the Stray, or any tree, or any barrier, railing, post or other structure.

6. **Grazing**

No person shall without the consent of the Council turn out or permit any animal for which they are responsible to graze upon the Stray.

7. **Camping**

No person shall without the consent of the Council erect a tent or use a vehicle, caravan or any other structure for the purpose of camping.

Fires

- 8 (1) No person shall:

- (a) not on the Stray light any fire: or
- (b) place, or throw or drop a let fall a lighted match or any other thing so as to be likely to cause a fire; or
- (c) release a sky lantern.

(2) Byelaw 8(1) shall not apply to the lighting of a fire at any event for which the Council has given permission.

9. **Missiles**

No person shall throw or use any device to propel or discharge in the Stray any object which is liable to cause injury to any other person.

10. **Interference with life-saving equipment**

No person shall except in case of emergency remove from or displace within the Stray or otherwise tamper with any life-saving appliance provided by the Council.

PART 3
HORSES, CYCLES AND VEHICLES

Interpretation in Part 3

In this Part:

“designated route” means a route in or through the ground which is set aside for a specified purpose, its route and that purpose to be indicated by notices placed in a conspicuous position.

“motor cycle” means a mechanically-propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which does not exceed 410 kilograms;

“motor vehicle” means any mechanically-propelled vehicle other than a motor cycle or an invalid carriage;

“trailer” means a vehicle drawn by a motor vehicle and includes a caravan.

Horses

11. (1) No person shall ride a horse except:

- (a) on a designated route for riding; or
- (b) in the exercise of a lawful right or privilege.

Where horse-riding is permitted by virtue of byelaw 11 or a lawful right or privilege, no person shall:

- (a) ride a horse in such a manner as to cause danger to any other person; or
- (b) race a horse or a dog on the Stray.

Motor Vehicles

12. (1) No person shall without reasonable excuse, bring onto the Stray or drive any motor cycle, motor vehicle or trailer over or across any part of the Stray except where there is a right of way or designated route for that class of vehicle.

(2) Where there is a designated route for motor cycles, motor vehicles or trailers it shall not be an offence under this byelaw to bring into or drive onto the Stray a vehicle of that class for the sole purpose of transporting it to the route.

(3) Byelaw 12 (1) shall not apply to any special event or occasion taking place upon the Stray pursuant to and in compliance with the rights and obligations of the Stray Act 1985.

Cycles

13. (1) No person shall without reasonable excuse ride any bicycle or tricycle over or across any part of the Stray except:

- (a) on a part of the Stray laid out as carriageway;
- (b) on a designated route as shown on the annexed plan;

- (2) No person shall cycle on any designated route or carriageway in such a manner as to cause danger or give reasonable ground for annoyance to other persons using such designated route or carriageway.
- (3) Any officer of the Council may remove any vehicle or bicycle which is on the Stray in contravention of these Byelaws for safe custody.
- (4) Byelaw 13(1) shall not apply to any special event or occasion taking place upon the Stray, where the Council has set apart a portion or portions of the Stray for the use of any class or classes of bicycle or tricycle or permit pursuant to and in compliance with its rights and obligations under the Stray Act 1985

Parking

14. No person shall without the consent of the Council leave or cause or permit to be left any motor vehicle on the Stray .

PART 4

GAMES AND SPORTS, SERMONS AND SPEECHES

Interpretation of Part 4

In this Part:

“ball games” means any game involving throwing, catching, kicking, batting or running with any ball or other object designed for throwing and catching.

Ball games, sports, sermons and speeches

15. (1) Where the Council has created a designated area for:
 - (a) the delivery of lectures sermons or speeches;
 - (b) the holding of athletic sports meetings; and/or
 - (c) the playing of ball gamesno person shall use any other part of the Stray for these purposes.
- (2) A person playing or taking part in any game for which the exclusive use of any area has been set apart shall:
 - (a) not play any game other than the game for which it is set apart, within that exclusive area.
 - (b) in preparing to play and in playing, use reasonable care to prevent undue interference with the proper use of the Stray by other persons.
 - (c) when the area is occupied by other players, not to begin to play thereon without their permission.
- (3) Where exclusive use of the area has been granted by the Council for the playing of a match, no person shall play in that area later than a quarter of an hour before the time fixed for the beginning of the match unless he is taking part therein.

- (4) With the exception of where an area has been granted exclusive use by the Council for a match to take place, and a person is to take part in that match, no person shall use an area of the Stray for a longer time than two hours continuously, if any other player or players make known to him a wish to use the space.

Golf

16. No person shall on the Stray drive, pitch or chip a hard golf ball.

PART 5 WATERWAYS

Bathing

17. No person shall:
- (a) bathe, wade or wash in any ornamental lake, pond, well, stream or other water; or
 - (b) without reasonable excuse foul or pollute any such water.

Blocking of watercourses

18. No person shall without the consent of the Council cause or permit the flow of any drain or watercourse on the Stray to be obstructed, diverted, open or shut or otherwise move or operate any sluice or similar apparatus.

PART 6 MODEL AIRCRAFT

Interpretation of Part 6

In this Part

"model aircraft" means an unmanned aircraft which weighs not more than 7 kilograms without its fuel.

"power-driven" means driven by the combustion of petrol vapour or other combustible substances or by one or more electric motors or by compressed gas

"radio-controlled" means controlled by a radio signal from a wireless transmitter or similar device.

"jet-propelled or rocket-propelled" means driven by jet propulsion or by means of a rocket, other than by means of a small reaction motor powered by a solid fuel pellet not exceeding one inch in length

19. (1) No person shall cause any jet propelled model aircraft to:
- (a) take off or otherwise be released for flight or control the flight of such an aircraft on the Stray; or

- (b) land without reasonable excuse.
- (2) Where the Council has created a designated area, for the flying of power-driven model aircraft, no person shall:
 - (a) release any such aircraft for flight in any other part of the Stray;
 - (b) control the flight of such an aircraft;
 - (c) cause such an aircraft to take off; or
 - (d) without reasonable excuse, cause such an aircraft to land, in such other part of the Stray.
- (3) Where the Council has designated an area from which power-driven aircraft may be launched on the Stray, a person shall not release such an aircraft for flight, or cause such an aircraft to take off, in any part of the Stray other than that area.
- (4) No person shall release any power-driven model aircraft for flight or control the flight of such an aircraft, cause any such aircraft to take off, or land, on the Stray unless:
 - (a) it is attached to a control line or radio-controlled and kept under effective control;
 - (b) the noise emitted by the aircraft gives a noise measurement of not more than 82dB(A) at a distance of 7 metres from the aircraft when measured by means of the equipment described, and by the method set out, in the code of practice issued in pursuance of the approval given by the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981.
- (5) Byelaw 19(4)(b) shall not have effect in relation to an aircraft to which the fitting of a silencer or similar device is not reasonably practicable

PART 7

OTHER REGULATED ACTIVITIES

Provision of services/goods

- 20. No person shall sell or offer or expose for sale or let to hire or offer or expose for letting to hire any commodity or article without the consent of the Council or otherwise in the exercise of any lawful right or privilege.

Excessive Noise

- 21 (1) No person shall, after being requested to desist any other person on the Stray, make 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 Stray by:
- (a) Shouting or singing;
 - (b) Playing on a musical instrument; or
 - (c) By operating or permitting to be operated any radio, amplifier, tape recorder or similar device.
- (2) Byelaw 21(1) does not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public shows and performances

22. No person shall without the consent of the Council hold or take part in any public show or performance.

Aircraft, hang gliders and hot air balloons

23. No person shall except in case of emergency or with the consent of the Council take off from or land in the Stray in an aircraft, helicopter, hang glider or hot air balloon.

Kites

24. No person shall fly any kite in such a manner as to cause danger or give reasonable grounds for annoyance to any other person.

Metal Detectors

25. No person shall without the consent of the Council use any device designed or adapted for detecting or locating any metal or mineral in the Stray.

PART 8

MISCELLANEOUS

Obstruction

26. (1) No person shall obstruct:
- (a) any officer of the Council in the proper execution of his duties;
 - (b) any person carrying out an act which is necessary to the proper execution of any contract with the Council; or
 - (c) any other person in the proper use of the Stray.

Savings

27. It shall not be an offence under these byelaws for an officer of the Council or any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of his duty.

Penalty

28. Every person who shall offend against these Byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

29. The byelaws made by the Council of the Borough of Harrogate on 8 February 2011 and confirmed by the Home Office on 6 May 2011 relating to the Stray are hereby revoked.

GIVEN under the Common Seal of the Council of the Borough of Harrogate this

.....[insert] day of [insert]...2020

THE COMMON SEAL OF

THE COUNCIL OF THE BOROUGH OF HARROGATE is hereunto affixed

under the authentication of:

Head of Legal and Governance

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation one calendar month after the date of confirmation

Signed by authority of the Secretary of State