

# **City of Westminster Byelaws For Parks, Gardens and Open Spaces**



City of Westminster

## CITY COUNCIL'S BYELAWS FOR PUBLIC OPEN SPACES

Byelaws made by the Lord Mayor, Alderman and the Citizens of the City of Westminster - Section 15 of the Open Spaces Act 1906 with respect to Open Spaces.

1. Throughout these byelaws the expression "the Council" means the Lord Mayor, Alderman and Citizens of the City of Westminster and the expression "the open space", means, except where inconsistent with the context, each of the open spaces, referred to in the First Schedule to these byelaws.
2. An act necessary to the proper execution of his duty in the open space 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.
3. The open spaces so enclosed that the public can be excluded shall be opened and closed at the times set out in the Second Schedule hereto.

Provided always that this byelaw shall not be deemed to require the open spaces to be opened and closed at the hours hereinbefore prescribed on any day when, in pursuance of any Statutory provision in that behalf, the Council close the open spaces to the public.

4. On any day on which the open spaces to which the foregoing byelaw applies is open to the public a person shall not enter it before the time or enter or remain in it after the time appointed by the Council.
5. A person shall not in the open space:-
  - (i) wilfully, carelessly or negligently soil or defile any wall or fence in or enclosing the open space, or any building, barrier, railing, post or seat, or any erection or ornament; or any apparatus, appliance or equipment provided by the Council for use in connection with the open space;
  - (ii) climb any wall or fence in or enclosing the open space, or any tree or any barrier, railing, post or erection; or any apparatus, appliance or equipment provided by the Council for use in connection with the open space;
  - (iii) wilfully, carelessly or negligently remove or displace any barrier, railing, post or seat, or any part of any erection or ornament, or any apparatus, appliance or equipment provided by the Council for use in connection with the open space.
6. A person shall not bring or cause to be brought into the open space any cattle, sheep, goats, or pigs, or any beast of draught or burden unless in pursuance of an agreement with the Council, or otherwise in the exercise of any lawful right or privilege, he is authorised to do so.
7. A person shall not bring or cause to be brought into the open space any hawks, falcons or gaming birds.
8. (i) A person shall not except in the exercise of any lawful right or privilege bring or cause to be brought into the open space any barrow, truck, machine or vehicle other than;
  - (a) a wheeled bicycle, tricycle or other similar machine
  - (b) a wheel-chair, perambulator or chaise used solely for the conveyance of a child or children or an invalid.

Provided that where the Council set apart a space in the open space for the use of any class of vehicle, this byelaw shall not be deemed to prohibit the driving in or to

that space by a direct route from the entrance to the open space or any vehicle of the class for which it is set apart;

- (ii) A person shall not except in the exercise of any lawful right or privilege ride any bicycle, tricycle or other similar machine in any part of the open space;
- (iii) A person shall not in the open space drive any vehicle, bicycle or tricycle, at a speed exceeding eight miles per hour or drive any such vehicle or ride any animal so as to endanger other users of the open space.

9. A person who brings a vehicle into the open space shall not wheel or station it over or upon:-

- (i) any flower beds, shrub, or plant, or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub or plant;
- (ii) any part of the open space where the Council by a notice board affixed or set up in some conspicuous position in the open space prohibit its being wheeled or stationed.

10. Where the Council set apart any such part of the open space as may be fixed by the Council and may be described in a notice board affixed or set up in some conspicuous position in the open space for the purpose of a playground for children a person who as attained the age of fourteen years and who is not in charge of a child or children under that age shall not play or take part in any game in such part of the open space.

11. A person shall not affix any bill, placard or notice, to or upon any wall or fence in or enclosing the open space or to or upon any tree, or plant, or to or upon any part of any building, barrier, or railing, or of any seat, or any other erection of ornament in the open space.

12. A person shall not in the open space walk, run, stand, sit or lie upon:-

- (i) any grass, turf, or other place where adequate notice to keep off such grass, turf, or place shall be placed

Provided that such notice shall not apply to more than one fifth part of the area of the open space;

- (ii) any flower bed, shrub, or plant, or any ground in course of preparation as a flower bed, or for the growth of any tree, shrub or plant.

13. A person shall not in the open space:-

- (i) bathe, wade or wash in any ornamental lake, pond, stream or other water.

Provided that this byelaw shall not be deemed to prohibit bathing or wading in any pond or pool which may be set apart by the Council for such purposes and indicated by a notice set up near such pond or pool;

- (ii) wilfully, carelessly, or negligently foul or pollute any such water, or the water in any drinking fountain or trough;
- (iii) take, injure, or destroy, or attempt to take, injure, or destroy any fish in any such water, or wilfully disturb or worry any water fowl;
- (iv) wilfully displace or disturb, injure, or destroy any bird's nest or wilfully take, injure, or destroy any bird's eggs;

14. A person shall not in the open space wilfully break or damage any ice on any pond or lake, or when prohibited by a notice erected in a conspicuous position near such pond or lake go or attempt to go, upon any such ice.
15. A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in the open space, 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 or water fowl, and from entering any ornamental lake, pond, stream or other water.
16. A person shall not in the open space race or train any whippet or dog.
17. Where the Council set apart any such part of the open space as may be fixed by the Council, and described in a notice board affixed or set up in some conspicuous position in the open space, for the purpose of any game specified in the notice board, which by reason of the rules or manner of playing, or for the prevention of damage, danger or discomfort to any person in the open space may necessitate, at anytime during the continuance of the game, the exclusive use by the player or players of any space in such part of the open space a person shall not in any space elsewhere in the open space play or take part in any game so specified in such a manner as to exclude persons not playing or taking part in the game from the use of such a space.
18. A person resorting to the open space and playing or taking part in any game for which the exclusive use of any space in the open space has been set apart shall:-
  - (i) not play on the space any game other than the game for which it is set apart;
  - (ii) in preparing for playing and in playing use reasonable care to prevent undue interference with the proper use of the open space by other persons;
  - (iii) when the space is already occupied by other players not begin to play thereon without their permission;
  - (iv) where the exclusive use of the space has been granted by the Council for the playing of a match, not play in that space later than a quarter of an hour before the time fixed for the beginning of the match unless he is taking part therein;
  - (v) except where the exclusive use of the space has been granted by the Council for the playing of a match in which he is taking part, not use the space for a longer time than two hours continuously, if any other player or players make known to him a wish to use the space.
19. A person shall not in any part of the open space which may have been set apart by the Council for any game or take part in any game when the state of the ground or other cause makes it unfit for use and a notice is set up in some conspicuous position prohibiting play in that part of the open space.
20. A person shall not in the open space sort rags, bones, refuse, or matter of like nature.
21. A person shall not in the open space:-
  - (i) except as hereinafter provided erect, or place, or retain any post, rail, fence, photographic stand apparatus, tent, booth, screen, stand, swing, or other building, erection or structure, or any obstruction of any kind whatsoever.

Provided that this prohibition shall not apply where upon an application to the Council they grant permission to erect any post, rail, fence, photographic stand, apparatus, tent, booth, screen, stand, swing, or other building, erection, or structure or any obstruction upon such occasion and for such purpose as are specified in the application;

- (ii) beat, shake, sweep, brush, or cleanse any carpet, drugget, rug or mat, or any other fabric retaining dust or dirt;
- (iii) hang, spread or deposit any linen or other fabric for drying or bleaching;
- (iv) sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article unless in pursuance of any agreement with the Council, or otherwise in the exercise of any lawful right or privilege, he is authorised to sell or let to hire in the open space such commodity or article.

22. A person in a verminous or offensively filthy condition shall not lie about or lie upon or occupy any seat in the open space.
23. A person shall not in the open space distribute any book, pamphlet, leaflet, card, bill, advertisement or literature of any kind, to the annoyance of any person using the open space.
24. A person shall not in the open space deliver, utter or read any public speech, lecture, prayer, scripture, sermon or address of any kind or description whatsoever or enter into any public discussion, or hold, or cause to take part in any public meeting.
25. A person shall not to the annoyance of any person sound or play upon any musical or noisy instrument or apparatus for the reproduction or amplification of sound or sing in the open space.

Provided that the foregoing prohibition shall not apply in any case where upon application to the Council for permission to sound or play upon any musical or noisy instrument or apparatus for the reproduction or amplification of sound or to sing in the open space upon such occasion or on such days and at such hours as may be specified in such application to the Council may grant permission.

26. A person shall not in the open space solicit or collect any money without the permission of the Council.

Provided that nothing in this byelaw shall interfere with the operation of any regulations made under Section 5 of Police, Factories, etc., (Miscellaneous Provisions) Act 1916.

27. A person shall not in the open space wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the open space 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 open space.
28. A person shall not in the open space fire or discharge any firearm or air-gun, or discharge any missile or squirt or spray or otherwise throw or scatter any offensive liquid, powder or substance.
29. A person shall not fly any model aircraft driven by the combustion of petrol vapour or other combustible substances in the open space.
30. Every person who shall infringe any byelaw for the regulation of the open space 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 byelaw is committed within the view of such officer or constable and the name and residence of the person infringing the byelaw are unknown to and cannot be readily ascertained by such officer or constable;
  - (ii) where the infraction of the byelaw 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 open space of the person infringing the byelaw may result in another infraction of a byelaw, or that the removal of such person from the open space is otherwise necessary as a security for the proper use and regulation thereof.

31. Nothing in these byelaws shall:-

- (i) take away, abridge, or limit any remedy now existing by way of indictment or shall interfere with the powers of the Metropolitan Police or any authority legally existing for preventing or punishing offenses or with the powers of the Council as having the control of the open space;
- (ii) be construed as taking away, abridging, or limiting the provisions of Section 9 of the Leicester Square Act 1874.

32. **ST. GEORGE'S SQUARE GARDENS, SW1 - BYELAWS:**

Byelaws made by the Lord Mayor and Citizens of the City of Westminster under Section 164 of the Public Health Act 1875 with respect to a Pleasure Ground.

The byelaws made by the Lord Mayor and Citizens of the City of Westminster on the 19th day of May 1982 and confirmed by the Secretary of State on the 19th day of August 1982 are hereby amended by the insertion of the following byelaw:-

"15(a) A person shall not cause or suffer any dog belonging to him or in his charge to enter or remain in that part of the pleasure ground where the Council, by a notice board affixed or set up in some conspicuous position, prohibit dogs. Provided that this byelaw shall not apply to any dog in the charge of a blind person."

33. **REMOVAL OF CANINE FAECES:-**

Byelaws made by the Lord Mayor and Citizens of the City of Westminster under Section 164 of the Public Health Act 1875, Section 15 of the Open Spaces Act 1906 with regard to public walks, pleasure grounds or open spaces.

#### **Extent**

1. (1) These byelaws shall apply to the public walks, pleasure ground and open spaces named in the Schedule hereto and hereinafter referred to as "the grounds".
- (2) Notice of the effect of these byelaws shall be given by signs placed in conspicuous positions on or near each of the grounds.

#### **Interpretation**

2. In these byelaws;  
"the Council" means Westminster City Council.

#### **Removal of Canine Faeces**

3. Every person in charge of a dog (other than a registered blind person in charge of a dog) which is in the grounds who, without reasonable excuse, fails to remove forthwith from the grounds any faeces deposited by the dog shall be guilty of an offence.
4. For the purposes of compliance with byelaw 3 the following provisions shall apply:-
  - (a) it shall be a sufficient removal from the grounds if the faeces are deposited in a receptacle within the grounds which has been provided for that purpose by the Council;

- (b) 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.
- 5. (1) For the purpose of these byelaws the keeper of the dog shall be deemed in charge thereof unless the Court is satisfied that at the time when the dog fouled the grounds it had been placed in or taken into the charge of some other person.
- (2) In paragraph (1) above "the keeper" shall include the owner of the dog or any person who habitually has it in his possession.
- 6. Any person offending against these byelaws may be removed from the grounds by any officer of the Council or any Constable.

**34. DOGS PROHIBITED FROM THE GROUNDS AND DOGS ON LEADS BYELAWS:-**

Byelaws made by the Council of the City of Westminster under Section 164 of the Public Health Act 1875, Section 15 of the Open Space Act 1906 with respect to public walks, pleasure grounds and open spaces.

- (1) Byelaw 3 applies to the public walks, pleasure grounds and open spaces or parts thereof described in Schedule 1, hereafter referred to as 'dog prohibited areas'.
- (2) Byelaw 4 applies to the public walks, pleasure grounds and open spaces or parts thereof described in Schedule 2, hereafter referred to as the 'dogs on leads'.
- (3) Byelaw 4 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 1998.
- (4) Byelaw 4 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 at the entrances to each of the dog prohibited areas, and at the entrances or the approaches to each of the dogs on leads areas.

Extent

- 2. (1) In these byelaws 'The Council' means Westminster City Council.
- (2) For the purposes of these byelaws the keeper of the dog shall be deemed in charge thereof, unless the dog had been placed in or taken into the charge of some other person at the time when an offence under these byelaws had been committed.
- (3) In paragraph (2) above 'the keeper' shall include the owner or any person who habitually has it in his possession.

**35. DOGS PROHIBITED FROM THE GROUNDS:**

- 3. (1) No blind person (other than a registered blind person) in charge of a dog shall, without reasonable excuse, permit the dog to enter or remain in any of the dog prohibited areas.
- (2) An officer of the Council or any person duly authorised in writing by the Council, on production of the authority, or any constable may require a

person in charge of a dog which has entered any of the dog prohibited areas to remove the dog therefrom.

#### DOGS ON LEADS:

4. No person in charge of a dog shall, without reasonable excuse, permit the dog to enter or remain in any of the dogs on leads areas unless the dog is held on a lead and is restrained from behaviour giving reasonable grounds for annoyance.

#### 5. REMOVAL OF OFFENDERS

Any person offending against byelaws 3(1) or 4 may be removed from public walks, pleasure grounds and open spaces by any officer of the Council or any person duty authorised in writing by the Council, on production of the authority, or any constable.

#### PENALTIES

Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding five hundred pounds (£500).

## **FIRST SCHEDULE**

### **Open Spaces to which Byelaws apply**

Bessborough Gardens  
Berkeley Square Garden  
Broadley Gardens  
Causton Street Playground  
Christchurch Gardens  
Drury Lane Garden  
Ebury Square Garden  
Golden Square Garden  
Harrow Road Open Space  
Inverness Terrace Gardens  
Irving Garden  
Leicester Square Garden  
Lower Grosvenor Garden  
Memorial Garden of Rest (Marylebone High Street)  
Millbank Garden  
Mount Street Gardens  
New Trinity Mews Playground  
Paddington Green  
Paddington Recreation Ground  
Paddington Street Gardens (north and south)  
Parish Church Grounds (Marylebone Road)  
Pimlico Garden and Shrubbery  
Porchester Square Gardens  
Queens Park Gardens  
Rembrandt Gardens  
Riverside Walk Garden  
St. Anne's Churchyard  
St. John's Gardens  
St. John's Wood Chapel Grounds  
St. Mary's Churchyard  
St. Stephen's Gardens Open Space  
Soho Square Garden  
Sussex Gardens Open Space  
Victoria Embankment Gardens  
Violet Hill Gardens  
Westbourne Green Open Space

## SECOND SCHEDULE

### Opening Times

Paddington Recreation Ground		7.00a.m.
Victoria Embankment Gardens		7.30a.m.
Lower Grosvenor Gardens		10.00a.m.
Remaining Open Spaces (*)	Weekdays	8.00a.m.
	Sundays and Public Holidays	9.00a.m.

### Closing Times

Lower Grosvenor Gardens	End of British Summer Time to 15 February	4.30p.m.
	16 February to 28/29 February	5.30p.m.
	1 March to end of British Summer Time	6.00p.m.
Berkeley Square Gardens	End of British Summer Time to 15 February	5.00p.m.
Mount Street Gardens	Remainder of year as remaining open spaces	
Remaining Open Spaces	End of British Summer Time to 15 February	4.30p.m.
	16 February to 28/29 February	5.30p.m.
	1 March to commencement of British Summer Time	6.00p.m.
	Commencement of British Summer Time to 31 March	7.30p.m.
	1 April to 15 April	8.00p.m.
	16 April to 30 April	8.30p.m.
	1 May to 15 May	9.00p.m.
	16 May to 31 July	9.30p.m.
	1 August to 15 August	9.00p.m.
	16 August to 31 August	8.30p.m.
	1 September to 15 September	8.00p.m.
	16 September to 30 September	7.30p.m.
	1 October to 15 October	6.30p.m.
	16 October to end of British Summer Time	6.00p.m.

\* These opening and closing times also apply to the Roman Baths, Surrey Street, WC2 and Public Conveniences at Violet Hill Gardens and Rembrandt Gardens.

## FOURTH SCHEDULE

"The Grounds" referred in the Byelaw 34 the Canine Faeces Byelaws are as follows:-

### Part 1 under Section 164 Public Health Act 1875

Cavendish Square Gardens	Fermoy Road Open Space	Shrewsbury Road Gardens
Edbrooke Road Gardens	Kensal Wharf Open Space	Tamplin Mews Gardens

### Part II Under Section 15 Open Spaces Act 1906

Bessborough Gardens	Lower Grosvenor Garden	Riverside Walk and Gardens
Berkeley Square Garden	Memorial Garden of Rest	Rembrandt Gardens
Broadley Gardens	(Marylebone High Street)	St. Anne's Churchyard
Brunel Estate	Millbank Garden	St. John's Gardens
Causton Street Playground	Mount Street Garden	St. John's Wood Chapel Grounds
Christchurch Gardens	Paddington Green	St. Mary's Churchyard
Drury Lane Garden	Paddington Recreation Ground	St. Stephen's Gardens Open Space
Ebury Square Garden	Paddington Street Gardens	Soho Square Garden
Golden Square Garden	(north and south)	Sussex Gardens Open Space
Harrow Road Open Space	Parish Church Grounds	New Trinity Mews Playground
Inverness Terrace Gardens	(Marylebone Road)	Victoria Embankment Gardens
Irving Garden	Pimlico Garden and Shrubbery	Violet Hill Gardens
Leicester Square Garden	Porchester Square Gardens	Westbourne Gardens
	Queens Park	Westbourne Green Open Space

## SCHEDULE 1

THE DOG PROHIBITED AREAS referred to in byelaw 1(1) are:

### Under Section 164 of the Public Health Act 1875

St. Johns Wood Chapel Grounds, Enclosed Playground

THE DOG PROHIBITED AREAS

### Under Section 15 of the Open Spaces Act 1906

Broadley Street Gardens	Causton Street Enclosed Playground	Chelsea Bridge Shrubbery (Enclosed Area)
Drury Lane Garden	Ebury Square Garden	Edbrooke Gardens Enclosed Playground
Kildare Gardens	New Trinity Mews Enclosed Playground	Norfolk Square Gardens
Porchester Square Gardens Enclosed Playground	Queen's Park Open Space Enclosed Playgrounds	St. Stephens Gardens
Soho Square Garden	Sussex Gardens Open Space	Tamplin Mews Gardens Enclosed Playground
Violet Hill Gardens Enclosed Playground	Westbourne Gardens	

## **SCHEDULE 2**

THE DOGS ON LEADS areas referred to in byelaw 1(2) are:-

### **Under Section 164 of the Public Health Act 1875**

Paddington Street Gardens	Randolph Gardens Open Space	St. Anne's Churchyard Gardens
St. John's Wood Chapel Grounds (excluding enclosed playground)		

### **Under Section 15 of the Open Spaces Act 1906**

Bessborough Gardens	Cavendish Square Garden	Christchurch Gardens
Edbrooke Gardens (excluding enclosed playground)	Millbank Garden	Paddington Green
Pimlico Gardens	Porchester Square Garden (excluding enclosed playground)	

THE DOGS ON LEADS areas referred to in byelaw 1(2) are:-

Queen's Park Gardens (excluding enclosed playground)	Queen's Park Memorial Gardens	Rembrandt Gardens
Tamplin Mews Gardens (excluding enclosed playground)	Victoria Embankment Gardens	Westbourne Green Open Space (excluding the dog exercise area)

### **Under Section 12 and 15 of the Open Spaces Act 1906**

Mount Street Gardens	St. John's Gardens	St. Mary's Churchyard
St. Marylebone Parish Church Grounds		