

EASTBOURNE BOROUGH COUNCIL

BYELAWS RELATING TO PROMENADES

Made by Eastbourne Borough Council under Section 83 of the Public Health Acts Amendment Act 1907, with respect to promenades in the Borough.

Interpretation

1. In these byelaws:

"consent of the Council" means prior consent of an authorised officer of the Council;

"the Council" means the Eastbourne Borough Council;

"the promenade" means each of the promenades described in the Schedule to these byelaws.

Vehicles

2. (1) No person shall, without reasonable excuse, ride or drive a cycle, motor cycle, motor vehicle or any other mechanically propelled vehicle on the promenade, or bring or cause to be brought onto the promenade a motor cycle, motor vehicle, trailer or any other mechanically propelled vehicle (other than a cycle), except on any part of the promenade where there is a right of way for that class of vehicle or in the pursuance of a statutory provision or lawful agreement with the Council.
- (2) If the Council has set apart a space on the promenade 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 promenade.

(3) This byelaw shall not extend to:

- (a) invalid carriages; or
- (b) the Dotto Train.

(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;

"the Dotto Train" means a vehicle towing carriages carrying passengers on routes on the promenade specified by the Council;

"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 vehicles" 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.

Climbing

3. No person shall, without reasonable excuse, climb any wall or fence on or along the promenade, or any tree, or any barrier, railing, post or other structure.

Removal of Structures

4. No person shall, without reasonable excuse, remove from or displace on the promenade any barrier, railing, post or seat, or any part of any structure or ornament, or any implement or equipment provided for use in the laying out or maintenance of the promenade.

Erection of Structures

5. No person shall on the promenade, without the consent of the Council, erect any post, rail, fence, pole, tent, booth, stand, building or other structure.

Touting

6. No person shall on the promenade, to the annoyance or obstruction of any other person, for the purpose of selling or advertising any article or of obtaining custom, tout or importune, either verbally or by the distribution of handbills, circulars or advertisements.

Livestock

7. No person shall, without the consent of the Council, bring or cause to be brought onto the promenade any beast of draught or burden, or any cattle, sheep, goats, pigs or other livestock.

Horse-riding

8. No person shall, without the consent of the Council, ride a horse on the promenade.

Protection of Flower Beds, Trees, Grass, etc.

9. No person who brings or causes to be brought onto the promenade a vehicle shall ride, wheel or park it over or upon:
- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or
 - (b) any part of the promenade where the Council, by a notice placed in a conspicuous position on the promenade, prohibits its being ridden, wheeled or parked.

10. No person shall on the promenade enter upon:
- (a) any flower bed, shrub or plant, or any ground in the course of preparation as a flower bed, or for the growth of any tree, shrub or plant; or
 - (b) any part of the promenade set aside for the renovation of grass or turf, where adequate notice to keep off such grass or turf is exhibited.

Skateboarding

11. No person shall on the promenade skate on rollers, skateboards, wheels or other mechanical contrivances in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons using the promenade.

Model Aircraft

12. (1) No person on the promenade shall, without the consent of the Council, release any power-driven model aircraft for flight or control the flight of such an aircraft.

(2) No person shall, without the consent of the Council, cause any power-driven model aircraft to take off or land on the promenade.

(3) In this byelaw:

- (a) "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;
- (b) "power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances, or by one or more electric motors, or by compressed gas.

Boats

13. No person shall place any boat or sailboat on any part of the promenade, provided that boats or sailboards may temporarily be placed on the Promenade described in paragraph (e) of the Schedule, between Groyne 60 and the end of the Promenade at the Fishermen's Car Park, when absolutely necessary from stress of weather and for so long a time as shall be absolutely necessary.

Removal of Substances

14. No person shall remove from or displace on any promenade any stone, soil or turf, or the whole or any part of any plant or tree.

Fires

15. (1) No person shall on the promenade 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 by or with the consent of the Council.

Interference with Life-Saving Equipment

16. No person shall, except in case of emergency, remove, displace or otherwise tamper with any life-saving appliance placed on or along the promenade by the Council.

Noise

17. (1) No person on the promenade shall, after being requested to desist by an officer of the Council, 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 promenade.

- (2) This byelaw shall not apply to any person holding or taking part in any entertainment held with the consent of the Council.

Public Performances

18. No person shall, without the consent of the Council, hold or take part in any public show or performance on the promenade.

Commercial Filming and Photography

19. No person shall on the promenade, without the consent of the Council, make any film, telerecording or photograph for commercial gain.

Obstruction

20. No person shall on the promenade:

- (a) intentionally obstruct any officer of the Council 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 Council; or
- (c) intentionally obstruct any other person in the proper use of the promenade, or behave so as to give reasonable grounds for annoyance to other persons on the promenade.

Savings

21. An act necessary to the proper execution of his duty on the promenade by an officer of the Council, or any act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.

Penalty

22. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

23. The following byelaws with respect to pleasure grounds are hereby revoked in so far as they apply to the promenade:

- (a) the byelaws made by the Mayor, Aldermen and Burgesses of the County Borough of Eastbourne on 6th June, 1921 and allowed by the Minister of Health on 15th August, 1921;
- (b) the byelaws made by the Mayor, Aldermen and Burgesses of the County Borough of Eastbourne on 3rd May, 1935 and confirmed by the Minister of Health on 13th June, 1935; and
- (c) the byelaws made by the Mayor, Aldermen and Burgesses of the County Borough of Eastbourne on 3rd August, 1956 and confirmed by the Secretary of State for the Home Department on 13th September, 1956.

SCHEDULE

The promenades referred to in byelaw 1 are:

- (a) The Western Parade from the end of the Promenade at Holywell to the Wish Tower Car Park, also known as "the bottom parade" or "the Devil".
- (b) The Middle Parade from Holywell to the Wish Tower Restaurant, also known as "the Flesh".
- (c) The Middle and Lower Parades from the Wish Tower Car Park to the Pier, including all planted areas, all interconnecting ramps and staircases and those connecting the same to Grand Parade and the Bandstand.
- (d) The Lower Parade between the Pier and Marine Parade.
- (e) The Promenade from opposite Cambridge Road to the end of the Promenade at the Fishermen's Car Park, including the

Promenade leading from Royal Parade between the Redoubt Fortress and the Bowling Greens and the Promenade leading from Royal Parade between Treasure Island and Treasure Island Car Park.

Given under the Common Seal)	
of EASTBOURNE BOROUGH COUNCIL)	L.S.
this 19th day of April 1995)	9342

R. A. Parsons
Mayor

Martin H. Ray
Assistant Chief Executive
and Solicitor to the Council

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

Signed by authority of the Secretary of State

M. E. HEAD
An Assistant Under-Secretary of State

21 JUL 1995
Home Office
London, SW1.