

## Key:

Red: bye-laws probably no longer valid

Blue: behavior best dealt with under other legislation

Green: bye-law repealed

# BYE-LAWS

FRAMED BY

**The Conservators of the Tunbridge Wells Commons for the government, control, improvement, and management of the said Commons under and pursuant to the provisions of the Tunbridge Wells Improvement Act, 1890.**

### *Interpretation of Terms.*

Throughout these Bye-Laws the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say:-

" The Act " means the Tunbridge Wells Improvement Act, 1890.

" The Commons " means the Commons as denned by section 151 of the Act.

" The Conservators " means the Conservators nominated and appointed for the time being under the provisions of section 152 of the Act.

" Person " includes corporation aggregate or sole.

" Constable " means and includes any Police Constable for the time being acting in and for the Borough of Tunbridge Wells.

" Officer of the Conservators " means and includes any officer or person for the time being in the service of the Conservators.

" Daily Penalty " means a penalty for each day on which the offence is continued or repeated after conviction thereof.

Words importing the masculine gender shall be deemed and taken to include females, and the singular to include the plural and the plural the singular.

*For the government, control, improvement, and management of the Commons, and the preservation of good order and conduct among persons frequenting them.*

1. No person shall on any part of the Commons wilfully obstruct, disturb, or annoy any other person in the proper use of the Commons, or wilfully obstruct, or

disturb, any officer, agent, or servant of the Conservators in the execution of his duty.

2. No person shall on any part of the Commons sell or offer or expose for sale or hire, any commodity or article without the authority of the Conservators.
3. No person shall fire a gun, pistol, or other firearm, or discharge any airgun, catapult, or sling on any part of the Commons, or commit or do any other act or thing thereon, whereby persons lawfully using or being on the Commons may be endangered.
4. No person shall collect, incite, or take part in, any unlawful assembly or disorderly gathering of persons on any part of the Commons.
5. Every person who shall infringe any Bye-Law for the regulation of the Commons may be removed therefrom by any officer of the Conservators, 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 readily be 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 on the Commons 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 Commons is otherwise necessary as a security for the proper use and regulation thereof.

*For the exclusion and removal from the Commons of prostitutes, gipsies, beggars, rogues and vagabonds, gamblers, card sharpers, squatters, settlers, and exhibitors of infamous or indecent books, prints, photographs, or pictures, or other objects, or persons guilty of brawling, fighting, or quarrelling, or using indecent or improper language, or any idle or disorderly person and the apprehension of all offenders, so that all such persons may be dealt with according to law.*

6. No prostitute, gipsy, beggar, rogue, vagabond, squatter, or disorderly person shall frequent or resort to or remain on the Commons.
7. No person shall gamble, or play with cards, or dice, or any device for gambling on the Commons. No person shall exhibit or distribute any infamous or indecent book, print, photograph, picture, representation, or object on the Commons. No person shall brawl; fight, or quarrel, or use indecent language on the Commons.

8. Any Constable or officer of the Conservators may apprehend and detain in custody any person who shall offend against the preceding Bye-Law in the same manner and subject to the same conditions in all respects as Borough Constables may apprehend idle and disorderly persons under Section 193 of the Municipal Corporations Act, 1882.

*For the protection of walls, railings, fences, lamp-posts, trees, bushes, gorse, heather, walks, and other things on the Commons.*

9. No person shall destroy, injure, deface, or defile any part of any rock, or any wall, railing, fence, lamp-post, seat, statue, monument, work of art, drinking fountain, ornament, decoration, notice board, or any other structure, erection, or thing on the Commons.
10. No person shall destroy or injure any trees, bushes, gorse, heather, plants, or grass on the Commons.
11. No person shall without the authority of the Conservators, remove or displace any rock or any wall, railing, fence, lamp-post, seat, statue, monument, work of art, drinking fountain, ornament, decoration, notice board, or any plate or tablet containing the name of any tree, shrub, or plant on the Commons.
12. No person shall without the authority of the Conservators on any part of the Commons break or pluck any branch of any tree or sapling, or any gorse or fern.
13. No person shall light any fire on the Commons, or burn, or cause to be burnt thereon, anything whatsoever, or place, throw, or let fall any lighted or combustible substance, article, or thing which may cause or be likely to cause damage or injury by fire, to anything growing or being on the Commons.

*For the prevention of nuisances, annoyances, obstructions, and encroachments on the Commons.*

14. No person shall commit any nuisance, or act in an indecent or disorderly manner on the Commons.
15. No person shall (save under the directions or with the sanction of the Conservators as provided by section 168 of the Act), inclose or attempt to inclose any part of the Commons, or erect or maintain, or attempt to erect or maintain, or cause or procure to be erected or maintained, on the Commons any thing whatsoever which shall be an encroachment upon the Commons, or which shall in any way diminish the area of the Commons.

*For the prevention of the deposit of road sand, or rubbish, or other matter.*

16. No person shall, without the authority of the Conservators, throw, deposit, or leave or cause or suffer to be thrown, deposited, or left any road sand, rubbish,

rags, refuse, substance, or matter or material whatsoever, on any part of the Commons.

*For the prevention of the taking, cutting, or digging turf, sods, gravel, clay, sand, and the like.*

17. No person shall, without the authority of the Conservators, take, cut, or dig, any turf, peat, sods, gravel, clay, loam, sand, or soil, on any part of the Commons.

*For the prevention of bird catching, bird trapping, and the robbing of birds' nests or eggs.*

18. No person shall on any part of the Commons take, injure, or destroy any bird, or spread or use any net, or set or use any snare or other engine, instrument, or means for the taking, injuring, trapping, or destruction of any bird, or displace, disturb, injure, or destroy any bird's nest, or take, injure, or destroy any bird's egg.

*For the prevention of shooting or chasing of game, pigeons, or other birds, rabbits, or other animals, on the Commons.*

19. No person shall, without the authority of the Conservators, shoot or chase game, pigeons, or other birds, or rabbits, or any other animals, on any part of the Commons.

*For the regulation and control of assemblages of persons on the Commons, and of sports and games played there, and the use thereof by volunteer corps and others.*

20. No person shall in any way interfere with any meeting lawfully held on any part of the Commons.

21. No person shall, except with the consent of the Conservators, play any game upon any portion of the Commons specially reserved for cricket matches and defined by lines or in some other conspicuous manner.

22. No person shall upon any part of the Commons specially set apart for cricket, play or take part in any game of football, quoits, or hockey, or any other game likely to injure the turf.

23. No person shall on Sunday play any game on the portions of the Commons set apart or enclosed by the Conservators for cricket, football, or other games.

24. No person shall drive or ride or lead any horse over any portions of the Commons set apart or inclosed by the Conservators for cricket, football, or other games.

25. No person shall obstruct, interfere with, or annoy any persons who are playing or have made preparations for playing at cricket, football, or any other lawful game

upon the portions of the Commons set apart or inclosed by the Conservators for cricket, football, or other games.

26. No person shall except with the consent of the Conservators, and subject to the proviso hereinafter contained, drill or practice, or take part in any military evolutions, or cause or permit any person to drill or practice or take part in any military evolutions upon any part of the Commons. Provided that nothing in these Bye-Laws shall be construed as prohibiting on the Commons (a) Infantry Military drill, (b) Encampment of troops for a single night for a halt on a march to or from their quarters, (c) A review (with the previous assent of the Conservators) of Her Majesty's troops and auxiliary forces, such assent to be subject to the following conditions :-

When an adequate area for such drill, encampment, and reviews respectively has been fixed by the Conservators, that area only shall be used for such purpose. All damage done by Her Majesty's troops and auxiliary forces to the surface of the Common, which shall be capable of immediate reparation, shall be made good by the troops and forces encamped before they leave the Common, and any damage which can be compensated only by pecuniary payment, shall be so compensated by the Secretary of State for War.

Any difference which may arise between the Secretary of State for War and the Conservators concerning the adequacy of the area fixed by the Conservators for the respective purposes aforesaid, or concerning compensation for damage done to the Commons, shall be determined by the First Commissioner of Works.

*For the regulation of the use of animals and carriages let out for hire on the Commons, and of the drivers of carriages and of persons letting out for hire or using animals or carriages thereon, and in general the regulation of riding on the Commons.*

27. No person shall, without the consent of the Conservators, stand for hire any animal or carriage on any part of the Commons.
28. A person permitted by the Conservators to stand for hire any animal or carriage on the Commons, shall, when so standing for hire, stand and remain at the stands defined by posts and adjoining the road leading from Vale Royal to Mount Edgecumbe, or at such other stand or part of the Commons as shall from time to time be prescribed by the Conservators.
29. A person permitted by the Conservators to stand for hire any animal or carriage on the Commons shall charge such fares as shall from time to time be prescribed by the Council of the Borough in respect of animals and hackney carriages standing or plying for hire in the streets of the Borough.

30. Every driver of any animal or carriage who shall be permitted by the Conservators to stand for hire on the Commons shall be sober and cleanly, and conduct himself with propriety towards every hirer of such animal, or carriage, and shall comply with every reasonable requirement of any such hirer, and of any Constable, and of any officer of the Conservators, and shall not leave his animal or carriage unattended for any purpose.
31. No person shall ride any horse or other animal on the Commons during the months from November to March, both inclusive, nor at any time on any parts of the Commons on which for the time being riding is prohibited by the Conservators.

*For the prevention of vehicles, including bicycles, tricycles, and velocipedes, being driven or horses being exercised by grooms, or others on any part of the Commons not set apart by the Conservators for the purpose.*

32. No person shall drive or ride any vehicle, bicycle, tricycle, or velocipede, or other like machine, on any part of the Commons on which, for the time being, the driving or use of such vehicles or machines is by notice placed on the Commons prohibited by the Conservators.
33. No person shall ride or lead for the purpose of exercise or training any horse or other animal upon any part of the Commons not set apart by the Conservators for that purpose, or in a manner likely to endanger the safety or comfort of persons lawfully using or being on the Commons.

*For the prohibition and prevention of any new roads or ways being formed across the Commons or any of them save with the consent of the Conservators, and subject to the conditions and restrictions prescribed by them.*

34. No person shall, without the authority of the Conservators, make or form any new road, path, or way over or across any part of the Commons (other than such portions of the Commons as are coloured red on the plan referred to in section 151 of the Act).

*For the prohibition and prevention of the fouling of any ornamental or other lakes, ponds, or waters, the regulation of skating and sliding thereon, the prevention of the destruction or injury of aquatic or other birds or of other animals or of fish therein.*

35. No person shall bathe, wade, or wash in, or foul or pollute the waters of, any lake, pond, stream, ornamental or other water on the Commons.
36. No person shall take, injure, or destroy, or attempt to take, injure, or destroy, or disturb, or worry, or illtreat any fowl in any lake, pond, stream, ornamental or other water, or elsewhere on the Commons.

37. No person shall, without the authority of the Conservators, place or use any boat or canoe upon any lake, pond, stream, ornamental or other water on the Commons.
38. No person shall cast, throw, or deposit in any lake, pond, stream, ornamental or other water on the Commons, any soil, stones, refuse, rubbish, manure, dead animal, or other matter or thing whatsoever.
39. No person shall, with intent to drown the same, cast or throw any dog, cat, or other animal into any lake, pond, stream, ornamental or other water on the Commons.
40. No person shall, without the authority of the Conservators, break any ice upon or remove any ice from any lake, pond, stream, ornamental or other water on the Commons.
41. No person shall walk, skate, slide, or go upon any lake, pond, stream, ornamental or other water on the Commons when frozen, after notice by the Conservators, or their officers, or by the Police, that it is dangerous to do so.

*For the prevention of the posting of bills or placards, and the writing, stamping, cutting, painting, drawing, or marking in any manner of any word or character, or of any representation of any object on any of the rocks on or about the Commons or on any wall, railing, fence, tree, lamp-post, walk, pavement or seat, or elsewhere.*

42. No person shall, without the authority of the Conservators, affix or post any bill, placard, or notice to or on any rock, or on any wall, railing, fence, tree, lamp-post, building, tent, barrier, board, walk, pavement, seat, statue, monument, work of art, or drinking fountain, or to or on any other structure, erection, or thing on the Commons.
43. No person shall write, stamp, cut, paint, draw, mark, or delineate in any manner any word or character, or representation of any object on any rock, or on any wall, railing, fence, tree, lamp-post, building, tent, barrier, board, plate, tablet, post, walk, pavement, seat, statue, monument, work of art, or drinking fountain, or on any other structure, erection, or thing on the Commons.

*For the regulation, and if need be the prohibition, of placing, drying, or bleaching of clothes, household linen, or other materials or things, and the beating and cleansing of carpets or like articles on the Commons.*

44. No person shall on the Commons, except under such restrictions, and at such places as the Conservators shall from time to time prescribe, hang, place, spread, or deposit any clothes, household linen, or other fabric, materials or things, for the purpose of drying or bleaching.

45. No person shall on the Commons, except under such restrictions, and at such places as the Conservators shall from time to time prescribe, beat, shake, sweep, brush, or cleanse any carpet, drugget, rug, or mat, or any other fabric retaining dust or dirt.

*For the temporary inclosure of portions of the Commons for the protection and renewal of the herbage thereon.*

46. The Conservators may temporarily inclose portions of the Commons for the purpose of preserving and renewing the turf, herbage, trees, and grass growing thereon; and no person shall, without the authority of the Conservators, enter any portions so inclosed, or interfere with the fences put up for such inclosure.  
[Conservators only allowed to enclose for six days.]

*For the imposition of penalties for breach of the Bye-Laws.*

47. Every person who shall offend against any of the foregoing Bye-Laws shall be liable for every such offence to a penalty of forty shillings and to a daily penalty of twenty shillings. [Penalties now fixed]

48. Every person who shall aid, abet, counsel, or procure the commission of any offence against any of the foregoing Bye-Laws shall be liable to the same penalty and penalties as the principal offender.

49. Provided nevertheless that the Justices or Court before whom any complaint may be made or any proceedings may be taken in respect of any offence against the foregoing Bye-Laws may, if they think fit, adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by these Bye-Laws.  
[Penalties now fixed]

50. Provided always that nothing in these Bye-Laws shall affect any rights of pasturage and other rights in and over the Commons claimed by the Lord and tenants, except so far as is necessary for purposes of the Act within the meaning of section 186 thereof.

*The foregoing Bye-Laws were framed by the Conservators, at a meeting held at the Town Hall, Tunbridge Wells, on Tuesday, this 26th day of May, 1891.*

*Given under the hands of us, the undersigned Conservators, the day and year aforesaid.*

F. WADHAM ELMERS.  
HENRY H. CRONK.  
FRANK Wm STONE.  
EBENEZER WALTER.

W. C. CRIPPS,  
*Clerk to the Conservators.*

*I hereby confirm the foregoing Bye-Laws.*

HENRY MATTHEWS,  
*One of Her Majesty's principal Secretaries of State.*

Whitehall,  
23rd February, 1892.

The following were appended to the Act when it was reprinted in 1960:

1. Throughout these byelaws the expression “the Conservators” means the Conservators nominated and appointed for the time being under the provisions of Section 152 of the Tunbridge Wells Improvement Act, 1890; the expression “the Commons” means the Commons as defined by Section 151 of the said Act and the expression “power-driven model aircraft” means any model aircraft driven by the combustion of petrol-vapour or other combustible substances.
2. A person shall not fly any power-driven model aircraft on the Commons.
3. Every person who shall offend against the foregoing bye-laws shall be liable on summary conviction to a fine not exceeding two pounds.

*The foregoing bylaws were framed by the Conservators, at a meeting held at the Town Hall, Tunbridge Wells, on Tuesday, this Twenty-third day of June, One thousand nine hundred and fifty-three.*

*Given under the hands of us, the undersigned Conservators, the day and year aforesaid.*

*Commons Conservators* (Sgd.) SYDNEY V. THORPE  
(Sgd.) J. A. McNAB  
(Sgd.) R. W. CARD

(Sgd.) JOHN WHITEHEAD,  
Clerk to the Conservators.

*Ii hereby confirm the foregoing byelaws and fix the date on which they are to come into operation as 1<sup>st</sup> October, 1953.*

*(Sgd.) DAVID MAXWELL FYFE,  
One of Her Majesty's Principal Secretaries of State.*

L.S.

WHITEHALL.  
*10<sup>th</sup> September, 1953*

Byelaw No.23 of the Byelaws framed by the Conservators of the Tunbridge Wells Commons on the 26<sup>th</sup> day of May, 1891, and confirmed by the Secretary of State on the 23<sup>rd</sup> day of February, 1892, is hereby repealed.

*Given under the hands of the undersigned Conservators, this 6<sup>th</sup> day of October, 1959.*

*Signed*            N. GLANDFIELD  
                         H. A. SHEPPARD  
                         D. SAVAGE

*Countersigned*    JOHN WHITEHEAD,  
   *Clerk to the Conservators*

*The Secretary of State this day confirmed the foregoing Byelaw and fixed the date on which it is to come into operation as the 1<sup>st</sup> day of April, 1960*

*Signed E. H. GWYNN,  
An Assistant Under Secretary of State.*

L.S.

HOME OFFICE, WHITEHALL.  
*15<sup>th</sup> February, 1960*