

WARLEY WOODS COMMUNITY TRUST LIMITED

BYELAWS FOR WARLEY WOODS AND PARK

EXPLANATORY NOTES

These explanatory notes are designed to give an overview of the byelaws for Warley Woods and Park. They explain why the byelaws are made; what is in them; and what is excluded.

Warley Woods and Park is managed and maintained by Warley Woods Community Trust, a charitable limited company. The members of the charity and company are drawn from the local community and regular users of the park. Warley Woods includes a golf course, which is open to the public on a “pay and play” basis. The recreation and sport provided by the golf course supports the charitable objectives of the Trust. Warley Woods Golf Club is based at Warley Woods as their home course, providing a handicap for golf and other competitive and social opportunities that also support the objectives of the Trust.

The byelaws describe “Warley Woods and Park”, this is because there are two distinct legal ownerships of what we know as Warley Woods. Most of the site is held under legal tenure by Warley Woods Community Trust, but there is an area of woodland held in charitable trust by Sandwell Council. The byelaws cover the whole site.

Most parks are covered by byelaws. Byelaws are normally made by local councils, as normally parks are managed and maintained by them. Warley Woods is an exception. There are two Acts of Parliament that provide for byelaws for parks and open spaces, the Open Spaces Act 1906 is relevant to Warley Woods and Park. This provides that the Trust can make byelaws under section 4 of the Town Gardens Protection Act 1863.

Byelaws are local laws and do not replace or overrule national laws. Therefore, issues covered by national laws are not included in byelaws. Littering, dog fouling and protection of birds are examples. Criminal damage including graffiti, other than that specifically covered by the byelaws is also not covered.

The byelaws do have the force of law. Contravention is a criminal offence and can result in prosecution and conviction in court. Importantly, the byelaws seek to ensure that the park can be enjoyed by the many, not spoiled by the few.

The byelaws are set out in eight parts. A brief overview and explanation of each part is set out below.

Part 1

This part sets out general meanings of terms used in the byelaws and the area which the byelaws apply to.

Part 2

This part seeks to protect the park, its wildlife and park users from actions that would be likely to cause damage or injury. These provisions are in addition to criminal damage, environmental crimes and the protection of birds.

It provides that certain activities are prohibited including:

- Removal of fittings, equipment, plants or shrubs etc;
- Damage to flower beds and planting areas;
- Climbing of structures, walls, fences etc, and trees;
- Camping;
- Endangering wildlife; and
- Launching missiles that are likely to cause injury.

Some other activities are restricted and may only be undertaken with the permission of the Trust. These are:

- Putting up any form of structure, wall building etc;
- Lighting fires;
- The grazing of animals; and
- Leaving gates open when there is a sign requiring that they be closed.

Part 3

This part covers bringing horses and motor vehicles into the park.

Horses are permitted to be brought into the park, but riders must ensure that they do not cause any danger to other park users.

Motorised vehicles, cars etc, and motorcycles are not permitted in the park except where authorised by the Trust. On most days this is restricted to the driveway and car park off Lightwoods Hill and driveway and car park off Abbey Road. Parking in these areas over night is not permitted and the vehicle access gates may be closed and locked.

These restrictions do not apply to specialist motorised vehicles for disabled people.

Bicycles are permitted in the park and riders should show due care and attention for the safety of other park users.

Part 4

This part covers play areas, games and sports to ensure the comfort, safety and enjoyment of park users.

The byelaws provide that the fenced children's play area and its facilities are only for the use of younger children. Older children and adults may use the "adult" swings located nearby.

"self propelled vehicles", roller-skates etc may be used, but must not cause annoyance or danger to other park users.

For the safety of park users, the playing of cricket with a hard ball, archery and other "field sports" are not permitted. The playing of golf is also not permitted anywhere other than on the golf course. Those playing on the golf course must pay the due green fee and be in possession of a receipt (score card).

For the safety of park users, only those involved in the playing of golf are permitted within the playing area of the golf course during the hours of play. This does not include the perimeter path and other designated routes.

Part 5

This part applies to waterways, which at Warley Woods is primarily the occasional stream in the valley through the park.

The occasional stream is a natural waterway, which flows fast during periods of heavy rain. It is an offence to cause any pollution of the occasional stream or to cause any blockage to its flow, including the blockage of the culverts.

Part 6

This part covers model aircraft. For the safety of park users, the use of model aircraft is not permitted.

Part 7

This part covers other regulated activities for the comfort and enjoyment of park users.

The byelaws restrict excessive noise where this is annoying to park users and provide that public performances can only be undertaken with the prior approval of the trust.

Aircraft, hang gliders and hot air balloons are only permitted to take off or land with the prior approval of the Trust, or in the case of emergency.

The flying of kites is permitted. Kites can be flown safely as there are no overhead power lines, however, those flying kites must have regard to the safety of other park users.

The use of metal detectors and any excavation of items may only be undertaken with the prior approval of the Trust.

Part 8

The final provisions of the byelaws make it an offence for anyone to obstruct an appointed officer of the Trust or anyone engaged by the Trust from carrying out their duties in the park.

The byelaws allow for the removal from the park of anyone acting in breach of the byelaws by an appointed officer of the trust or a police officer.

Offenders may be prosecuted in the courts for breaches of the byelaws. On conviction, the court may impose a fine not exceeding level one on the standard scale. This is the level provided for in the Town Gardens Protection Act 1863. The current maximum penalty at level one for each offence is £100.

Endnote

These explanatory notes are a guide and do not form part of the byelaws.

Warley Woods Community Trust Limited
The Pavilion
101 Lightwoods Hill
Smethwick
B67 5ED

T: 0121 4201061

E: admin@warleywoods.org.uk

W: <http://www.warleywoods.org.uk>

Company registration number: 04214547

Charity registration number: 1092754