

## **Greenham and Crookham Commons Act, 2002**

### **Part 3**

#### Public access

#### **11 Rights of public access**

(1) Subject to the following provisions of this Act and compliance with all rules, regulations or bylaws relating to the Common and any additional open space and for the time being in force, the public shall have a right of access to the Common and any additional open space on foot for the purpose of open-air recreation; and a person—

(a) who enters upon such land for that purpose without breaking or damaging any fence or hedge; or

(b) who is on such land for such purpose after having so entered on the land, shall not be treated as a trespasser on that land or incur any other liability by reason only of entering or being on the land.

(2) Subject as mentioned in subsection (1) above, the public shall have a right of access on horseback or bicycle on such defined paths or tracks over the Common and any additional open space as the Council may from time to time determine in consultation with the Commission.

(3) Subsections (1) and (2) above shall not apply to a person who, in or upon any such land—

(a) without lawful authority or written authority from the Council—

(i) rides any horse or bicycle except on such a defined path or track

as is mentioned in subsection (2) above; or

(ii) drives or rides any other vehicle;

(b) hinders or obstructs—

(i) any officer or other person authorised by the Council; or

(ii) any commoner or any other person in the exercise of any right or power vested in that person.

(4) Subsections (1) and (2) above shall have effect subject to the restrictions contained in paragraphs 1 and 2 of Schedule 2 to the 2000 Act (general restrictions to be observed by persons having access to land by virtue of that Act) but with the following modifications to paragraph 1—

(a) the reference to section 2(1) of the 2000 Act shall have effect as if it were a reference to those subsections;

(b) paragraph (a) shall be omitted;

(c) paragraph (c) shall not preclude a person riding a horse on such a defined path or track as is mentioned in subsection (2) above; and

(d) paragraph (1) shall have effect as if after “plant”, in both places where it occurs, there were inserted “, fungus”.

(5) Subsections (1) and (2) above shall not apply to land which for the time being is excepted land within the meaning of section 1(2) of the 2000 Act.

(6) Nothing in this section shall affect the exercise of powers under any enactment whereby access to the Common or additional open space may be regulated or prohibited.

(7) Subsections (4) and (5) above have effect subject to section 42 (Transitional provisions) below.

## **CROW Act 2000, SCHEDULE 2 Restrictions to be observed by persons exercising right of access**

#### General restrictions

Section 2(1) does not entitle a person to be on any land if, in or on that land, he—

(Omitted from G&CC: (a)drives or rides any vehicle other than an invalid carriage as defined by section 20(2) of the M1Chronically Sick and Disabled Persons Act 1970,)

(b)uses a vessel or sailboard on any non-tidal water,

(c)has with him any animal other than a dog,

- (d) commits any criminal offence,
- (e) lights or tends a fire or does any act which is likely to cause a fire,
- (f) intentionally or recklessly takes, kills, injures or disturbs any animal, bird or fish,
- (g) intentionally or recklessly takes, damages or destroys any eggs or nests,
- (h) feeds any livestock,
- (i) bathes in any non-tidal water,
- (j) engages in any operations of or connected with hunting, shooting, fishing, trapping, snaring, taking or destroying of animals, birds or fish or has with him any engine, instrument or apparatus used for hunting, shooting, fishing, trapping, snaring, taking or destroying animals, birds or fish,
- (k) uses or has with him any metal detector,
- (l) intentionally removes, damages or destroys any plant, shrub, tree or root or any part of a plant, shrub, tree or root,
- (m) obstructs the flow of any drain or watercourse, or opens, shuts or otherwise interferes with any sluice-gate or other apparatus,
- (n) without reasonable excuse, interferes with any fence, barrier or other device designed to prevent accidents to people or to enclose livestock,
- (o) neglects to shut any gate or to fasten it where any means of doing so is provided, except where it is reasonable to assume that a gate is intended to be left open,
- (p) affixes or writes any advertisement, bill, placard or notice,
- (q) in relation to any lawful activity which persons are engaging in or are about to engage in on that or adjoining land, does anything which is intended by him to have the effect—
  - (i) of intimidating those persons so as to deter them or any of them from engaging in that activity,
  - (ii) of obstructing that activity, or
  - (iii) of disrupting that activity,
- (r) without reasonable excuse, does anything which (whether or not intended by him to have the effect mentioned in paragraph (q)) disturbs, annoys or obstructs any persons engaged in a lawful activity on the land,
- (s) engages in any organised games, or in camping, hang-gliding or para-gliding, or
- (t) engages in any activity which is organised or undertaken (whether by him or another) for any commercial purpose.

2(1) In paragraph 1(k), “metal detector” means any device designed or adapted for detecting or locating any metal or mineral in the ground.

(2) For the purposes of paragraph 1(q) and (r), activity on any occasion on the part of a person or persons on land is “lawful” if he or they may engage in the activity on the land on that occasion without committing an offence or trespassing on the land.

## **Existing bylaws:**

- (1) A person shall not, without lawful authority, dig or take turf, sods, gravel, sand, clay or other substances on or from the common or cut, fell or injure any gorse, heather, timber, or other tree, shrub, brushwood or other plant growing on the common.
- (2) A person who in the exercise of any right of common or any other right over the common shall dig or take turf, sods, gravel, sand, clay or other substances or shall cut, fell or take trees or underwood shall not do so on any part of the common which is enclosed temporarily for the revival of turf, trees, shrubs or plants or set aside for games or for the parking of motor vehicles if similar substances as aforesaid can conveniently be dug or felled or taken from some other part of the common.
- (3) A person shall not remove or displace any seats shelters pavilions drinking fountains, fences, notice boards or works erected or maintained by the Council on the common.
- (4) A person shall not without lawful authority, drive, draw or place upon the common or any other part thereof any motor vehicle, motor cycle, carriage, cart, caravan truck or other vehicle except in the case of accidents.
- (5) A person shall not drive, pitch or chip a hard golf ball on the common.
- (6) A person shall not, except in the case of a fair lawfully held, place on the common any show, exhibition, swing roundabout or other like thing.

(7) No person shall except in the exercise of any lawful right or privilege have in his possession while he is on the land any firearm unless it is so covered with a securely fastened guncover that it cannot be fired.

In this byelaw the expression 'firearm' means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged.

This byelaw shall apply to all parts of the land except any thereof which is a public right of way.

(8) Where the Council shall set apart any portion or portions of the common as may be defined or described in a notice or notices which shall be affixed or set up in some conspicuous position or positions on the common for the playing of any game which, by reason of the rules or manner of playing, or for the prevention of damage, danger or discomfort to any person on the common, may necessitate at any time during the continuance of the game, the exclusive use by the player or players on any space on the common, a person shall not in any space elsewhere on the common play or take part in any game (so specified) or other means of recreation in such manner as to exclude persons not playing or taking part in the game from the use of such space.

(9) A person shall not without lawful authority lead, ride, drive, exercise or break in any horse on any part of the common elsewhere than on those parts indicated by a notice or notices as being available for the purpose.

(10) A person shall not without lawful authority turn out or permit to remain on the common any cattle sheep or other animals.

(11) A person shall not bathe in any pond or stream on the common.

(12) A person shall not without lawful authority camp or light any fire on any part of the common.

(13) An officer to the Council, may after due warning, remove from the common any vehicle or animal drawn, driven or placed or any structure erected or placed thereon in contravention of the scheme or any of the foregoing byelaws.

(14) A person shall not while on the common sell or offer or expose for sale or letting to hire or offering or exposing for letting to hire, any commodity or article, unless in pursuance of an agreement with the Council or otherwise in exercise of any lawful right or privilege.

(15) A person shall not without the consent of the Council or other lawful authority erect on the common any building, shed, tent fence post railing or other structure or fix bills placards or notices on trees fences, erections or notice boards on the common.

(16) A person shall not on any part of the common intentionally obstruct or hinder any officer of the Council in the exercise of his powers or duties under the scheme or under any byelaw made thereunder.

(17) Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding fifty pounds.

## **Obvious omissions**

### **Dogs:**

From CROW Act:

During the period beginning with 1st March and ending with 31st July in each year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead.

Whatever the time of year, section 2(1) does not entitle a person to be on any land if he takes, or allows to enter or remain, any dog which is not on a short lead and which is in the vicinity of livestock.

In paragraphs 4 and 5, "short lead" means a lead of fixed length and of not more than two metres.

### **Proposed new bylaws:**

- A person shall not, during the period beginning with 1st March and ending with 31st July in each year, take, or allow to enter or remain, any dog which is not under close control or on a short lead where instructed by notices exhibited by the Council.
- A person shall not, whatever the time of year, allow to enter or remain, any dog which is not under close control and which is in the vicinity of livestock.

### **Drones, aircraft and model vehicles:**

### **Expired Scheme of Management – Aircraft**

1. the flying of any model aircraft driven by the combustion of petrol vapour or other combustible substances;
2. the taking off or (except in the case of accident or other sufficient cause) landing of any glider or any other aircraft;
3. the flying of any glider or aircraft in such a manner as to be likely to cause undue interference with the enjoyment of the common by persons lawfully on it

### **Proposed new bylaws**

- A person shall not fly any model aircraft driven by the combustion of petrol vapour or other combustible substances.
- A person shall not allow the taking off or (except in the case of accident or other sufficient cause) landing of any glider or any other aircraft;
- A person shall not fly any glider or aircraft or model aircraft in such a manner as to be likely to cause undue interference with the enjoyment of the common by persons lawfully on it or likely to cause disturbance to wildlife.

### **Remote control cars**

- A person shall not operate any model vehicle (in such a manner as to be likely to cause undue interference with the enjoyment of the common by persons lawfully on it or likely to cause disturbance to wildlife.)