

District Council of Adur

**Byelaws for the good rule and government
of the district of Adur**

made under section 235 of the Local Government Act 1972

Adur District Council

Byelaws for Good Rule and Government

Byelaws made under section 235 of the Local Government Act 1972 by the Council of Adur District for the good rule and government of the District of Adur and for the prevention and suppression of nuisances.

Interpretation

1. In these byelaws

“the Council” means the Council of Adur District.

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Extent

2. These byelaws apply throughout the District of Adur unless otherwise indicated.

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Preservation of road margins/verges

Interpretation

3. In these byelaws:

“carriageway”, “highway” and “trunk road” have the same meaning as in the Highways Act 1980.

Extent

4. These byelaws apply to any road margin or verge which is:
 - i) adjacent to the carriageway of a highway, other than to the carriageway of a trunk road vested in the Secretary of State; and
 - ii) laid or sown with grass or planted with trees, shrubs or plants, and mown or otherwise maintained in an ornamental condition by or on behalf of the Council or West Sussex County Council, and
 - iii) indicated to be a margin or verge to which these byelaws apply by means of a notice conspicuously

displayed on or near the said margin or verge by the Council.

Riding on Road Margins/Verges

5. No person shall without lawful authority ride or lead any horse, or cause any horse to be ridden or led upon any road margin or verge to which this byelaw applies.

Vehicles

6. No person being the owner of a vehicle, shall, without lawful authority drive, park or leave a vehicle (other than a heavy commercial vehicle as defined by section 20 of the Road Traffic Act 1988) or cause such a vehicle to be driven or placed upon any road margin or verge to which this byelaw applies.
7. In byelaw 6 the following terms shall have the meaning set out as follows:-
 - a.) "Owner" – the owner of a vehicle shall be taken to be the person by whom the vehicle is kept; and that for the purpose of determining, in the course of any proceedings brought by virtue of these byelaws, who was the owner of the vehicle at any time, it shall be presumed that the owner was the person who was the registered keeper of the vehicle at that time.
 - b.) "Registered keeper" – the registered keeper shall be the person in whose name the vehicle is, or was, at the time registered under the Vehicle Excise and Registration Act 1994.
 - c.) "Registered keeper's address" – the registered keeper's address shall be the address recorded in the record kept under the Vehicle Excise and Registration Act 1994 with respect to that vehicle.
8. For the purpose of these byelaws the following presumption and exclusions shall apply:-
 - a) Subject to the following provisions of this byelaw:-
 - i) For the purposes of the institution of proceedings in respect of the "preservation of road margins/verges" offence against any person as being the owner of the vehicle at the relevant time, and

- ii) In any proceedings in respect of the preservation of road margins/verges offence brought against any person as being the owner of the vehicle at the relevant time.

it shall be conclusively presumed (notwithstanding that that person may not be an individual) that he was the driver of the vehicle at that time and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.

- b) Paragraph (a) subsections (i) and (ii) above shall not apply in relation to any person unless within the period of six months beginning on the day on which the alleged offence had taken place, a notice under Byelaw 9 has been served on him –

- i) by or on behalf of the Council, or
- ii) by or on behalf of the Chief Officer of Police.

- c) If the person on whom a notice under Byelaw 9 is served in accordance with paragraph (b) above was not the owner of the vehicle at the relevant time, paragraph (a) above shall not apply in relation to him if he furnishes a statement of ownership to that effect in compliance with the Notice.

- d) The presumption in paragraph (a) above shall not apply in any proceedings brought against any person as being the owner of the vehicle at the relevant time if, in those proceedings, it is proved:-

- i. that at the relevant time the vehicle was in the possession of some other person without the consent of the accused, or
- ii. that the accused was not the owner of the vehicle at the relevant time and that he has a reasonable excuse for failing to comply with the Notice under Byelaw 9 served on him in accordance with paragraph (c) above.

- 9. A notice under this byelaw shall be in a form set out in Annex A, shall give particulars of the offence and shall provide that the person on whom the notice is served:-

- a) is required, before the expiry of 14 days, to furnish to the Council or the Chief Officer of Police by or on behalf of whom the notice was served a statement of ownership in the form set out in Annex B; and

b) is invited, before the expiry of that period, to furnish to the Council or the Chief Officer of Police a statement of facts as set out in Annex C.

10. Signage

Byelaws 7, 8 and 9 shall apply to any road margin or verge as set out in Byelaw 4 and which is indicated to be a margin or verge to which these byelaws apply by means of a notice conspicuously displayed on or near the said margin or verge by the Council and stating:-

“This area is subject to byelaws under which the owner of the vehicle is presumed to have driven, parked or left the vehicle if it is on the road margin/verge.

Byelaws for Good Rule and Government, Adur District Council Byelaws number 3-4 and 6-10

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Skateboarding etc

Interpretation

11. In these byelaws:

“highway” means the whole or a part of a highway other than a ferry or waterway.

“carriageway” means a way constituting or comprised in a highway, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“footway” means a way comprised in a highway which also comprises a carriageway, being a way over which the public have a right of way on foot only;

Extent

12. These byelaws apply throughout the District of Adur.

Skateboarding

13. No person shall on any footway or carriageway skate, slide or ride on rollers, skateboards, wheels, mechanical contrivances or other equipment in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons lawfully using the footway or carriageway.

Noise in streets and other public places

14. No person in a street or other public place whether in a vehicle or otherwise shall, after being requested to desist by a constable, 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 in the neighbourhood.

15. This byelaw shall not apply to properly conducted religious services or to any person holding or taking part in any entertainment held with the consent of the Council.

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Shooting galleries, etc.

16. No person shall in any street or public place, or on any land adjoining or near to any street or public place, keep or manage or cause to be kept or managed, a shooting gallery, swing-board, roundabout, or any other construction of a like character, so as to cause obstruction or danger to the traffic in such a street or public place.

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Dangerous games near streets

17. No person shall on any land adjoining a street play any game in a manner likely to cause obstruction to any traffic or to cause injury to any person in such a street.

Playing ball games on the highway to the annoyance of local residents

Interpretation

18. In these byelaws:

“highway area” means any carriageway, footway, forecourt or grassed area of the highway”.

Extent

19. This byelaws applies throughout the District of Adur

Playing Ball Games on the Highway to the Annoyance of Residents

20. No person shall play or take part in any ball game on a highway area in such a manner as to cause injury, nuisance or give reasonable grounds for annoyance to any local resident.

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Touting

21. No person shall in any street or public place for the purpose of selling or advertising any article or obtaining custom tout or importune to the annoyance or obstruction of any person in such a street or other public place.

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Fireworks, etc. in a place of entertainment

22. No person shall, with intent to cause annoyance or inconvenience to any person in any place of entertainment to which the public are admitted with or without the payment of money, while the public are on the premises, throw or set off any firework, stink-bomb or similar article, or squirt, spray or otherwise throw or scatter any offensive liquid, powder or substance in any such place as aforesaid.

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Interference with road warning lamps

23. No person shall in any street, to the obstruction, annoyance or danger of the residents or passengers, without lawful authority move or tamper with any lamp, reflector or other apparatus used for giving warning of, or lighting, any obstruction, excavation or other danger.

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Interference with life saving appliances

24. Except in case of emergency no person shall remove, displace or otherwise interfere with any life saving appliances placed by the Council or other competent authority in any street or public place.

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Tobogganing

25. No person shall in any street or public place coast downhill upon any toboggan or sledge or upon any wheeled trolley or similar vehicle, to the danger of any other person in such street or public place.

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Urinating, etc.

26. No person shall urinate or defecate in any public place.

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Penalty

27. 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

28. The byelaws relating to Good Rule and Government which were made by Adur District Council on the 13th day of July 1978 and were confirmed by the Secretary of State for the Home Department on 17th day of October 1978 except for byelaws 28 are hereby revoked.

The byelaw numbered 24 relating to Good Rule and Government which was made by Adur District Council on 27th day of January 1983 and confirmed by the Secretary of State for the Home Department on the 9th day of March 1983 is hereby revoked.

Annex A

To: [Name of Registered Keeper:]

Address: []

Byelaws for the Good Rule and Government of the District of Adur

Byelaws 3-4 and 6-10

You are alleged to have been the owner of vehicle, registration mark []

On the
[] day of [] 200[] (date of alleged offence).

Particulars of Alleged Offence

The aforementioned vehicle was seen in [particulars of location:]
from [] on the [] day of [] 200[] giving reasonable
cause for the Council to believe that the offence described below was being or
had been committed.

[insert statement of the offence alleged under the Byelaws:]

You are required under Byelaws 8 and 9(a) to furnish to Adur District Council,
Civic Centre, Ham, Road, Shoreham-By-Sea/Chief Officer of Police,
[Shoreham/Lancing] Police Station [address] a Statement of Ownership in the
form set out in Annex B.

You may also, in accordance with Byelaws 9(b) if you wish, complete and
return with Form Annex B in the enclosed Statement of Facts (Annex C)
relating to the driver.

Date:

For the [Proper Officer of the District Council or Chief Officer of Police/Chief
Constable or
[] [Police Force]

Enclosed with this Form is a copy of Byelaws 3-4 and 6-10.

Annex B

To: The Proper Officer of Adur District Council
Civic Centre
Ham Road
Shoreham-by-Sea
BN43 6PR

or Chief Officer of Police
Chief Constable
[Lancing/Shoreham]
Police Station
[address:]

From: [Name of Registered Keeper:]

[Address:]

A statement on Part A or B of this form may be produced in Court as evidence to identify the owner of the vehicle in any proceedings for an offence under Byelaws 3-4 and 6-10 of the Byelaws for the Good Rule and Government of the District of Adur. It is an offence knowingly or recklessly to furnish a false statement.

Part A

(This must be completed by the Recipient of Form Annex A if he/she was the owner when the offence specified in the Notice is alleged to have been committed.)

I, [Name:] of [Address:] was the owner of the vehicle, registration mark [] on the [] day of [] 200[] when the offence specified in the Form Annex A is alleged to have been committed.

Owner's Signature:

Present Address (if different from the above): []

Date
(Enter the date on which you are returning this Statement of Ownership)

I was not the driver of the vehicle, registration mark [] on the [] day of [] 200[] when the offence specified in Form Annex A is alleged to have been committed. The driver of that vehicle at that time was:

Name: []

Address [Present Address:]

Owner's Signature []

Date: []

Signature of Driver
Named Above: []

Date: []

THE COMMON SEAL of ADUR)
DISTRICT COUNCIL was)
hereunto affixed this) seal attached
24th day of April)
2003 in the presence of:-)

Jeremy Cook

Jeremy Cook
Head of Legal & Democratic Services

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the 5th day of August 2003

Signed by authority of the Secretary of State

R.A. Allan

R.A. Allan
Senior civil servant
In the Office of the Deputy Prime Minister

23 Jul 2003
LONDON, SW1E 5DU