



Open Spaces Act 1906

1906 CHAPTER 25 6 Edw 7

POWERS OF LOCAL AUTHORITIES WITH RESPECT TO OPEN SPACES AND BURIAL GROUNDS

15 Byelaws.

- (1) A local authority may, with reference to any open space or burial ground in or over which they have acquired any estate, interest, or control under this Act, [^{F1} [^{F2} or in the case of the Greater London Council in relation to any other public park, heath, common, recreation ground, pleasure ground, garden, walk, ornamental enclosure or disused burial ground under the control and management of the said Council]] make byelaws for the regulation thereof, and of the days and times of admission thereto, and for the preservation of order and prevention of nuisances therein, and may by such byelaws impose penalties recoverable summarily for the infringement thereof, and provide for the removal of any person infringing any byelaw by any officer of the local authority or police constable.
- (2) All byelaws made under this Act by any local authority [^{F3} in England][^{F4} other than byelaws of a class prescribed by regulations under section 236A(1) of the Local Government Act 1972] shall be made—
 - (a) in the case of a county council . . . ^{F5}, subject and according to the provisions of section sixteen of the ^{M1}Local Government Act 1888; and
 - (b) ^{F6}
 - (c) in the case of the Common Council of the City of London, subject and according to the ^{M2}Corporation of London (Open Spaces) Act 1878; and
 - (d) ^{F7}
 - (e) in the case of a municipal borough or district or parish council, subject and according to the provisions with respect to byelaws contained in sections one hundred and eighty-two to one hundred and eighty-six of the ^{M3}Public Health Act 1875 and those sections shall apply to a parish council in like manner as if they were a local authority within the meaning of that Act, except that byelaws made by a parish council need not be under common seal.
- (3) The trustees or other persons having the care and management of any open space, who in pursuance of this Act admit to the enjoyment of the open space any persons not owning, occupying, or residing in any house fronting thereon, shall have the same

Changes to legislation: There are currently no known outstanding effects for the Open Spaces Act 1906, Section 15. (See end of Document for details)

powers of making byelaws as are conferred on a committee of the inhabitants of a square by section four of the ^{M4}Town Gardens Protection Act 1863 and that section shall apply accordingly.

Textual Amendments

- F1** Words repealed (E.W.) by S.I. 1986/1, arts. 2, 3(4), **Sch. Pt. II**
- F2** Words inserted by S.I. 1965/654, **art. 3(5)(a)**
- F3** Words in s. 15(2) inserted (E.W.) (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 3**; S.I. 2015/1025, art. 2(r) (with art. 3)
- F4** Words in s. 15(2) inserted (E.) (3.3.2016) by The Byelaws (Alternative Procedure) (England) Regulations 2016 (S.I. 2016/165), reg. 1(1), **Sch. 2 para. 2**
- F5** Words repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**
- F6** S. 15(2)(b) repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**
- F7** S. 15(2)(d) repealed by London Government Act 1963 (c. 33), **Sch. 18 Pt. II**

Modifications etc. (not altering text)

- C1** S. 15 amended by S.R. & O. 1946/1757 (Rev. XV, p. 112; 1946I, p. 1012), art. 3(1)(a), Sch., extended by Commons Registration Act 1965 (c. 64), **s. 8(4)**
- C2** S. 15 extended (E.W.) by S.I. 1986/148, **art. 23(3)**
- C3** S. 15 functions made exercisable concurrently (E.W.) (22.7.2004 with effect in accordance with art. 25(1)) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **25(2)(iii)** (with art. 35)
- C4** S. 15 functions made exercisable concurrently (E.W.) (1.2.2005 with effect in accordance with art. 25(1), 1.2.2005) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 2, **25(1), 25(1), 25(2)(iii)** (with art. 35)
- C5** S. 15 application continued (E.W.) (1.10.2006 for E., 6.9.2007 for W.) by Commons Act 2006 (c. 26), s. 56, **Sch. 3 para. 9(2)** (with s. 60); S.I. 2006/2504, art. 2(e); S.I. 2007/2386, art. 3(m)

Marginal Citations

- M1** 1888 c. 41.
- M2** 1878 c. cxxvii.
- M3** 1875 c. 55.
- M4** 1863 c. 13.

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There are currently no known outstanding effects for the Open Spaces Act 1906, Section 15.