Fee Paid
£ 2 - -
21.1.57

WAKEFIELD RURAL DISTRICT COUNCIL.

SCHEME OF REGULATION
under the
COMMONS ACT, 1899.

SHARLSTON COMMON AND SHARLSTON GREEN

Description of Common and Management by District Council.

1. The pieces of land with the ponds, streams, paths and roads thereon, commonly known as SHARLSTON COMMON AND SHARLSTON GREEN, situate in the Parish of SHARLSTON in the County of Yorkshire (W.R.) and hereinafter referred to as "the Common" as the same is delineated in a plan sealed by, and deposited at the office of the Rural District Council of WAKEFIELD, hereinafter called "the Council" and thereon coloured green, being a "Common" within the meaning of the Commons Act, 1899, shall henceforth be regulated by this Scheme and the management thereof shall be vested in the Council.

Appointment of Officers.

2. The powers of the Council generally as to appointing or employing officers and servants and paying them under the general Acts applicable to the Council shall apply to all such persons as in the judgment of the Council may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the common and otherwise for the purposes of this Scheme and the Council may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed and may alter such rules as occasion may require.

Protection and Improvement of Common.

3. The Council may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the common and may, for the prevention of accidents, fence any quarry, pit, pond, stream or other like place on the common, and shall preserve the turf, shrubs, trees, plants and grass thereon, and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament, and may place seats upon and light the common, and otherwise improve the common as a place for exercise and recreation. Save as hereinafter provided the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the common or interfere with free access to any part thereof, and shall not erect upon the common any shelter, pavilion, drinking fountain, convenience or other building without the consent of the person or persons entitled to the soil of the common and of the Minister of Agriculture, Fisheries and Food (in this Scheme referred to as "the Minister"). The Minister in giving or with-holding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Minister before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.

Against Encroachment.

4. The Council shall maintain the common free from all encroachments and shall not permit any trespass on or partial or other enclosure of any part thereof.

Public Right of Access and Recreation.

5. The inhabitants of the district and neighbourhood shall have a right of free access to every part of the common and a privilege of playing games and of enjoying other species of recreation thereon subject to any byelaws made by the Council under this scheme.

Maintenance and Construction of Paths and Roads.

6. The Council shall have power to repair and maintain the existing paths and roads on the common other than highways repairable by the inhabitants at large, and to set out, construct, and maintain or authorise the construction and maintenance of such new paths and roads on the common as appear to the Council to be necessary or expedient, and to take any proceedings necessary for the stopping or diversion of any highway over the common.

Games etc.

7. The Council may set apart for games any portion or portions of the common as they may consider expedient, and may form grounds thereon for cricket, football, tennis, bowls and other similar games and may allow such grounds to be temporarily enclosed with any open fence, so as to prevent cattle and horses from straying thereon; but such grounds shall not be so numerous or extensive as to affect prejudicially the enjoyment of the common as an open space or the lawful exercise of any right of common, and shall not be so near to any dwelling-house or road as to create a nuisance or be an annoyance to the inhabitants of the house or to persons using the road.

Parking Places .

8. The Council may, with the consent of the person or persons entitled to the soil of the common and of the Minister temporarily set apart and fence such portion or portions of the common as they may consider expedient for the parking of motor and other vehicles, and may make such charges for the use of such part as they may deem necessary and reasonable: provided that any area so set apart shall not be so near to any dwelling-house as to create a nuisance or be an annoyance to the inhabitants of the house. The Minister in giving or with-holding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act, 1876 to be taken into consideration and held by the Minister before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882 shall be acceded to or not.

Byelaws.

9. The Council may, for the prevention of nuisances and the preservation of order on the common, and subject to the provisions of Section 10 of the Commons Act, 1899, make, revoke, and alter byelaws; such byelaws may without prejudice to the generality of the foregoing provisions of this paragraph, be for any of the following purposes viz :-

(a) For prohibiting the depositing of rubbish and the leaving of litter on the Common.

(b) For prohibiting any person without lawful authority from digging cutting or taking turf, sods, gravel, sand, clay or other substance on or from the common, from placing, or leaving on the common any road-sand, materials for repair of roads or wood and from cutting felling or injuring any gorse, heather, timber or other tree, shrub brush-wood or other plant growing on the common.

(c) For regulating the place and mode of digging and taking turf, sods , gravel, sand, clay or other substance and cutting, felling and taking trees or underwood on or from the common in exercise of any right of common or other right over the common.

(d) For prohibiting the injury, defacement, or removal of any works or property maintained by the Council on the common.

(e) For prohibiting or regulating the posting or painting of bills, placards, advertisements, or notices on trees or fences, erections or noticeboards on the common.

(f) For prohibiting any person without lawful authority from bird catching setting traps or nets or laying snares for birds or other animals taking birds' eggs or nests, and shooting or chasing game or other animals on the common.

(g) For prohibiting the drawing, driving or placing upon the common or any part thereof without lawful authority of any carriage, cart, caravan, truck, motor-cycle or other vehicle or any aircraft (except in the case of accident or other sufficient cause); or camping or the lighting of any fire thereon.

(h) For regulating, in the case of a fair held as of right, and in any other case for prohibiting or regulating the placing on the common of any show exhibition, swing, roundabout or other like thing.

(i) For prohibiting or regulating the firing or discharge of firearms or the throwing or discharge of missiles on the common.

(j) For regulating games to be played and other means of recreation to be exercised on the common, and assemblages of persons thereon.

(k) For regulating the use of any portion of the common temporarily enclosed or set apart under this Scheme for any purpose.

(l) For prohibiting or regulating the driving, exercising or breaking in of horses without lawful authority on any part of the common.

(m) For prohibiting any person without lawful authority from turning out or permitting to graze on the common any cattle, sheep or other animals.

(n) For prohibiting or regulating bathing in any pond or stream on the common.

(o) For prohibiting the hindrance or obstruction of any officer of the Council in the exercise of his powers or duties under this Scheme or under any byelaw made thereunder.

(p) For authorising any officer of the Council, after due warning, to remove from the common any vehicle or animal drawn, driven, or placed, or any structure erected or placed thereon in contravention of this Scheme or of any byelaw made under this Scheme, or to remove from the common any person who within his view infringes any such byelaw or any provision of the Vagrancy Acts.

Publication of byelaws on Common.

10. All byelaws made under this Scheme shall be published on six notice boards placed on such parts of the common as to the Council may appear desirable.

Saving of Rights, etc., in the Soil and Highways.

11. Nothing in this Scheme or any byelaw made thereunder shall prejudice or affect any right of the person entitled as lord of the manor or otherwise to the soil of the common, or of any person claiming under him, which is lawfully exercisable in, over, under, or on the soil or surface of the common in connection with game, or with mines, minerals, or other substrata or otherwise, or prejudice or affect any right of the commoners in or over the common or the lawful use of any highway or thoroughfare on the common, or affect any power or obligation to repair any such highway or thoroughfare.

Copies of Schemes.

12. Printed copies of this Scheme shall at all times be sold at the Office of the Council to all persons desiring to buy the same at a price of Sixpence each.

The Common Seal of the Rural District Council of Wakefield was hereunto affixed by order of the Council at a meeting duly convened and held on the Twentieth day of February, One thousand nine hundred and fifty seven, in the presence of :-

J Crowther

Chairman

Ernest Admitt

Clerk

Approved by Order of the Minister of Agriculture, Fisheries and Food this nineteenth day of March 1957

L. Ashbridge

Authorised by the Minister