

STATES OF JERSEY

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DRAFT POLICING OF PARKS (JERSEY) REGULATIONS 200

**Lodged au Greffe on 8th March 2005
by the Environment and Public Services Committee**

STATES GREFFE



Jersey

DRAFT POLICING OF PARKS (JERSEY) REGULATIONS 200

REPORT

Background

The Policing of Parks Regulations 1962 originally regulated activities in formal parks in Jersey. These were Coronation Gardens, Millbrook, Howard Davis Park, Harvey Memorial Gardens, the Weighbridge Gardens, the public gardens at Gorey, Castle Green, Gorey, and Glacis Field, Fort Regent.

Since 1962, 14 sets of amending Regulations have been made, reflecting the growing amount of public land for which the Committee is responsible. The areas included under the Regulations by amendment were, like the original designated parks, described in writing.

In the 1990s it became increasingly obvious that the written description of the parks, which usually included just the name of the park, was inadequate. The boundaries of, for instance, Howard Davis Park are clear, but descriptions such as “The land situated seaward of the granite wall on the La Commune De Haut and south of the fence marking the southern boundary of Portelet House” do not adequately describe the boundary, leading to disputes about the exact delineation of the park.

Reason for amendment

To deal with this problem the Environment Department and the Parks and Gardens Department have collaborated with the Law Draftsman to replace the written description of each area designated as a park for the purposes of the Regulations with maps of each park. This innovatory approach is enabled by the computerised mapping system (GIS) now used by States Departments.

The changes and their effects

Previously it was necessary to consult all 14 amendments to the Regulations to find out which parks were included, and what type of park they were, with type referring to Regulation 5 of the Regulations.

The new Regulations update, without substantial change, the Policing of Parks Regulations 1962 and the subsequent 14 amending Regulations by consolidating the Schedules in the various amendments of parks listed under various types.

The main change is to replace the verbal description of each area that is a park for the purposes of the Regulations with a plan which shows the area in a more explicit manner.

There are no additional financial or manpower implications for the States arising from these draft Regulations.

Explanatory Note

These Regulations update, without substantial change, the Policing of Parks Regulations 1962 and the subsequent 14 amending Regulations.

The main change is to replace the verbal description of each area that is a park for the purposes of the Regulations with a plan that shows the area in a more explicit manner.



Jersey

DRAFT POLICING OF PARKS (JERSEY) REGULATIONS 200

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Regulation

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SCHEDULE

AREAS DESIGNATED AS PARKS

PART 1

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Jersey

DRAFT POLICING OF PARKS (JERSEY) REGULATIONS 200

Made

[date to be inserted]

Coming into force

[date to be inserted]

THE STATES, in exercise of the powers conferred on them by Order in Council of 26th December 1851,^[1] Article 49 of the Road Traffic (Jersey) Law 1956^[2] and the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957,^[3] have made the following Regulations –

1 Interpretation

(1) In these Regulations –

“authorized person”, in respect of a park, means –

- (a) a person appointed by the park authority to be an authorized person for the purposes of these Regulations; and
- (b) a police officer;

“Committee” means the Environment and Public Services Committee;

“cycle track”, “motor vehicle” and “pedal cycle” have the meanings assigned to those expressions by the Road Traffic (Jersey) Law 1956;^[4]

“park” means an area of land mentioned in Regulation 2;

“park authority”, in respect of a park, means –

- (a) in the case of Glacis Field, Fort Regent and Springfield Sports Ground, the Education, Sports and Culture Committee;
- (b) in the case of any other park owned or administered by the States, the Environment and Public Services Committee; and
- (c) in the case of a park owned or administered by a parish, the Connétable of the parish;

“plan” means a plan set out in the Schedule to these Regulations.

(2) In these Regulations a reference to a park by a Part number means a park that is shown coloured on a plan with a colour that corresponds to the colour shown next to that Part number in the legend at the start of the Schedule to these Regulations.

2 Parks

- (1) These Regulations apply to the areas of land shown edged green on the plans set out in the Schedule to these Regulations.
- (2) Subject to these Regulations, members of the public have the right of access to parks.

3 Prohibited acts in parks

- (1) A person must not –
 - (a) indulge in any behaviour in a park that unreasonably interferes with the comfort or convenience of others users of the park, or causes them annoyance or interferes with their enjoyment of the park;
 - (b) undertake any activity in a park likely to damage the park or to disrupt its maintenance;
 - (c) throw or discharge in a park any object to the danger of persons or property;
 - (d) use a motor vehicle or pedal cycle in any part of a park not set aside for that use;
 - (e) enter or go on any shrubbery, flower bed or other area of a park where it is clearly intended members of the public should not enter;
 - (f) destroy or injure a plant in a park;
 - (g) destroy, injure or take an animal, a bird (including an egg) or a fish in a park;
 - (h) injure, deface or damage a feature of a park;
 - (i) climb a tree or other feature in a park not set aside for that purpose;
 - (j) except in a receptacle provided for the purpose, leave refuse in a park;
 - (k) when in charge of a dog in a park, fail to clean up any faeces deposited by the dog;
 - (l) enter or remain in a park when it is closed.
- (2) A person who contravenes a provision of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.^[5]
- (3) It is a defence for a person charged with an offence under paragraph (1) to show that he or she was acting in accordance with permission given under Regulation 4(1).

4 Acts for which written permission of park authority is required

- (1) A person must not, in a park, do any of the things mentioned in paragraph (2) except with and in accordance with the written permission of the park authority which may be given subject to conditions and restrictions.
- (2) A person must not –
 - (a) exhibit a notice, advertisement or other written or pictorial matter;
 - (b) play loud amplified music, speech or other sounds;
 - (c) give a public address;
 - (d) give or take part in a public performance, display or exhibition;
 - (e) solicit or collect alms, donations, contributions or subscriptions;
 - (f) light a fire;
 - (g) discharge a firework;
 - (h) engage in a trade, profession or calling;
 - (i) discharge a firearm;
 - (j) operate a device capable of locating or detecting buried objects;
 - (k) allow to remain at rest or store a boat or a trailer, gear, equipment, tackle or other apparatus associated with a boat.
- (3) A person who contravenes a provision of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.^[6]

- (4) An authorized person has the same power to remove anything allowed to remain at rest or stored in a park contrary to paragraph (2)(k) as the person has to remove a vehicle from the park pursuant to the Road Traffic (Removal of Vehicles) (Jersey) Order 1963.^[7]

5 Animals in parks

- (1) Except as provided by this Regulation, a person must not –
 - (a) take an animal into a park; or
 - (b) being a person with responsibility for an animal, allow the animal to remain in a park.
- (2) A blind person in charge of a guide dog may take the dog into a park.
- (3) A police officer or an officer of the Impôts may take into a park a dog that is being worked by the officer in the course of his or her duty.
- (4) A person may take a dog into a Part 1 park so long as the dog is kept on a lead and is kept within the confines of established paths while it is in the park.
- (5) A person may take a dog into a Part 2 park so long as the dog is kept on a lead while it is in the park.
- (6) A person may take a dog into a Part 3 or 4 park.
- (7) A person may take a horse or pony into a Part 4 park so long as it is ridden or led on a road or riding way established for the purpose by the park authority.
- (8) A person who contravenes a provision of paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.^[8]

6 Cycle tracks in parks

- (1) A park authority may establish a cycle track within a park.
- (2) Articles 14, 14B, 15, 16, 16F, 18, 24, 25, 26, 27 and 36 of the Road Traffic (Jersey) Law 1956^[9] shall apply to a pedal cycle ridden on a cycle track established under paragraph (1).

7 Road train track

- (1) The Committee may –
 - (a) set aside a road train track on the promenade between West Park and St. Aubin; and
 - (b) authorize the track to be used to provide a road train service.
- (2) The Committee must not authorize a person to provide a road train service in accordance with paragraph (1)(b) unless it is satisfied that the person operating the service–
 - (a) is the holder of a public service vehicle licence issued under the Motor Traffic (Jersey) Law 1935^[10] for each motor vehicle to be used to provide the service that authorizes the vehicle to be used to provide a char-à-banc service; and
 - (b) has the insurance cover required by the Motor Traffic (Third-Party Insurance) (Jersey) Law 1948^[11] for each motor vehicle to be used to provide the service.
- (3) The Road Traffic (Jersey) Law 1956,^[12] Motor Traffic (Third-Party Insurance) (Jersey) Law 1948^[13] and Motor Traffic (Jersey) Law 1935^[14] apply to the driving of a road train on a road train track set aside in accordance with paragraph (1)(a) as they apply to the driving of a motor vehicle on a road.
- (4) For the purpose of the Road Traffic (Jersey) Law 1956^[15] the speed limit for a road train on a road

train track is 10 miles an hour.

- (5) The Committee may establish as a cycle track a road train track set aside in accordance with paragraph (1)(a).
- (6) In this Regulation “road train service” means a service that consists of the carriage of passengers for hire or reward by a vehicle that consist of a motor vehicle and one or more trailers constructed for the carriage of passengers.

8 Authorized persons

- (1) A park authority must issue each authorized person it appoints with an identity card that –
 - (a) contains the name of the authorized person; and
 - (b) states that the person is an authorized person for the purposes of these Regulations.
- (2) If an authorized person believes that a person has committed an offence under these Regulations the authorized person may, after showing his or her identity card to the person, require the person to give his name and address.
- (3) A person who fails or refuses to comply with a requirement made under paragraph (2) or who gives a false name or address shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale. ^[16]

9 Holding of events in parks

- (1) The park authority in respect of a park may close the park or any part of it to the public at any time and –
 - (a) grant the use of the park or the part of it to a person to hold an event, whether or not for payment and subject to such conditions and restrictions as the authority may determine; or
 - (b) use the park or the part of it to hold an event.
- (2) Admission by the public to a park or any part of it closed to the public under paragraph (1), may be made subject to the payment of an amount determined by –
 - (a) the park authority; or
 - (b) with the consent of the park authority, the person to whom the use of the park, or part of it has been granted.
- (3) The park authority must ensure that adequate public notice is given of the closure of the park or a part of it under this Regulation.

10 Application of fines levied summarily

A fine for an offences against any of these Regulations that is levied summarily by a Connétable or Centenier in the exercise of a power conferred on him or her by Article 1 of the Policing of Roads, Parks and Sea Beaches (Application of Fines) (Jersey) Law 1957^[17] shall be –

- (a) awarded for the benefit of the parish in which the offence was committed; and
- (b) applied by the parish towards the cost of maintaining the by-roads of the parish.

11 Repeal

The following Regulations are repealed –

- (a) Policing of Parks (Jersey) Regulations 1962;^[18]

- (b) Policing of Parks (Amendment) (Jersey) Regulations 1966;^[19]
- (c) Policing of Parks (Amendment No. 2) (Jersey) Regulations 1979;^[20]
- (d) Policing of Parks (Amendment No. 3) (Jersey) Regulations 1982;^[21]
- (e) Policing of Parks (Amendment No.4) (Jersey) Regulations 1984;^[22]
- (f) Policing of Parks (Amendment No. 5) (Jersey) Regulations 1989;^[23]
- (g) Policing of Parks (Amendment No. 6) (Jersey) Regulations 1990;^[24]
- (h) Policing of Parks (Amendment No. 7) (Jersey) Regulations 1990;^[25]
- (i) Policing of Parks (Amendment No. 8) (Jersey) Regulations 1992;^[26]
- (j) Policing of Parks (Amendment No. 9) (Jersey) Regulations 1993;^[27]
- (k) Policing of Parks (Amendment No. 10) (Jersey) Regulations 1995;^[28]
- (l) Policing of Parks (Amendment No. 11) (Jersey) Regulations 1995;^[29]
- (m) Policing of Parks (Amendment No. 12) (Jersey) Regulations 1997;^[30]
- (n) Policing of Parks (Amendment No. 13) (Jersey) Regulations 1998;^[31]
- (o) Policing of Parks (Amendment No. 14) (Jersey) Regulations 2003^[32]

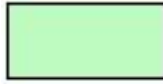
12 Citation and commencement

- (1) These Regulations may be cited as the Policing of Parks (Jersey) Regulations 200-.
- (2) They shall come into force on the seventh day after they are made.

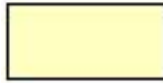
SCHEDULE

(Regulation 2)

AREAS DESIGNATED AS PARKS



PART 1



PART 2



PART 3

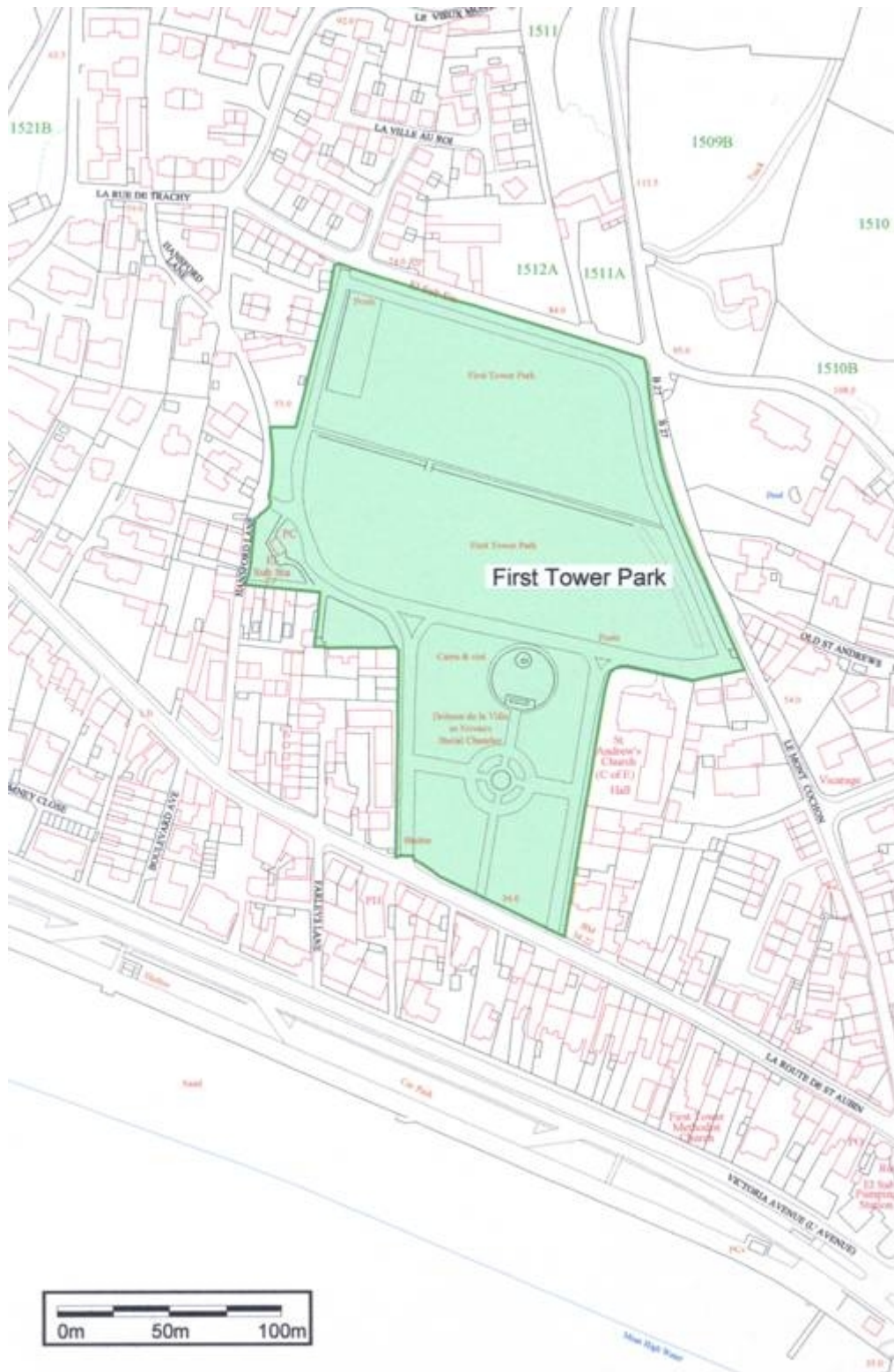


PART 4

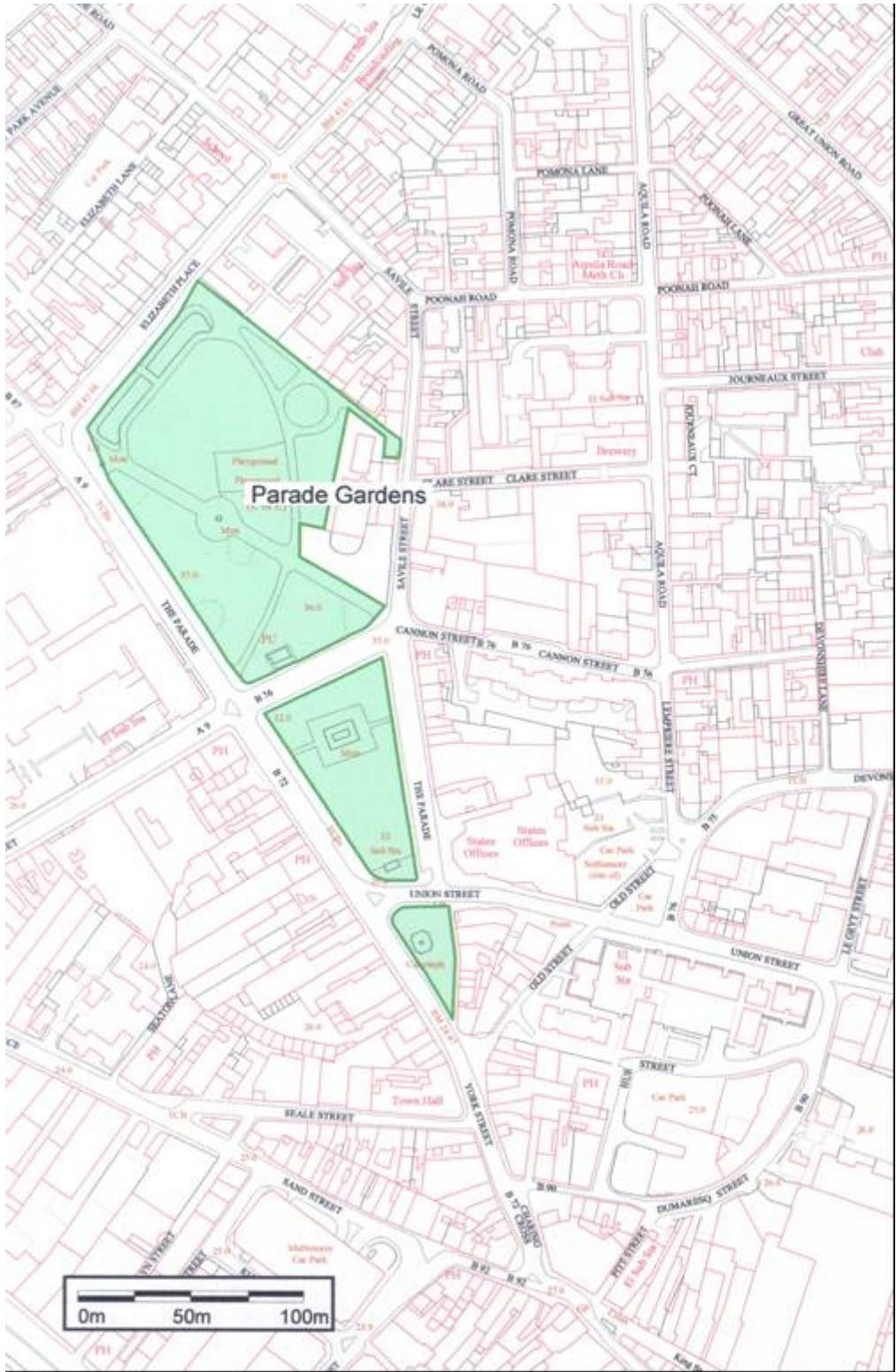


PART 5

PART 1



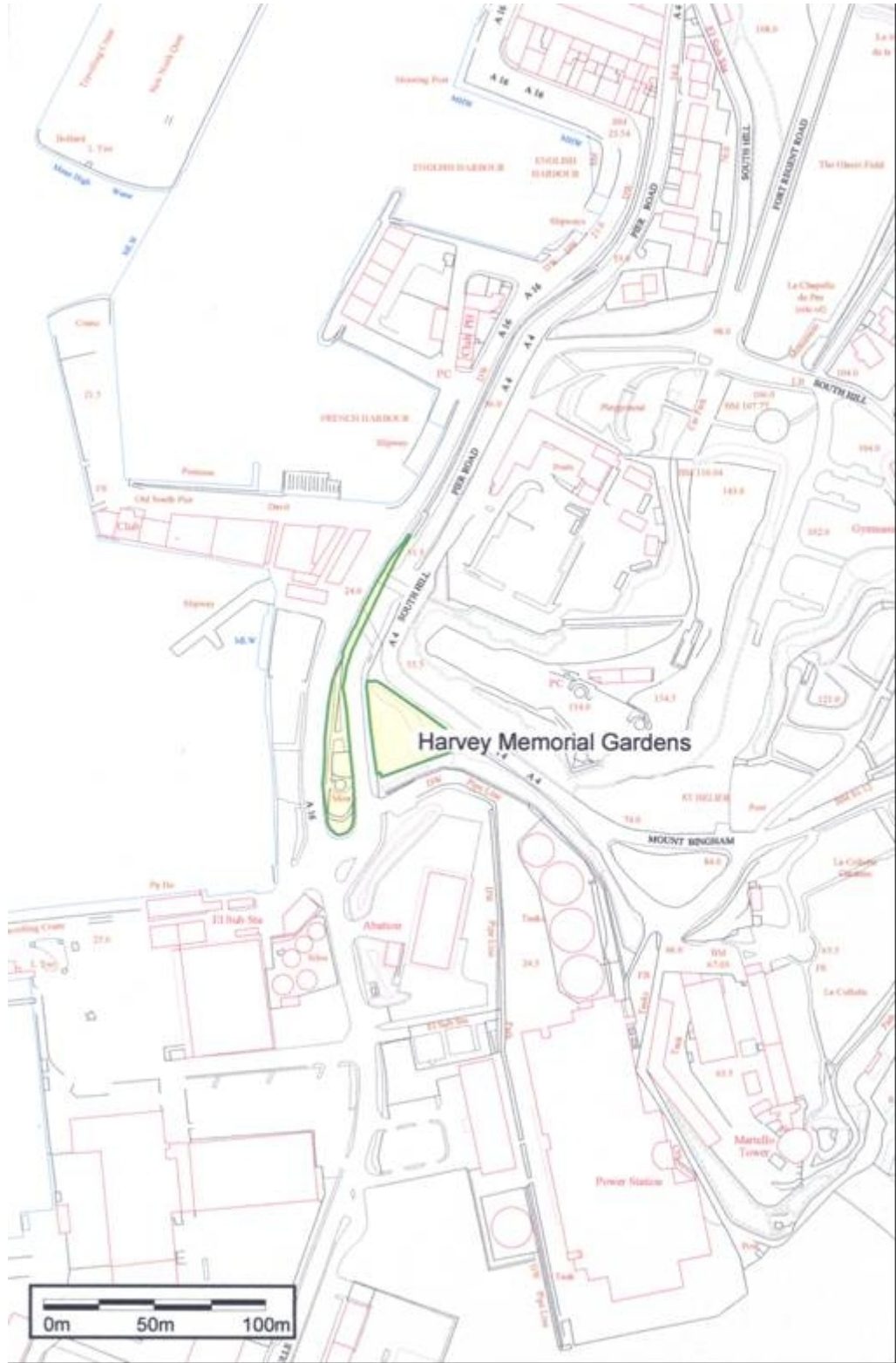


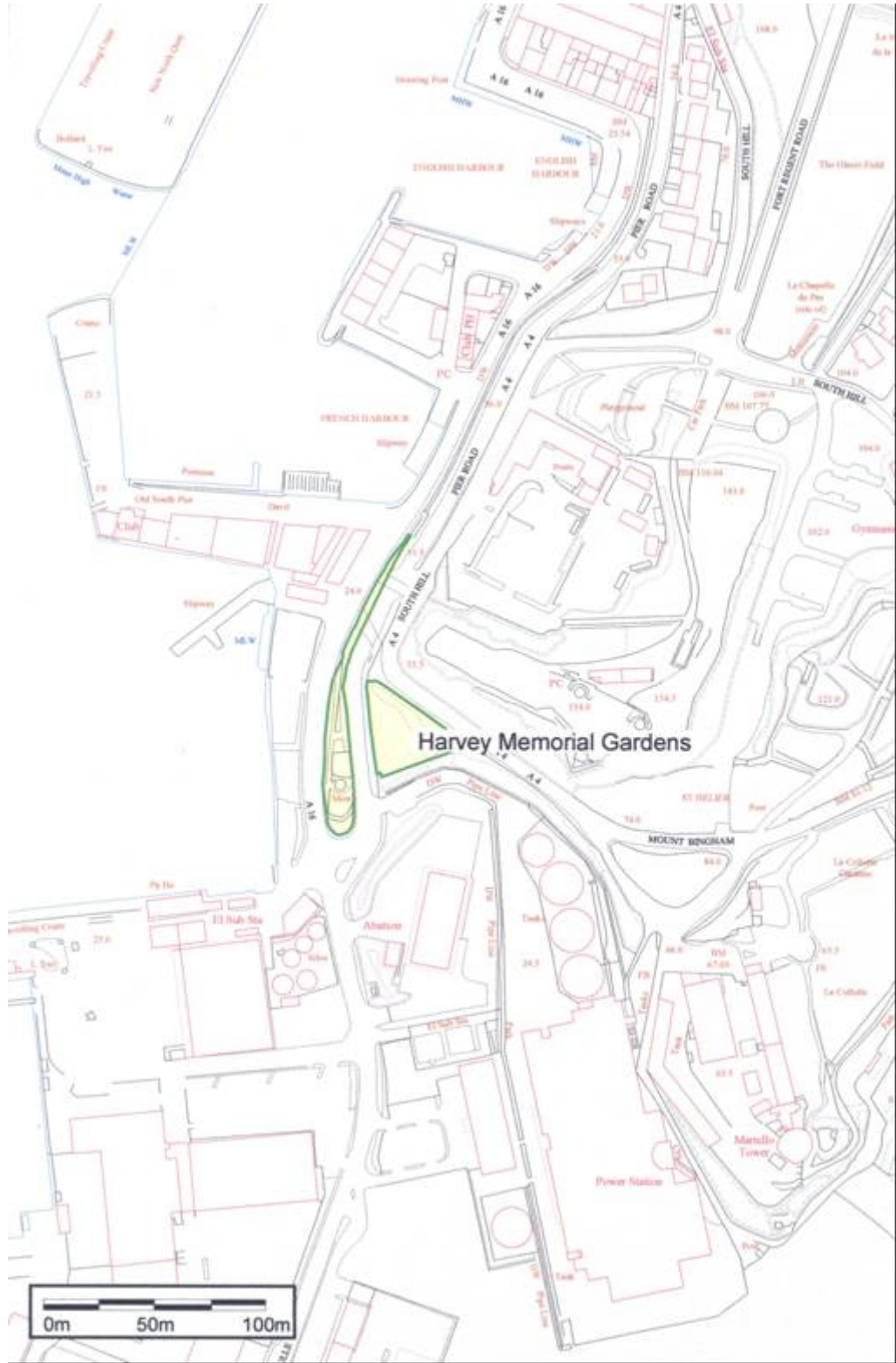




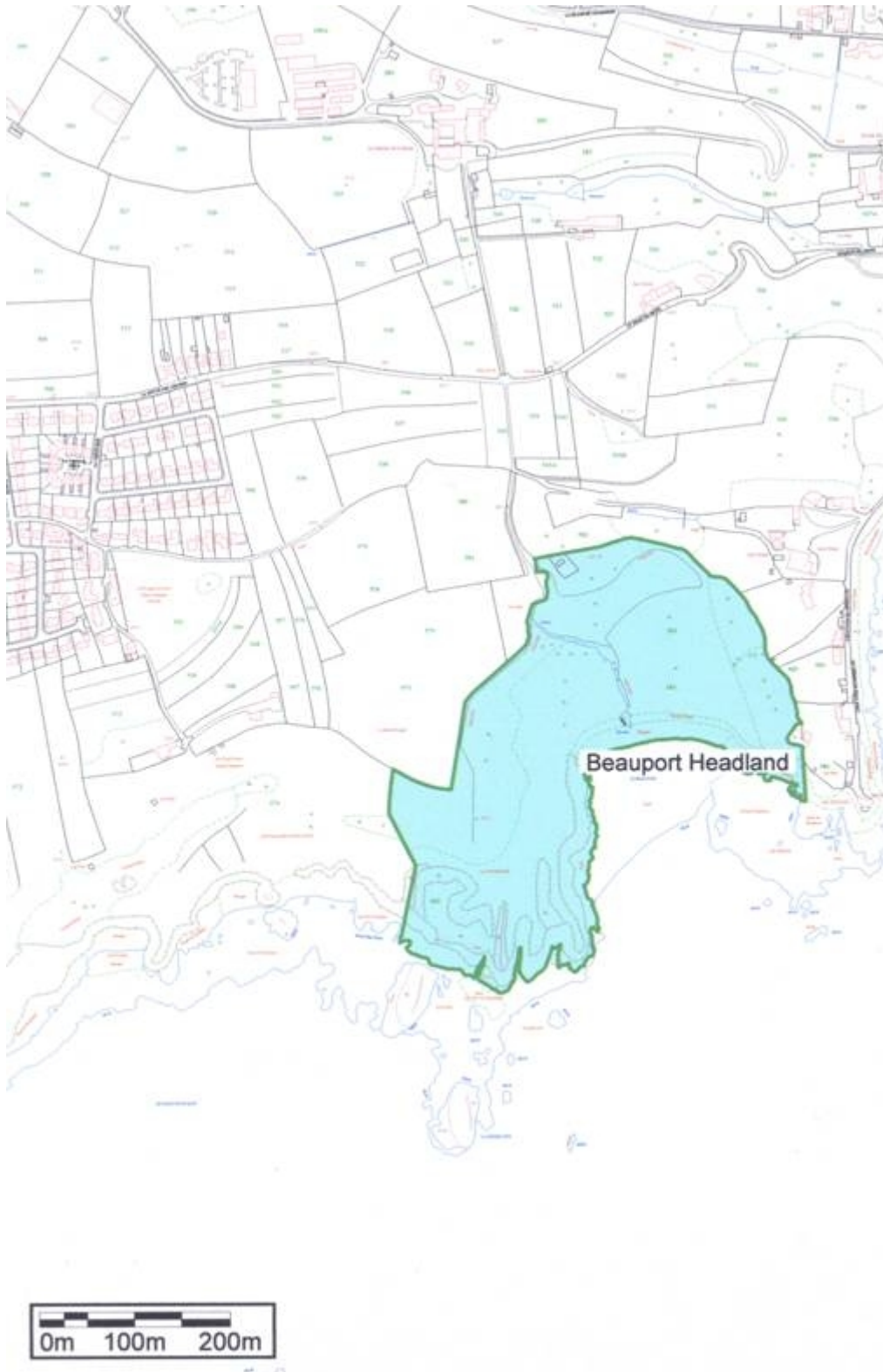
PART 2

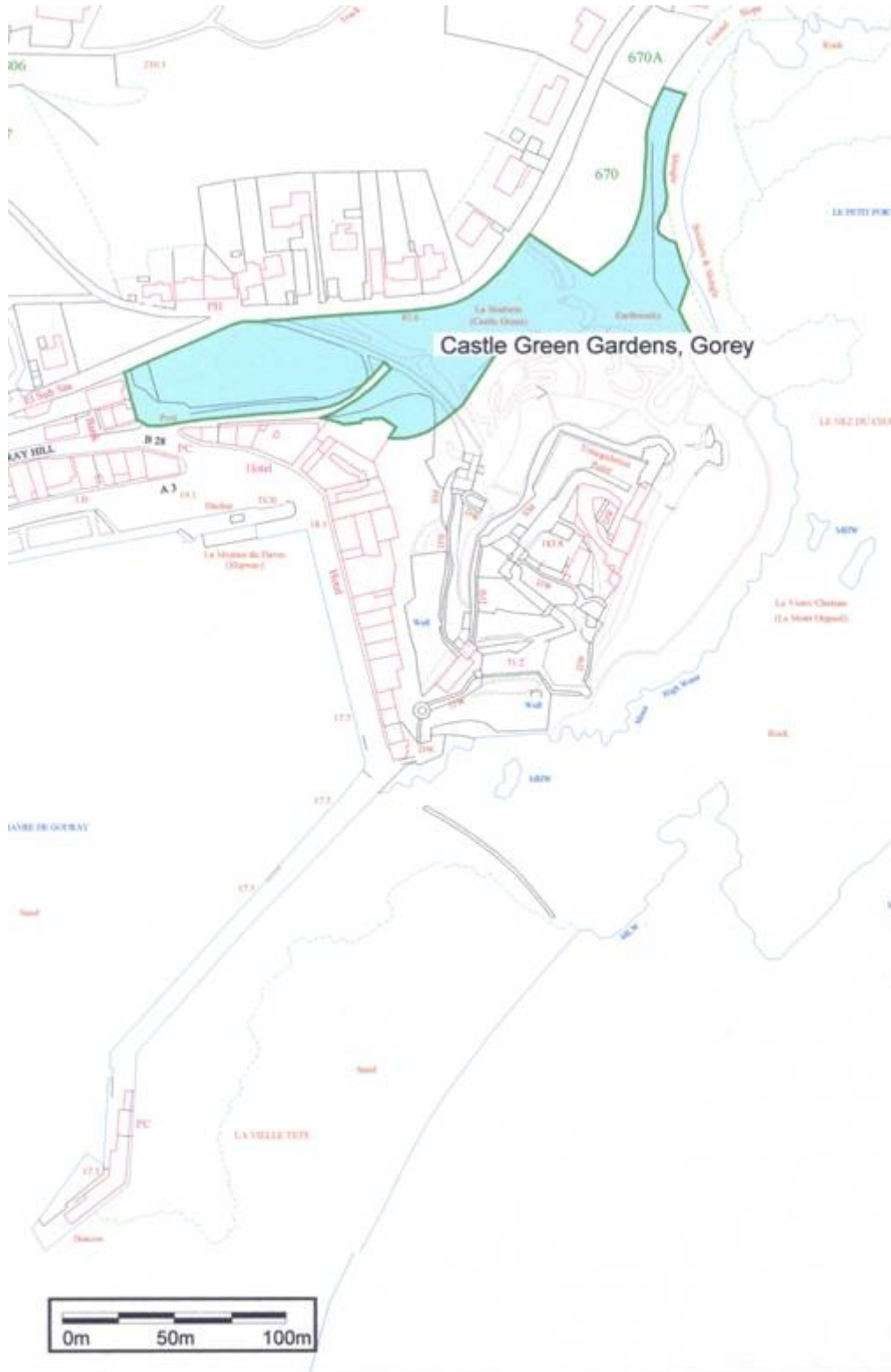




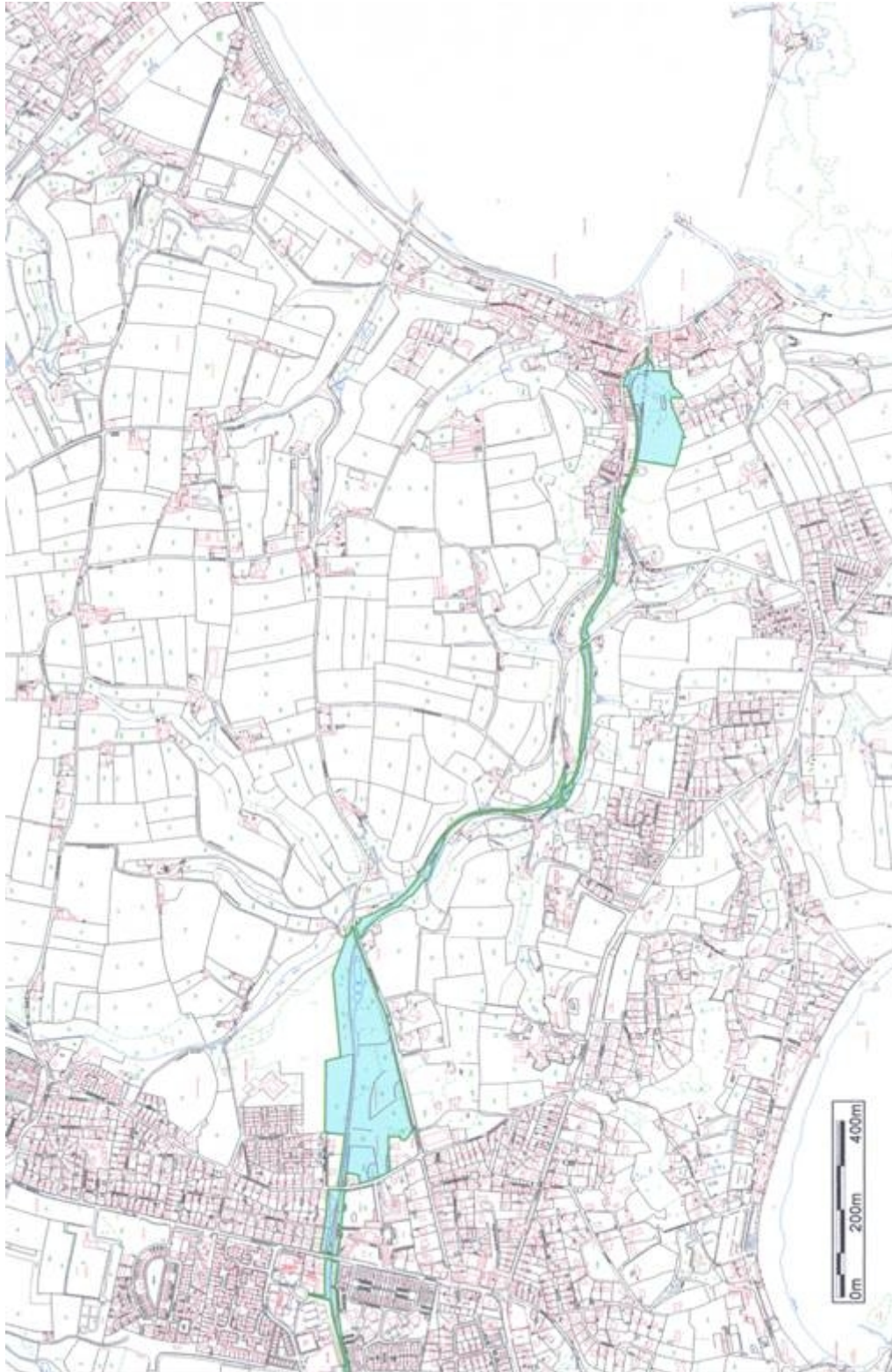


PART 3

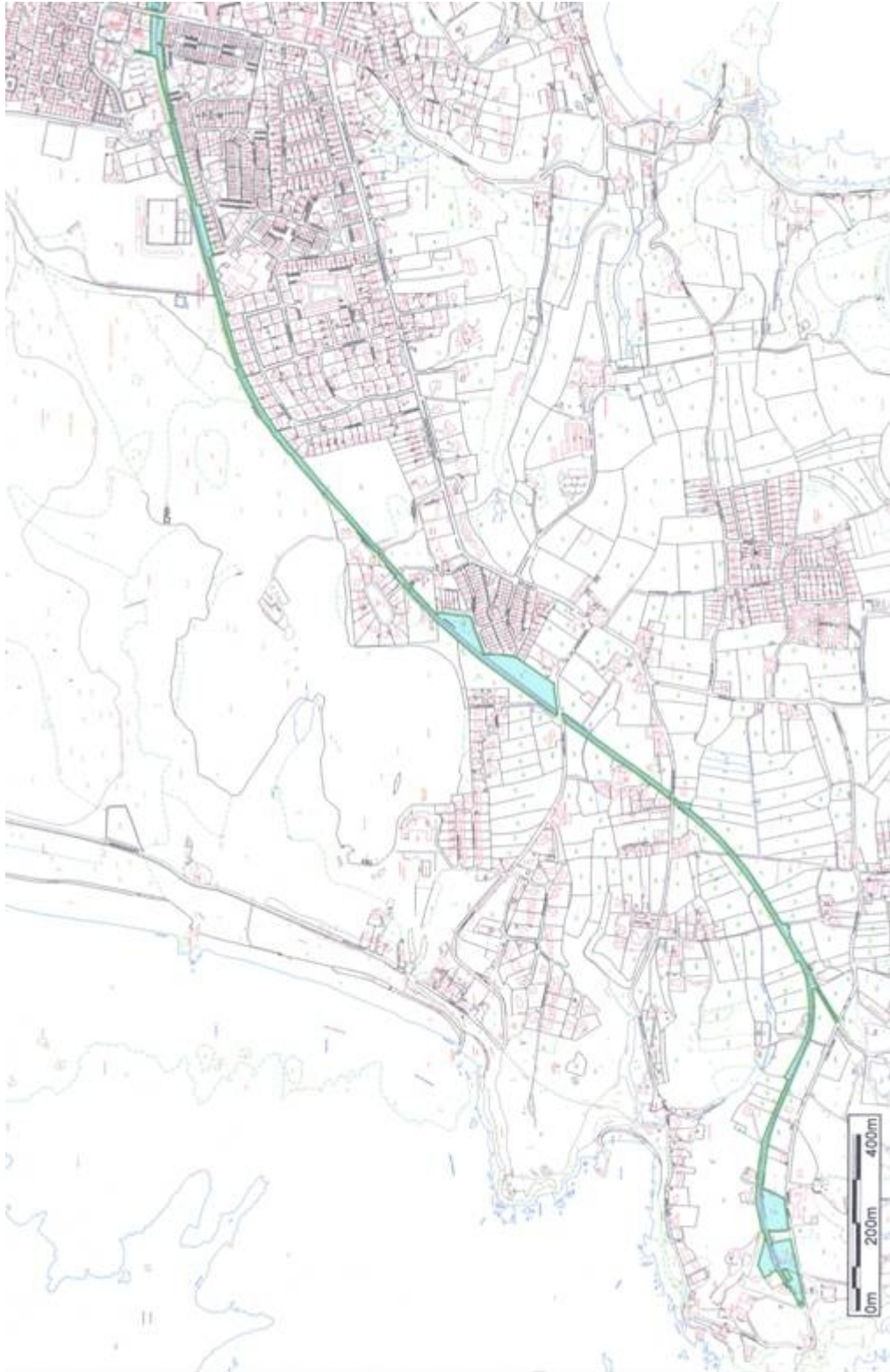




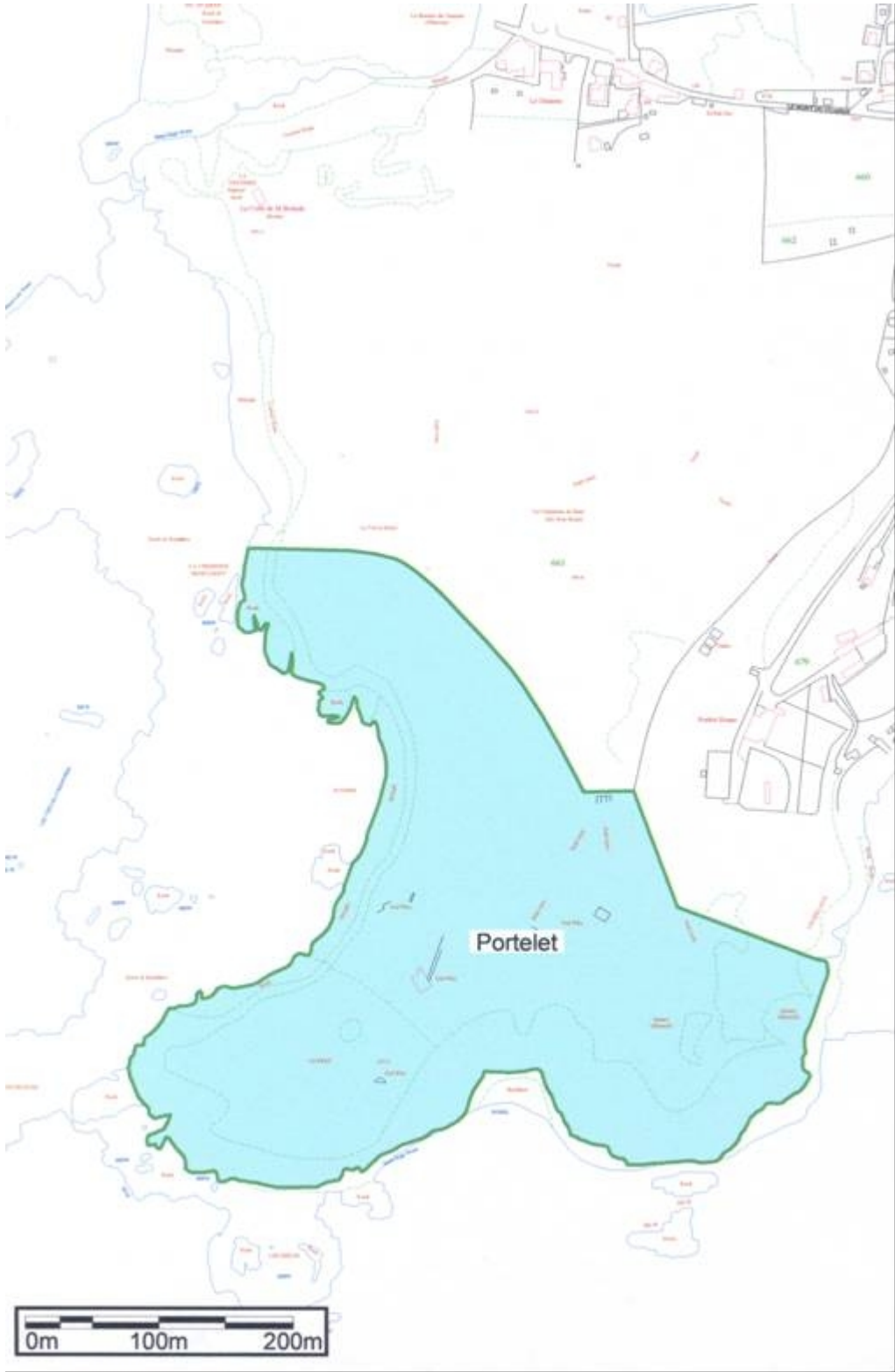
The Corbière Walk – Plan 1

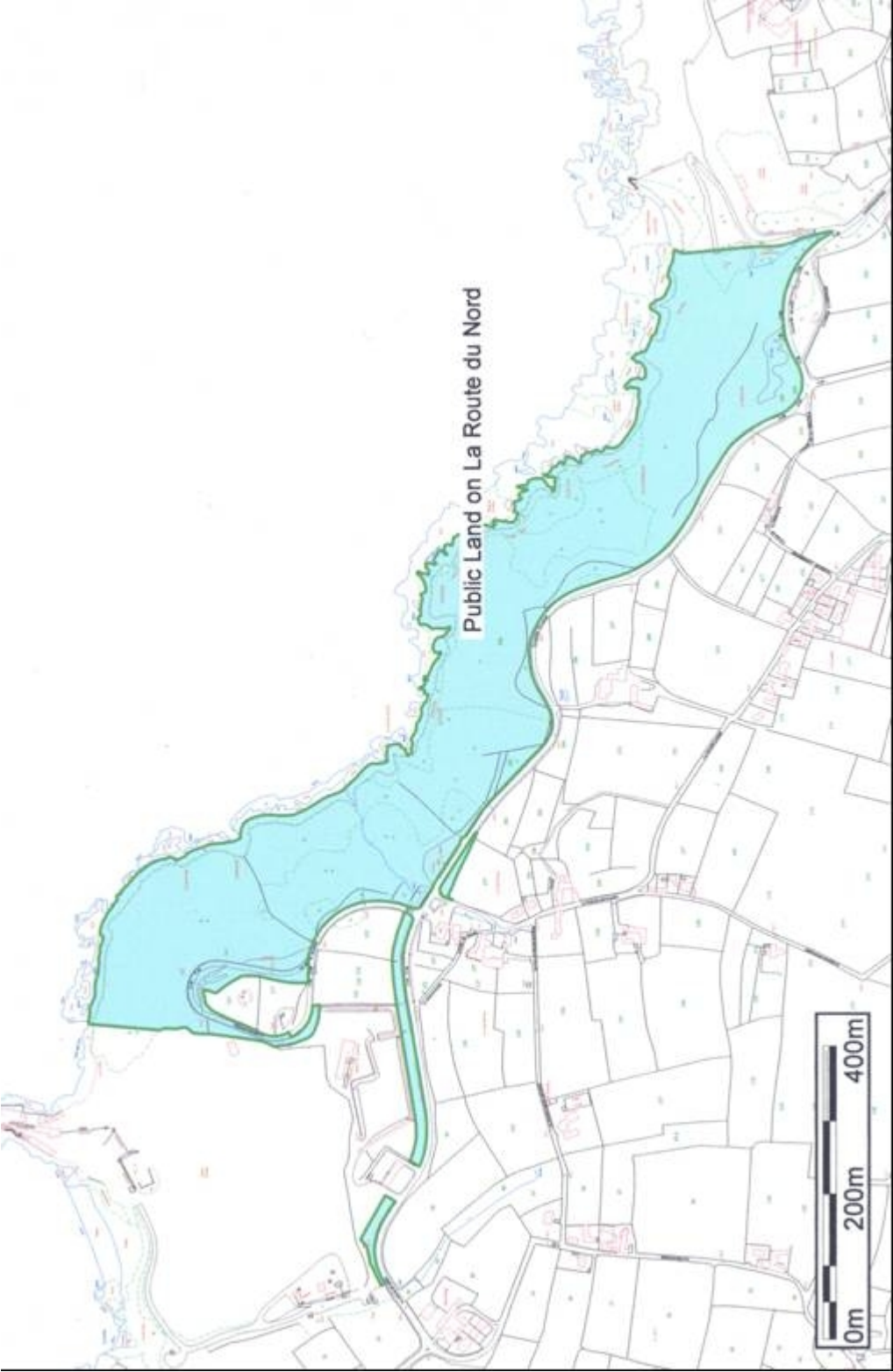


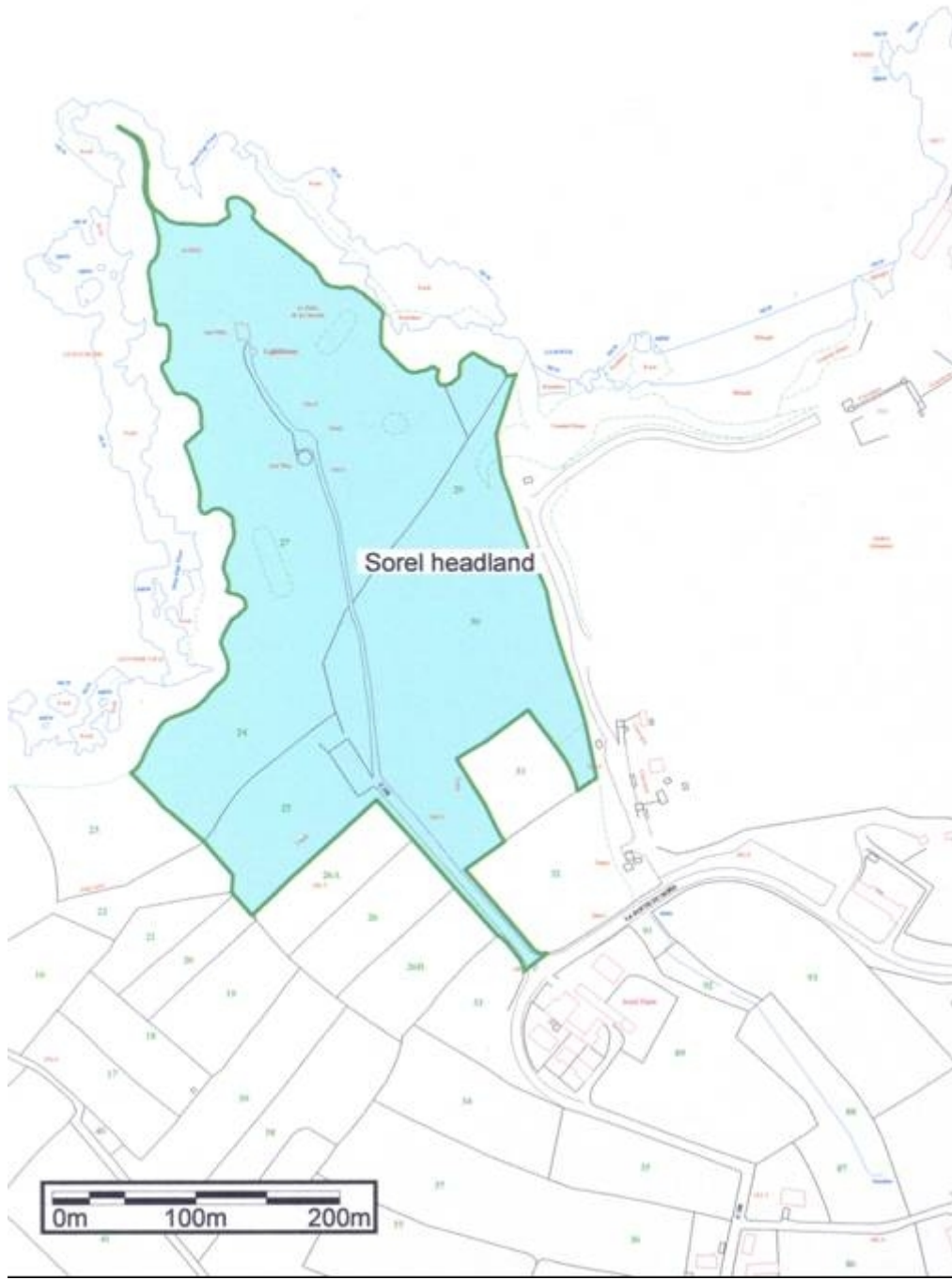
The Corbière Walk – Plan 2











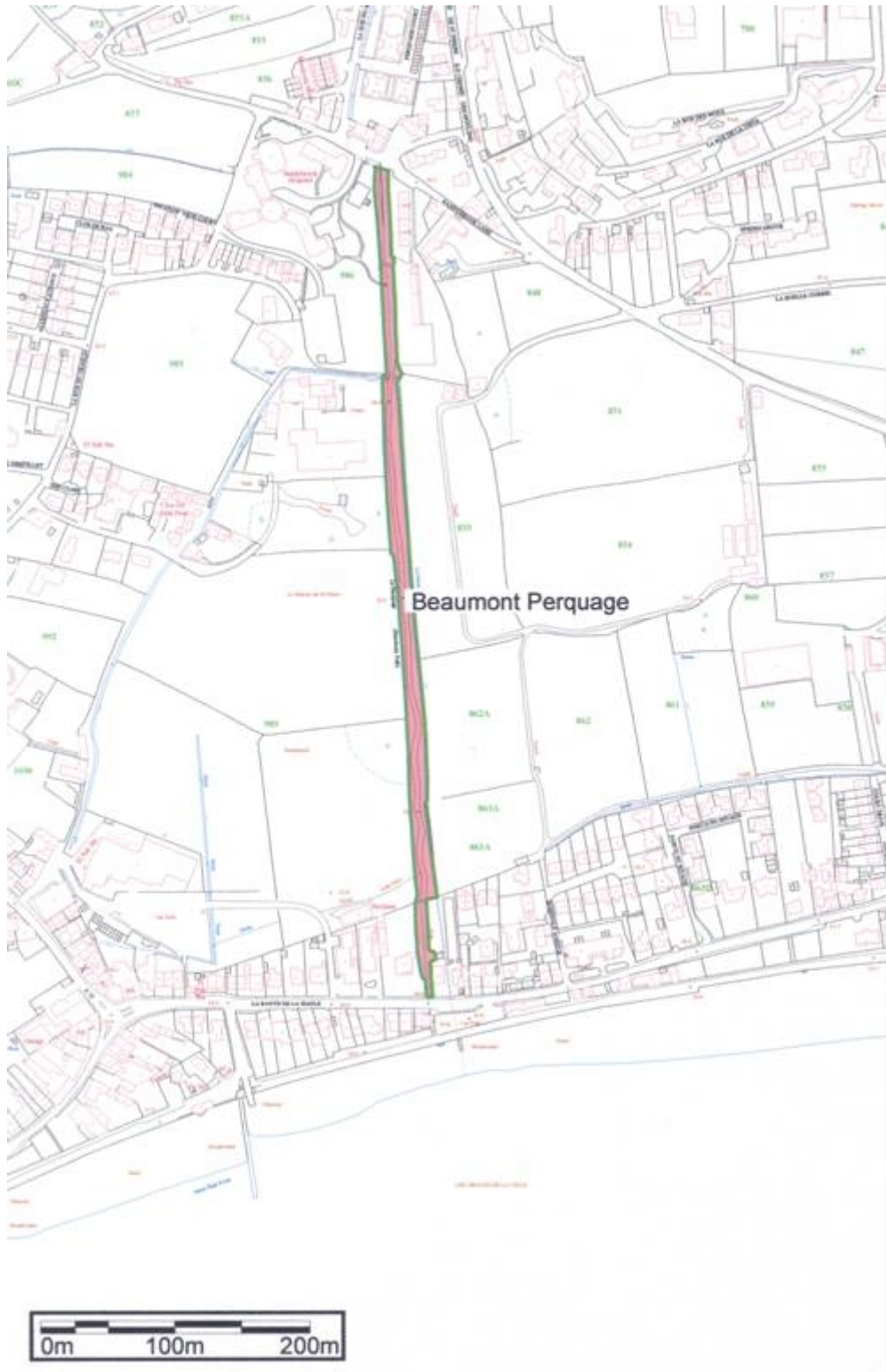
Promenade and gardens from St. Helier to St. Aubin – Plan 1

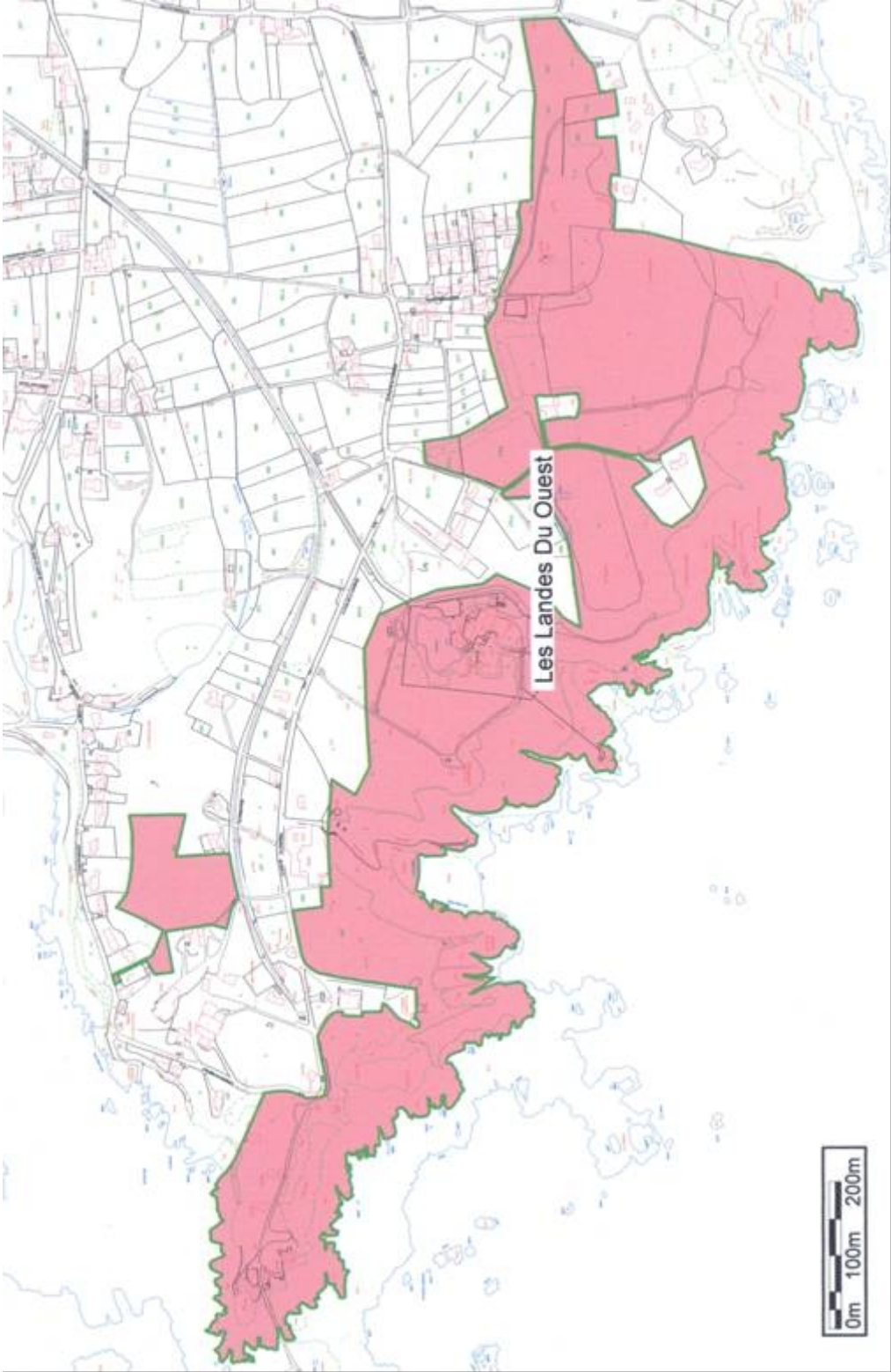


Promenade and gardens from St. Helier to St. Aubin – Plan 2

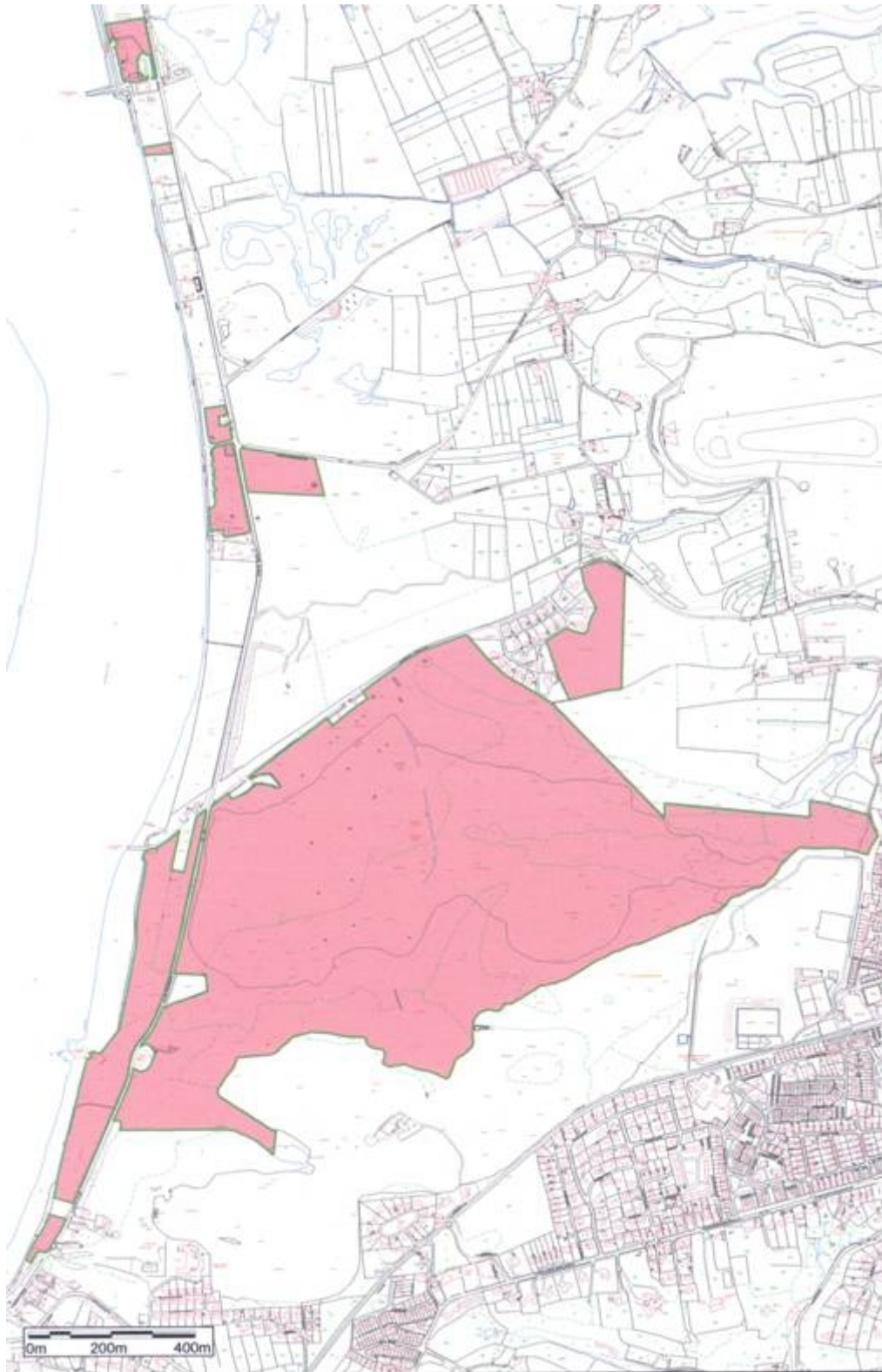


PART 4

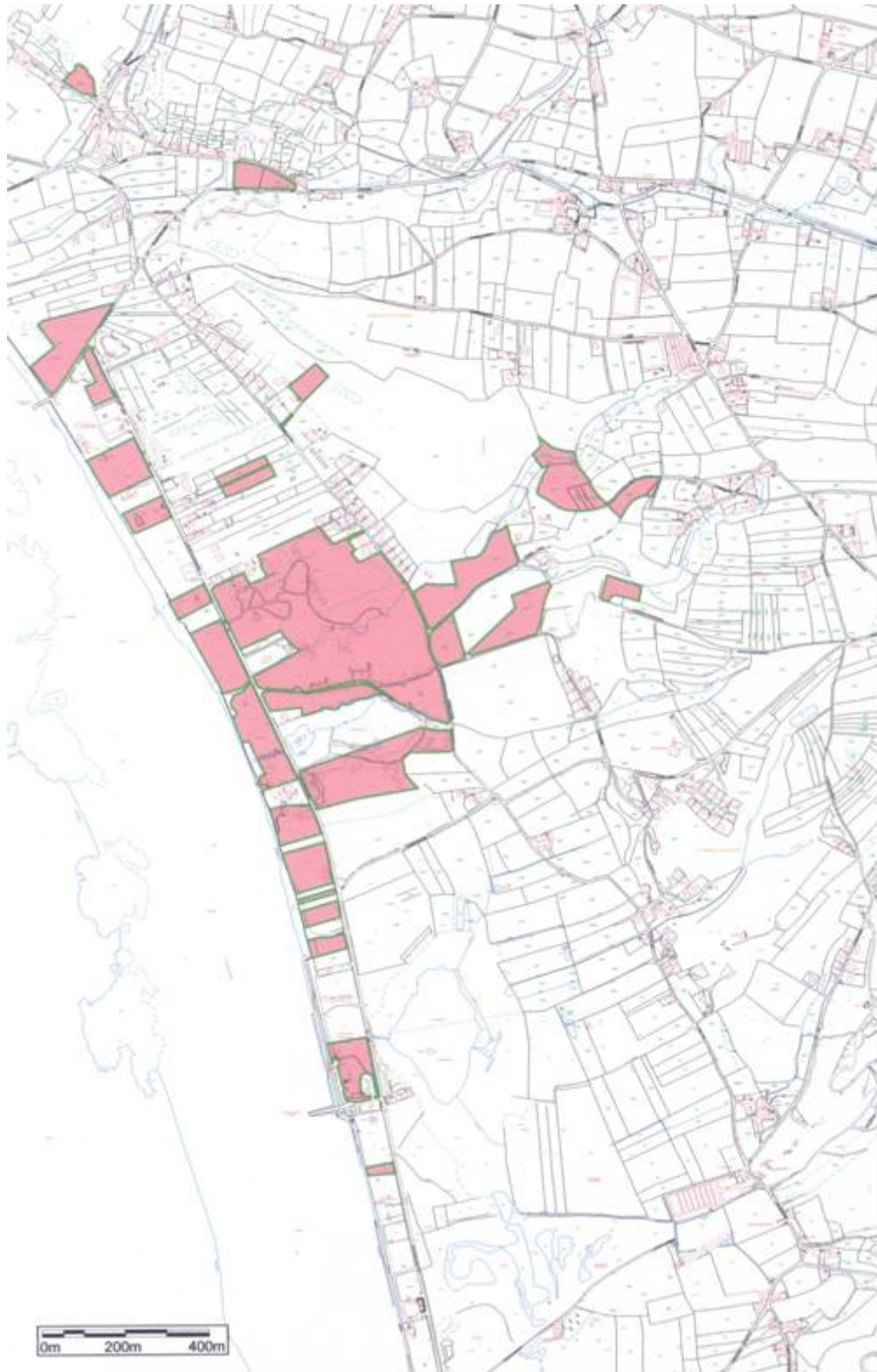


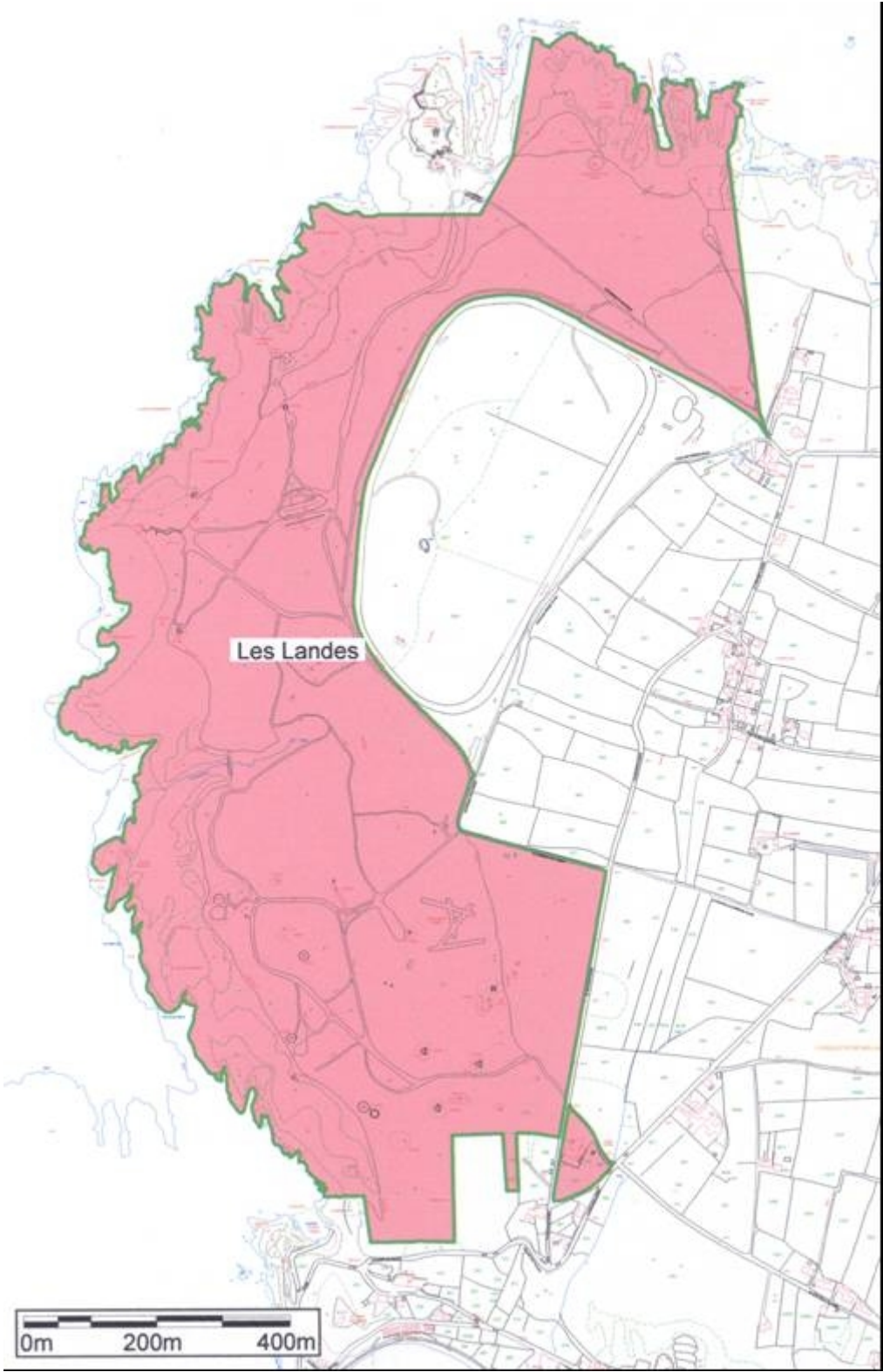


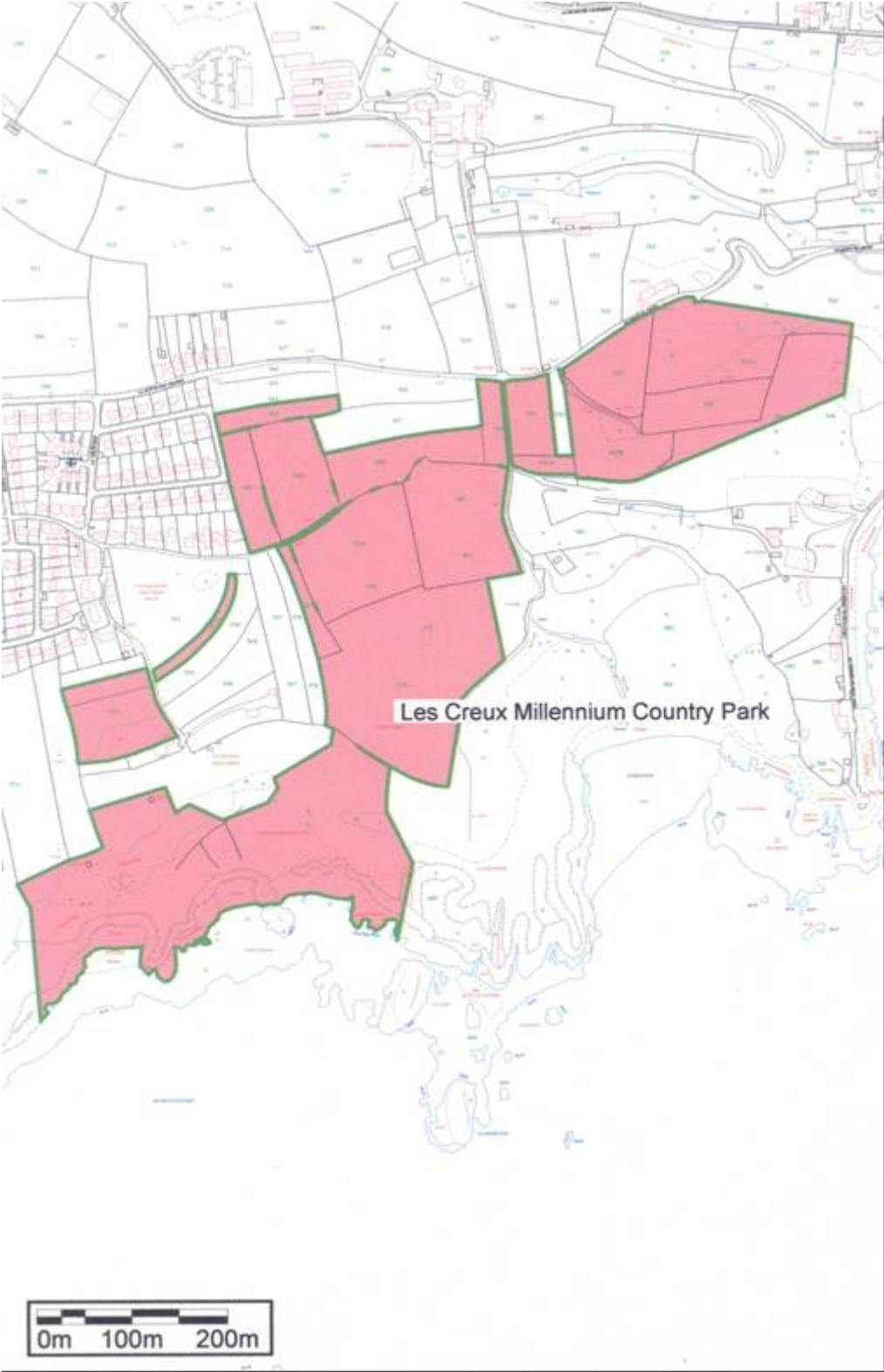
Les Mielles – Plan 1

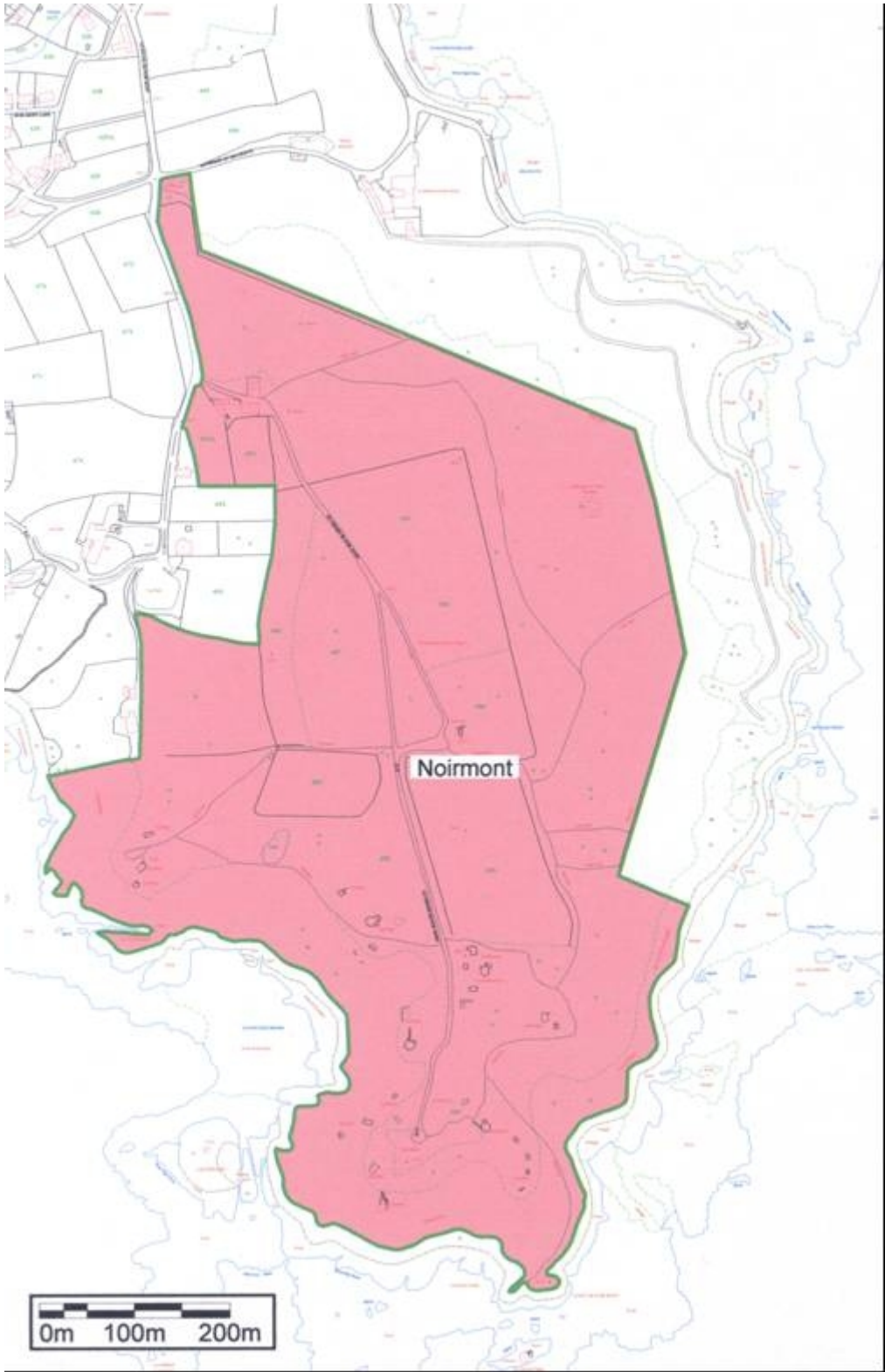


Les Mielles – Plan 2



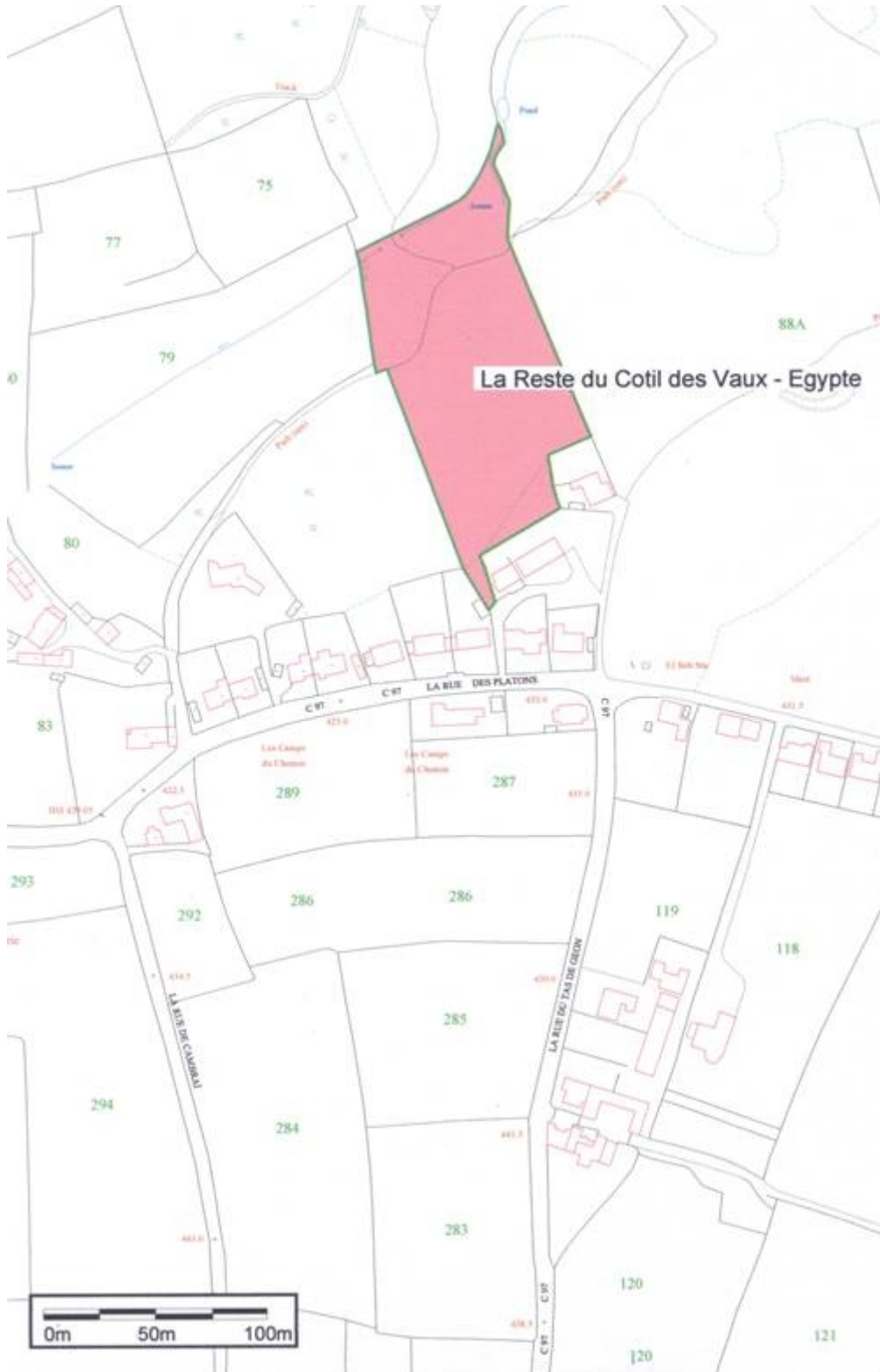




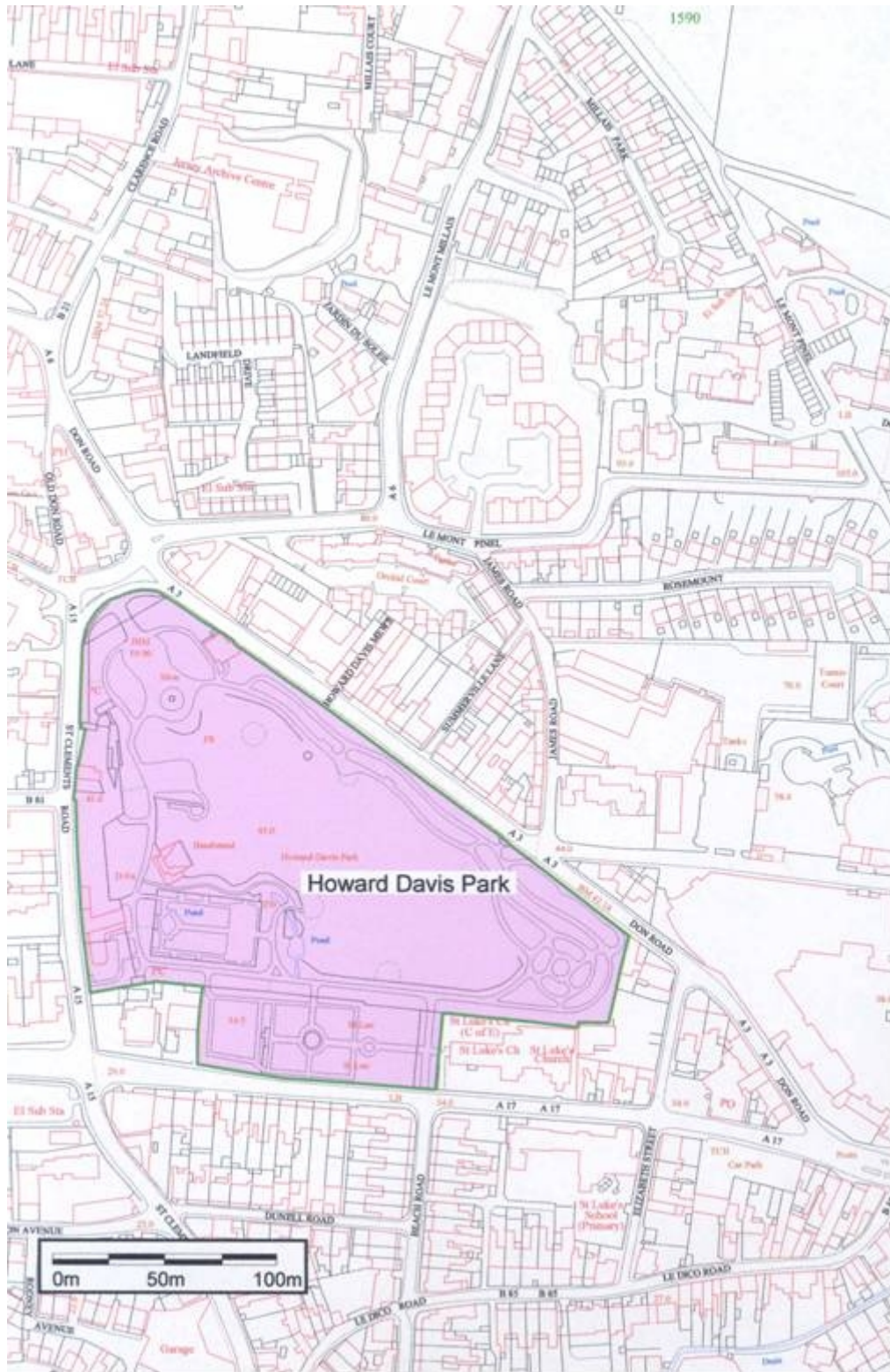


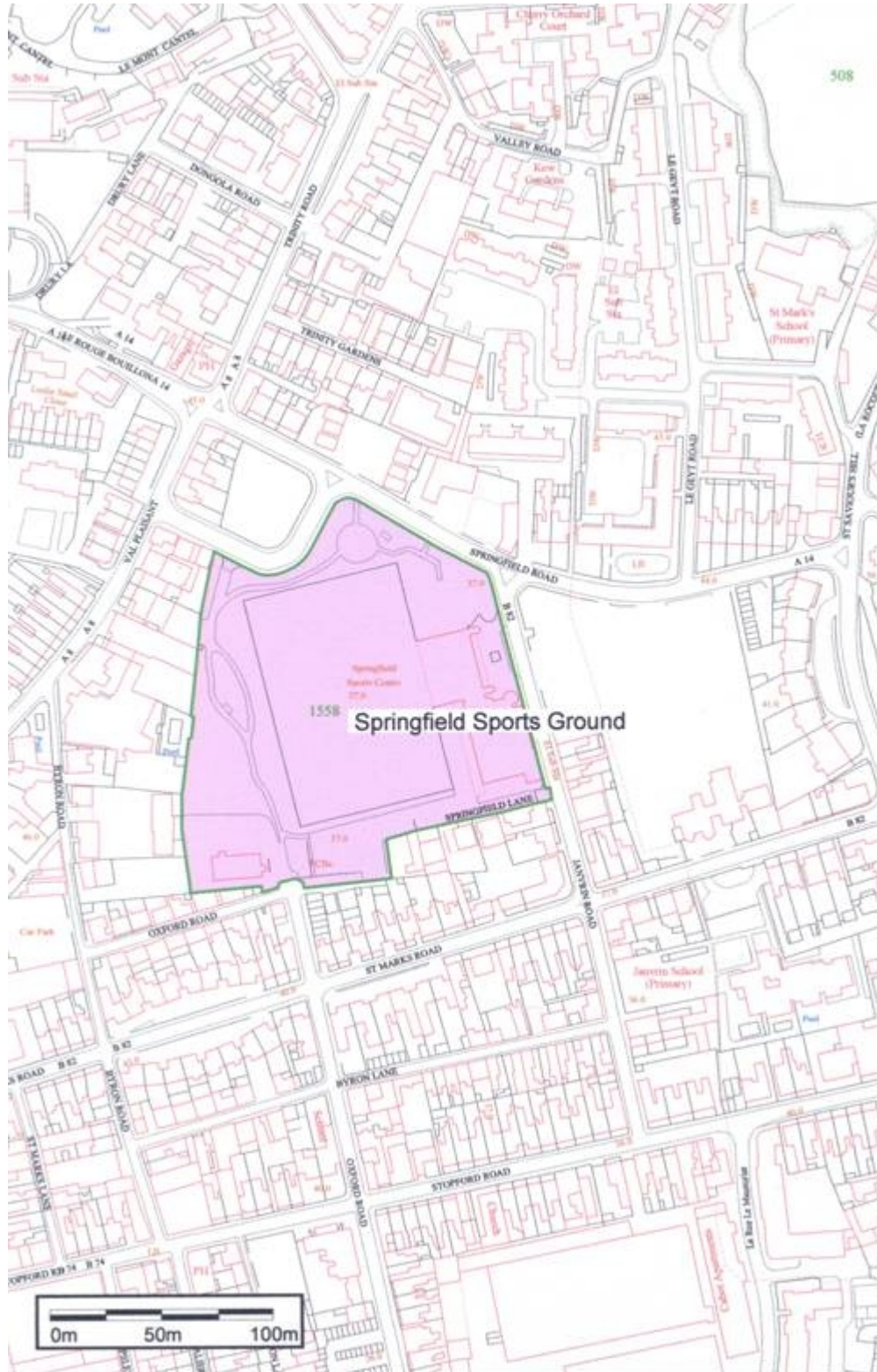
Promenade and gardens from St. Helier to St. Aubin – Beach access





PART 5





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- [1] *Recueil des Lois, Tomes I-III, page 196.*
- [2] *Recueil des Lois, Tome VIII, page 636.*
- [3] *Recueil des Lois, Tome VIII, page 735 and Volume 1994-1995, page 131.*
- [4] *Recueil des Lois, Tome VIII, pages 580 and 584 and No. 9294.*
- [5] *Recueil des Lois, Volume 1992-1993, page 437.*
- [6] *Recueil des Lois, Volume 1992-1993, page 437.*
- [7] *Nos. 4459, 7893 and 8636.*
- [8] *Recueil des Lois, Volume 1992-1993, page 437.*
- [9] *Recueil des Lois, Tome VIII, pages 601 to 604, 606, 610, 611 and 626 and Nos. 8016, 8077, 8096, 8624, 9116, 9294 and 50/2002.*
- [10] *Recueil des Lois, Tome VII, page 160, Volume 1975-1978, page 403, Volume 1979-1981, pages 111, 187 and 231, Volume 1986-1987, page 1, Volume 2001, page 7 and Nos. 7818, 8200, 8341, 8654, 8721, 8989, 115/2001, 30/2002, 133/2002 and 36/2003.*
- [11] *Recueil des Lois, Tome VII, page 483, Volume 1979-1981, pages 109 and 381, Volume 1988-1989, pages 243 and 411, Volume 1992-1993, page 279, Volume 1994-1995, page 293, Volume 1996-1997, page 283, Volume 1999, page 418 and Volume 2003, page 439.*
- [12] *Recueil des Lois, Tome VIII, page 579, Volume 2005, page 175 and Nos. 6998, 7004, 7020, 7072, 7081, 7219, 7229, 7411, 7472, 7495, 7700, 7878, 7917, 8016, 8076, 8077, 8096, 8150, 8160, 8196, 8340, 8457, 8624, 8722, 9116, 9180, 9205, 9294, 9308, 31/2001, 178/2001, 50/2002, 137/2003, 138/2003 and 153/2003.*
- [13] *Recueil des Lois, Tome VII, page 483, Volume 1979-1981, pages 109 and 381, Volume 1988-1989, pages 243 and 411, Volume 1992-1993, page 279, Volume 1994-1995, page 293, Volume 1996-1997, page 283, Volume 1999, page 418 and Volume 2003, page 439.*
- [14] *Recueil des Lois, Tome VII, page 160, Volume 1975-1978, page 403, Volume 1979-1981, pages 111, 187 and 231, Volume 1986-1987, page 1, Volume 2001, page 7 and Nos. 7818, 8200, 8341, 8654, 8721, 8989, 115/2001, 30/2002, 133/2002 and 36/2003.*
- [15] *Recueil des Lois, Tome VIII, page 579, Volume 2005, page 175 and Nos. 6998, 7004, 7020, 7072, 7081, 7219, 7229, 7411, 7472, 7495, 7700, 7878, 7917, 8016, 8076, 8077, 8096, 8150, 8160, 8196, 8340, 8457, 8624, 8722, 9116, 9180, 9205, 9294, 9308, 31/2001, 178/2001, 50/2002, 137/2003, 138/2003 and 153/2003.*
- [16] *Recueil des Lois, Volume 1992-1993, page 437.*
- [17] *Recueil des Lois, Tome VIII, page 735 and Volume 1994-1995, page 131.*
- [18] *No. 4332.*
- [19] *No. 4844.*
- [20] *No. 6743.*
- [21] *No. 7114.*
- [22] *No. 7291.*
- [23] *No. 7930.*
- [24] *No. 8017.*
- [25] *No. 8080.*
- [26] *No. 8388.*
- [27] *No. 8551.*
- [28] *No. 8822.*
- [29] *No. 8878.*

[30] No. 9088.

[31] No. 9309.

[32] No. 106/2003.