



COMHAIRLE NAN EILEAN

Western Isles Islands Council

BYELAWS

for the Preservation, Management and Regulation

of the

LEWS CASTLE POLICIES

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THE WESTERN ISLES ISLANDS COUNCIL, incorporated under the Local Government (Scotland) Act 1973 by virtue of the powers contained in Section 18 of the Local Government and Planning (Scotland) Act 1982 and Section 203 of the said Local Government (Scotland) Act 1973 as amended by Section 289C of the Criminal Procedure (Scotland) Act 1975 and Paragraph 5 of Schedule 11 of the Criminal Law Act 1977, HEREBY MAKE the following Byelaws for the preservation, management and regulation of the Lews Castle Policies and for the prevention of offences, nuisances or annoyances therein and for ensuring good order in the use thereof.

1 INTERPRETATION

Throughout these Byelaws, the following expressions shall have the meanings hereinafter assigned to them as follows:-

"The Council" means the Western Isles Islands Council incorporated under the Local Government (Scotland) Act 1973.

"The Trust" means the Stornoway Trust incorporated under the Stornoway Trust Order Confirmation Act, 1975.

"The Policies" means The Lews Castle Policies being the whole of the land contained in the area in the Parish of Stornoway bounded on or towards the east and north-east by Stornoway Harbour and Willowglen Road, on or towards the

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north, north-west and west by the public highway leading from Stornoway to Tarbert (A859), and on or towards the south-west and south by the existing boundary fence situated on the south side of the River Creed, being an area owned and managed by the Trust and used as a public park.

"appropriate official" means any person employed by the Trust and concerned with the supervision and control of the Lews Castle Policies.

"child" means a person under sixteen years of age.

"notice" means a notice issued by or with authority of the Trust and posted on. at or near the place to which it refers.

"vehicle" means a mechanically propelled vehicle intended or adapted for use on roads and includes a motor cycle, not being an invalid carriage with less than four wheels and the weight of which, unladen, does not exceed 8 cwt.

"cycle" means a pedal bicycle or pedal tricycle.

"invalid carriage" means a mechanically propelled vehicle, the weight of which, unladen, does not exceed 8 cwt; and which is specially designed and constructed, and not merely adapted. for the use of a person suffering from some physical defect or disability and is used solely by such a person.

Any person appointed by the Trust as an appropriate official may exercise in relation to the Policies any of the powers specified in or referred to in any of these present Byelaws and without prejudice to the foregoing may eject from the Policies any person found infringing these Byelaws or committing a criminal offence and may require any person found infringing these Byelaws or committing a criminal offence to give his name and address and any person failing or refusing to do so will be guilty of an offence against these Byelaws and the production of the instrument of his appointment purporting to be signed by or on behalf of the Trust shall be a sufficient warrant for the exercise of any such powers.

2 EXEMPTION OF OFFICERS AND OFFICIALS

Any act necessary to the proper execution of his duty in the Policies by an official of the Trust or by any servant of any Official employed by the Trust or by a contractor with the Trust or any person or servant employed by such contractor. shall not be deemed an offence against these Byelaws.

3 CLOSURE OF PARK

- (a) The Trust may by notice. and without the necessity of prior warning, close any part of the Policies within their absolute control at any time and for such period as they may deem necessary or expedient.
- (b) No person shall remain within the Policies at a time when it is closed to the public or refuse to leave the Policies when requested to do so by an appropriate official.

4 PROTECTION OF POLICIES

- (a) No person shall, except with the permission of the Trust erect, exhibit, display, affix or cause to be affixed any picture, bill, placard, banner, leaflet, notice or writing on any wall, fence, railing, hedge or gate or to or upon any rock, tree, post, monument, building, erection, barrier or seat.
- (b) No person shall climb upon any tree, shrub or wall, fence, barrier or railing, upon any monument, fountain, building, shelter or other erection.
- (c) The digging of holes and the building of fires is prohibited except with the permission of the Trust.

5 PROTECTION OF TREES. SHRUBS AND OTHER PLANTS

- (a) No person shall, unless with the permission of the Trust, remove, cut, displace, lift or pull up or burn or cause to be burned any tree, shrub, bush, plant, flower, leaf, bulb, turf or grass.
- (b) No person shall walk upon any ground which has been recently sown or planted or walk upon or injure any flower bed, verge, border or shrubbery.
- (c) No person shall carry any firearm, airgun, saw or axe.

6 FIREWORKS, FIRES

No person without the permission of the Trust shall fire or discharge any firearm or fireworks or light any fire or let fall any lighted match or any other substance or thing likely to cause fire.

7 PROTECTION OF PONDS. WATER ETC

- (a) No person shall bathe, wade or wash in, throw sticks, stones or substances of any description into any pond, loch, river, stream, fountain basin or other water or foul or pollute or do anything tending to foul or pollute any such water; excepting that, notwithstanding this Byelaw, children shall be permitted to paddle and wade in any pond, loch or pool provided or designated by the Trust for that purpose.
- (b) No person, without the permission of the Trust, shall place or sail a boat which is mechanically powered on any pond, loch or pool or other water within the Policies and no person shall place or sail a rowing or paddle boat, canoe, raft, model boat which may be mechanically propelled or model yacht in any pond, loch or pool in the Policies except in such pond, loch or

pool as may be provided or designated from time to time by the Trust for the purpose.

8 PROTECTION OF WILDLIFE. ANIMALS ETC

- (a) No person shall except with the permission of the Trust, take, injure or destroy or attempt to take, injure or destroy or wilfully disturb or worry any fish or water fowl in any loch, pond, pool or other water.
- (b) No person shall unless with the permission of the Trust take or destroy any bird or animal or molest or disturb any bird or animal or take or injure any egg or nest in or upon the Policies.

9 HORSES. CATTLE ETC

- (a) No person shall without the prior written permission of the Trust drive or bring into or cause to be brought into the Policies any cattle, pigs, sheep, poultry, horses or ponies or other creature except a dog.
- (b) No person shall, unless in the exercise of any lawful right or privilege, ride, lead or drive any horse, pony or other animal in the Policies except in such portion thereof or on such paths as may for the time being be set apart by the Trust to be used for horse riding and no person shall in any such part of the Policies or on such path, carelessly or recklessly ride, lead or drive any horse or other animal.

10 CONTROL OF DOGS

No person shall cause or allow any dog belonging to him or under his charge to enter, be or remain in the Policies unless such dog is under proper control and effectively restrained from causing annoyance to any person or animal.

11 FACILITIES RESERVED TO CERTAIN AGE GROUPS

- (a) No person shall use any swing, gymnastic or playing appliance or equipment in contravention of any notice indicating the age of the person by whom the swing, gymnastic or playing appliance or equipment may be used.
- (b) No person shall enter, occupy or otherwise use any buildings, shelter, seating accommodation or other area, entrance to or occupation or use of which is by notice restricted to persons above or below a specific age limit or within certain age groups or of one particular sex unless such persons shall come within the category of persons to whom such entrance, occupation, or use are restricted.
- (c) No person shall enter any pond, loch or other water set apart by the Trust for the use of children, except when in charge of a child wading or paddling in such water.

12 CARAVANS, TENTS ETC

- (a) No person shall drive or bring in or cause to be brought in, park or site any caravan or other form of mobile home without the permission of the Trust.
- (b) No person shall erect any tent, marquee, shelter, stand, building or other

structure or any barrier, fence, rail or post unless with the permission of the Trust for such erection upon such occasion and for such purpose as they may approve.

13 **VEHICLE PARKS**

No person shall park a vehicle in the Policies except in the vehicle parks provided or on such area as may from time to time be designated by the Trust for the purpose and indicated by a notice thereat.

14 **VEHICLES**

(a) No person shall, without the permission of the Trust, drive, ride, bring or cause to be brought into the Policies, except in any part designated by the Trust to be used as a vehicular or cycle way or parking place, any vehicle or cycle other than:

- (i) a cycle if wheeled rather than ridden;
- (ii) an invalid carriage;
- (iii) a vehicle belonging to the Trust;
- (iv) a fire engine;
- (v) an ambulance;
- (vi) a Police vehicle;

(vii) a vehicle driven and used by a medical practitioner in the course of his duties or

(viii) a cycle used by a person under eight years of age.

(b) No person shall drive any vehicle at a speed exceeding 20 miles per hour.

15 **OBSTRUCTION. INTERFERENCE, NUISANCE**

(a) No person shall wilfully obstruct, molest or hinder any person in the public use of the Policies or any official or employee of the Trust in the proper execution of his duties.

(b) Pavilions, waiting rooms, shelters and huts shall not, except with the permission of the Trust, be used otherwise than for the purpose for which they are provided.

16 **TRADING**

No person shall carry out any trade, profession or business within the Policies except as the Trust shall permit.

17 **CIRCUSES, FAIRS AND AMUSEMENTS**

No person shall without the permission of the Trust hold or cause to be held, site or cause to be sited within the Policies any circus, fair or mechanical amusement.

18 PUBLIC MEETINGS. DEMONSTRATIONS ETC

No person shall, except with the permission of the Trust, deliver any public address or organise or hold or cause to be held or take part in any religious service, concert, performance, demonstration, exhibition, procession or other public assembly.

19 PICNICS

No person shall in the Policies take part in any picnic party exceeding twenty persons in number except with the prior written permission of the Trust.

20 ATHLETIC AND COMPETITIVE EVENTS AND GAMES

- (a) No person shall within the Policies take part in any ball games of any description whatsoever on Sunday.
- (b) No person shall in the Policies play at any organised game or participate in any sport, race, gymnastics, competitive event or organised form of recreation except with the permission of the Trust.
- (c) No athletic or sports club or association or school team shall play any organised game or hold any athletic event or gymnastic display in the Policies except with the permission of the Trust.
- (d) No person shall take part in any organised game, athletic event or gymnastic display in the Policies when an appropriate official has declared the ground to be unfit for such use and a notice prohibiting playing on the ground has

been posted.

- (e) No person shall in the Policies play or take part in any game, sport, athletic event or organised form of recreation in such a manner as to disturb, annoy or interfere with other persons in the proper use and enjoyment of the Policies, and any area or areas provided by the Trust and designated for the purpose of any specified game or recreation to be played thereon to the exclusion of persons other than the players shall be specified in a Notice.

21 PERMISSION AND PERMITS

Application to the Trust for permission in terms of any of the foregoing Byelaws may be granted subject to terms and conditions or refused, and every such permission shall be in writing. Any permission required by these Byelaws must be exhibited on demand to an appropriate official.

22 OFFENCES, CONTRAVENTION AND PENALTIES

- (a) Any person who contravenes any of the foregoing Byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

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- (b) The Trust may resolve upon a report by their factor that any person specified in such report be banned from entering the policies for a specified time. Any person subject to such ban entering the policies shall be guilty of an offence on each occasion that he does so providing that due intimation of such ban has been made to the said person.

The foregoing Bye-laws were made under the Common Seal of the Council on the Third day of May Nineteen hundred and Eighty Four.

(Signed) Donald Mackenzie Mackay (Member)

(Signed) Donald Murdo Mackinnon (Member)

(Signed) Douglas Sinclair (Director of Administration)

In exercise of the powers conferred upon him by section 202 of the Local Government (Scotland) Act 1973, the Secretary of State hereby confirms the foregoing Byelaws.

(Signed) K W Moore (Assistant Secretary)

Scottish Development Department
New St Andrew's House
Edinburgh

7 August 1984

NOTES FOR GUIDANCE

These notes do not form part of the foregoing Byelaws and are intended for guidance only.

The purpose of the Byelaws is to set down a code of law which hopefully will ensure that the Lews Castle Policies will continue to be enjoyed by many generations.

Under the Byelaws, certain employees of The Stornoway Trust will be designated as appropriate officials. They will have the power to either eject from the policies or request the name and address of any person who is found to be committing any criminal offence or any contravention of a Byelaw. It should be noted that if the person refuses to leave the policies, or refuses to give his name or address, he is committing a further offence under these Byelaws and may be liable to a fine not exceeding £100.

For example, any person found committing any of the following criminal offences may be ejected from the policies and/or asked to give his name and address:

- (a) assaults;
- (b) breach of the peace;
- (c) dropping litter;
- (d) being drunk and incapable;
- (e) damaging, in any way, any property belonging to The Trust or another person. In this context property includes, trees, flowers, shrubs, posts, buildings, barriers or

seats;

- (f) lighting fires or fireworks, or dropping any lit match or cigarette likely to cause a fire.