



Malvern Hills Conservators – Byelaws 1999

The Malvern Hills Trust is the working name for the Malvern Hills Conservators (Registered charity no. 515804).

Due to the reference to the original Malvern Hills Acts, the organisation will be referred to in this document as the Conservators.

Duties of the Conservators

The Malvern Hills shall be managed and supervised by the Malvern Hills Conservators in accordance with the Malvern Hills Acts 1884-1995 which impose on the Conservators the following duties:-

1. They shall preserve the natural aspect of the Malvern Hills and Commons and protect the trees, bushes and turf from spoilation.
2. They shall keep the hills and commons as open spaces for the recreation and enjoyment of the public.
3. They shall prevent any buildings, enclosures and encroachments upon the hills and commons or any part thereof under jurisdiction other than specifically allowed under the Malvern Hills Acts.
4. They shall not do any thing or act which will take away or adversely affect the right of any commoner

To enable them to exercise their duties the Conservators, under powers conferred on them under the Malvern Hills Acts 1884-1995, have made the following byelaws.

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Malvern Hills Byelaws

Made by the Malvern Hills Conservators in pursuance and under the powers of the Malvern Hills Acts 1884 to 1995 with reference to the Malvern Hills.

These byelaws are in addition to and not in substitution for the general law.

Interpretation

1. In these Byelaws the expression "the Conservators" means the Malvern Hills Conservators constituted under the Malvern Hills Act 1924 and the words "Malvern Hills" or "Hills" means the area within the jurisdiction of the Conservators for the purpose of the Malvern Hills Acts, 1884 to 1995, and described in the first, second and third schedules of the Malvern Hills Act, 1924, as the same are delineated on a plan sealed and deposited at the office of the Malvern Hills Conservators, Malvern, together with all lands, commons, or waste over which the Conservators for the time being have rights or interests.

"Unauthorised person" means any person except

(a) A person for the time being duly authorised by the Conservators for any purpose in connection with the management, maintenance or regulation of the Hills;

(b) A person acting in the legal exercise of some right in, over or affecting the Hills;

(c) A person duly authorised by a person entitled so to act as aforesaid

"Commoner" means a person entitled to exercise a right of common or commonable right over the Hills or over any part of the Hills.

"Officer" means the person or persons appointed by the Conservators as Director, Clerk, Deputy Clerk, Conservation Officer, Financial Officer, Wardens, or any other person specifically appointed by the Conservators as an Officer of the Board whether paid or unpaid.

Taking or leaving living vegetation on Conservators' land and use of metal detectors

2.(a) No unauthorised person shall remove or displace any turf, stone, gravel, sand, clay, geological samples or other substances on or from the Hills, or cut, remove or displace or wilfully injure any tree, turf, gorse, heather, timber, shrub or brushwood growing thereon, or dig in or upon the Hills, or use or operate a metal or mineral detector or any device for locating objects below ground level.

(b) No unauthorised person shall knowingly bring or leave on or in or knowingly permit to be brought on and left on the Hills any form of living vegetation in such circumstances that the same would be likely to reproduce or propagate itself.

Making fires

3. No unauthorised person shall light any fire or place or throw or let fall any lighted match, or any substance or thing on the Hills so as to be likely to cause damage by fire to anything growing thereon.



Weapons

4.(a) No unauthorised person shall have in his possession whilst he is on the Hills any bow crossbow or other weapon capable of firing or propelling any missile unless it is so covered with a securely fastened cover that it cannot be fired.

(b) No person shall throw or project any stone or missile on the Hills to the danger, obstruction or annoyance of any person or animal.

Removing structures

5. No unauthorised person shall remove or displace any building, structure, seat, fence, notice board, rubbish bin, or other thing put up or maintained by the Conservators on the Hills.

Sign boards and notices

6. No unauthorised person shall post, place, paint or display any bill, placard, advertisement or notice on the Hills.

Going after animals, birds and fishing

7.(a) No unauthorised person shall on the Hills kill, molest or intentionally disturb any animal, bird or fish or engage in hunting, shooting or fishing or the setting of traps or nets or the laying of snares save that this Byelaw shall not prohibit fishing which has been authorised by the Conservators.

(b) No person shall fish in waters on the Hills where fishing is authorised by the Conservators except in accordance with such regulations as the Conservators may from time to time make and exhibit by notice.

Manned and unmanned boats

7.(c) No unauthorised person shall sail or operate any boat, canoe, raft or other craft manned or unmanned on waters on the Hills.

Driving and parking (no wheeled vehicles)

8.(a) No unauthorised person shall drive, ride, draw, or propel, or park or permit to remain, on the Hills any carriage, cart, van, caravan, truck, motor car, motor coach, agricultural implement, motor cycle, or other vehicle or machine except upon any public road or upon any track set out and authorised for the purpose by the Conservators or (subject to Byelaw 9 of these byelaws) upon land set apart as a parking place for such a vehicle (and in accordance with such regulations as the Conservators may have made in relation thereto).

Cycling

8.(b) No unauthorised person shall ride any cycle on the Hills except on a public bridleway or upon a path or part of the Hills where such cycling is permitted by the Conservators.



Parking

9. Where, by notice conspicuously exhibited on or near thereto the Conservators have set apart any place on the Hills as a parking place for vehicles or for vehicles of a specified class, no unauthorised person shall:-

- (i) leave in the parking place any vehicle unless it is of a class specified:
- (ii) leave in the parking place any vehicle between the hours of 11 p.m. and 6 a.m.
- (iii) leave on the parking place any vehicle unless: (a) he has purchased a ticket from an authorised officer or from a parking meter provided by the Conservators for an amount appropriate to his vehicle: and (b) the aforesaid ticket is displayed in a conspicuous position in or on the vehicle in respect of which it is issued. For the purpose of this byelaw and Byelaw 8

“vehicle” shall include those vehicles and machines referred to in Byelaw 8(a).

Reckless driving/cycling

10. No person shall drive, move, ride or use any vehicle or cycle on the Hills to the danger, annoyance or inconvenience of any other person.

Aircraft, gliders, etc. (including drones)

11.(a) No person shall, except in the case of accident or other sufficient cause take off from or land on the Hills any glider manned or unmanned or any other aircraft, save that this byelaw shall not apply, subject to clauses (b) and (c) hereof

- a. to a glider weighing 10 kilograms or less
- b. to a non-mechanically powered hang glider.

Hang gliding

11.(b) No unauthorised person shall except in the case of accident or other sufficient cause take off from or land any hang glider on any part of the Hills lying to the north of the Wyche Cutting or on any part of the Herefordshire Beacon (British Camp)

Aircraft flying over the Hills

11.(c) No person shall fly any glider or aircraft on or over the Hills in such a manner as to be likely to cause undue interference with the use or enjoyment of the Hills by persons or animals lawfully thereon.

Making roads or paths

12. No unauthorised person shall make or form any road or path or way over or across the Hills.

Laying of services

13. No unauthorised person shall dig, lay, construct whether overground or underground on the Hills any watercourse, sewer, drain, pipe, wire or cable, or any other form of service media.



Camping

14. No unauthorised person shall camp on the Hills or erect or permit to remain on the Hills any building, shed, tent, or other structure.

Hiring animals

15. No unauthorised person shall ply for hire or let out any horse, or other animal on the Hills or use any part of the Hills as a standing place for letting out any horse, or other animal.

Water

16.(a) No unauthorised person shall fence, cover in, pollute, or materially diminish the supply of water from any well, spring, pond, lake or stream on or in the Hills, or prejudicially affect the enjoyment of rights of common or commonable rights over the same.

Taking water for commercial purposes

16.(b) No unauthorised person shall take for commercial purposes or for resale any water from any well, spring, pond, lake, or stream on or in the Hills.

Taking water for irrigation, etc.

16.(c) No unauthorised person shall take any water from any well, spring, pond, stream or water supply on or in the Hills for the supply of tractors, water carts, spraying apparatus, or for irrigation.

Washing vehicles

16.(d) No unauthorised person shall wash or clean any vehicle on the Hills.

Exhibitions, fairs and circuses

17. No unauthorised person shall place or permit to be placed on the Hills any show exhibition, swing, fair or circus.

Selling food or articles, including photographs

18. No unauthorised person shall on the Hills hawk or expose or offer for sale any form of food or drink or other article or thing, or importune any person for the purpose of taking or selling any photograph or other thing.

Playing games

19. No person shall play or take part in any game or pursuit which may cause hurt or inconvenience to persons using the Hills, except on parts of such land set apart by the Conservators for the purpose by notice conspicuously displayed; and when any part of the Hills has been so set apart no person shall play or take part in any game or other pursuit thereon except with due regard to the safety of the general public.



Meeting, concert, rally or assembly

20. No unauthorised person shall hold any meeting or concert, rally or assembly, or permit any activity likely to cause an assembly on the Hills.

Obscene language or offensive behaviour

21. No person shall on the Hills use any indecent or obscene language or indulge in any indecent or offensive behaviour to the annoyance of any other person.

Drive, lead or ride over land set apart for exhibition, etc.

22. Where the Conservators have from time to time set apart by notice conspicuously exhibited any part of the Hills upon which persons may play games, hold athletic sports or exhibitions and entertainments, or hold meetings, no unauthorised person shall on any part of such lands so set apart as aforesaid (a) drive or lead or ride any animal over such part:

(b) resort to, assemble with other persons on, or attempt to occupy any such part so as to interfere with or cause annoyance to any person or persons already occupying such part, and using it for the purposes for which it has been set apart.

Dog faeces

23.(a) This byelaw applies to any area on the Hills on which games are permitted to be played, or which has been set apart for the time being for the holding of exhibitions, entertainments or meetings or which is a car park or a path and in respect of which the Conservators have by notice conspicuously exhibited on or near thereto directed that this byelaw shall apply.

(b) Every person (other than a registered blind person) who is in charge of a dog in any area to which this byelaw applies and who without reasonable excuse fails to remove from that area any faeces deposited by that dog shall be guilty of an offence.

(c) For the purpose of compliance with paragraph (b) above the following provisions shall apply.

(i) it shall be a sufficient removal from the area if the faeces are deposited in a receptacle within the area which has been provided for that purpose by the Conservators.

(ii) without prejudice to the generality of the foregoing it shall not be a reasonable excuse that a person in charge of a dog did not have any means of removal of the faeces.

(d) Any notice exhibited under paragraph (a) above shall contain a copy of this byelaw.

Horse training

24.(a) No person shall race, break-in or train or cause to be raced, broken in or trained any horse on the Hills except in such places as may from time to time be set apart by the Conservators by means of notices exhibited on the Hills. (Section 16, 17 & 18 of 1995 Act)



(b) Where the Conservators have by notice or sign restricted or prohibited the riding of horses over any part of the Hills or given to the owners of horses let to members of the public for hire or reward directions as to the paths or tracks to be used on the Hills no person shall without reasonable excuse ride a horse over that part affected by such notice or on any path or track on the Hills in contravention of such prohibition restriction or direction.

Horse riding causing inconvenience to the public

24.(c) No person shall ride a horse on the Hills to the danger, annoyance or inconvenience of any other person.

Notices regulating or prohibiting access

25. Where the Conservators have by notice regulated or prohibited access by all or any part of the public to any part of the Malvern Hills for any of the purposes mentioned in Section 15(3) of the Malvern Hills Act 1995, no person shall without reasonable excuse contravene that notice.

Noise pollution

26. No person shall on the Hills by operating or causing or suffering to be operated any radio, loudspeaker, gramophone, amplifier or instrument make or cause or suffer to be made any noise which shall be so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons or animals.

Diseased animals

27. No person shall turn out on the Hills any horse, cattle, sheep, pig, goat, goose, or other animal which he knows to be or has reasonable cause to suppose to be suffering from disease or injury and no person shall permit such an animal to remain on the Hills after the expiry of reasonable notice in writing from the Conservators requiring its removal from the Hills.

Turning out animals on Conservators' land

28. No person except a commoner or the tenant or licensee of a commoner shall turn out or permit to remain on the Hills any horse, cattle, sheep, pig, goat, goose or other animal: provided always that if the Conservators being satisfied that there is sufficient grazing may license any person to put any animal on the Hills and that person shall not be guilty of an offence against this Byelaw during the currency of such licence and so long as any animal is turned out and permitted to remain by him only in accordance with the terms of such licence.

Identifying animals

29. No person shall turn out or permit to remain on the Hills any horse, cattle, sheep, pig, goat or other animal without sufficient mark of identity, provided that no offence shall be deemed to be committed under this Byelaw in respect of an animal if that animal is not more than one-year-old and it was not reasonably practicable to mark the animal having regard to its age.



Restrictions on entire animals (rams and bulls)

No person shall turn out an entire animal between 1st September and the 25th October in any year.

Mark of identity

In this Byelaw a “sufficient mark of identity” means some mark sufficient to indicate the name and address of the owner or other person having control of the animal, and for this purpose any mark which is of a type approved by the Conservators and is registered with the Conservators shall be deemed sufficient.

Exceeding number of animals permitted

30. If any person shall have at any time on the Hills without the consent of the Conservators more than his stint of any animals and shall fail after seven days’ notice in writing from an officer of the Conservators to reduce the number of such animals to a number not exceeding his stint he shall be guilty of an offence.

In these Byelaws “stint” in relation to a commoner or the tenant or licensee of a commoner means the number of animals allowed to be turned out on the Hills by that person in accordance with the Commons Registration Act, 1965, and in relation to a person licensed by the Conservators means the number of such animals allowed by his licence to be put on the Hills.

Dogs worrying stock

31. No person having charge of a dog on the Hills shall cause or allow the dog to chase, hurt or worry any horse, cattle, sheep, pig, goat, goose, or other animal present on the Hills.

Land set apart for reinstatement

32. Where by notice exhibited on the Hills the Conservators have from time to time set aside a part or parts of the Hills where in their opinion damage is being caused to the surface of the Hills no person shall feed, or take, or place food for animals or drive, ride, or lead animals over such part or parts of the Hills during the time that such notice is exhibited.

Removing diseased animals

33. Any officer of the Conservators may remove from the Hills any horse, cattle, sheep, pig, goat, goose or other animal which in the opinion of that officer is suffering from disease.

Removing animals on the Hills in contravention of byelaws

34. Any officer of the Conservators may remove from the Hills any animal which is on the Hills in contravention of any of these Byelaws.



Removing anything placed on the Hills in contravention of byelaws

35. Any officer of the Conservators may remove from the Hills anything placed thereon in contravention of these Byelaws.

Removal of persons from the Hills

36. Any officer of the Conservators may after due warning remove or exclude from the Hills any person who within the view of that officer has committed an offence against these Byelaws.

Persons obstructing officers of the Conservators

37. Any person who shall hinder or obstruct any officer of the Conservators in the exercise of his powers or duties under the Malvern Hills Acts 1884 to 1995, or under any Byelaw made thereunder shall be guilty of an offence.

Bathing

38. No person shall bathe in any pond, lake or stream on the Hills where bathing has been prohibited by notice conspicuously displayed.

Obstruction or disturbance to persons on the Hills

39. No person shall on the Hills intentionally or recklessly obstruct, disturb, or annoy any other person in the proper use of the Hills.

Dumping

40. No unauthorised person shall deposit or permit to be deposited or permit to remain on any part of the Hills any materials for the making or mending of roads, manure, dead animals, farm produce, building materials, rubbish, scrap, garden refuse, or other matter.

Penalties

41. Every person who shall offend against any of these Byelaws shall be liable on summary conviction to a fine not exceeding Level 2 on the standard scale and in the case of continuing offence to a further fine not exceeding 1/10th of the amount which is equivalent to that level for each day during which such offence shall continue after conviction thereof.

Revoking previous byelaws

42. The Byelaws made by the Conservators on the 11th November 1982 and confirmed by the Secretary of State on the 19th January 1983 are hereby revoked.

The foregoing byelaws were adopted and approved at a meeting of the Malvern Hills Conservators duly convened and held on the 11th day of March 1999 and the seal of the Board affixed thereto.

B. A. WILCOCK
Chairman of the Board



The Seal of the MALVERN HILLS CONSERVATORS was hereunto affixed in the presence of :-

D. L. JUDGE
Clerk of the Board

DOE 1596 The foregoing byelaws are hereby confirmed by the Secretary of State for the Environment, Transport and the Regions and shall come into force on 1 August 1999

Signed by authority of the Secretary of State.
A Grade 5 in the Department of the Environment, Transport and Regions
24th June 1999