

BEVERLEY PASTURE MASTERS

BYELAWS 2004

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1. Definitions

- 1.1 the "Pasture Masters" are appointed in accordance with the Private Act of Parliament entitled an Act to provide for the better Regulation of certain common pastures within the Borough of Beverley in the East Riding of the County of York dated 21 June 1836 which provides that the Pasture Masters were appointed by the Corporation of Beverley to make and enforce byelaws for the regulation of the Common Pastures. The Pasture Masters are elected annually by the Freemen and their successors. The byelaws made by the Pasture Masters on 14 August 1986 and subsequently confirmed by the Home Office relating to the Common Pastures are hereby revoked
- 1.2 The "Common Pastures" means the Common Pastures all within the former Borough of Beverley as defined in the Act of 1836 referred to in clause 1.1 above
- 1.3 "Cattle" shall include horses, oxen, cows, calves and asses
- 1.4 A "Gait" means a Right of Pasturage on the Common Pastures with one head of cattle
- 1.5 Four hogs or three ewes with lamb or lambs may be substituted for every head of cattle hereby limited and allowed
- 1.6 a "Pasture Freeman" shall include a Pasture Freeman's widow
- 1.7 "Pasture Time" is the period in every year beginning in April when the Common Pastures shall be broken or depastured until close in December on such specific dates in these months as the Pasture Masters shall from time to time prescribe
- 1.8 "Head Money" is the sum specified every year by the Pasture Masters payable in respect of a Right of Pasturage
- 1.9 The Interpretation Act 1978 shall apply to these byelaws as it applies to an Act of Parliament

2. Depasturing

- 2.1 That part of the Common Pastures known as Westwood and Hurn (except in respect of byelaw 9 below) shall be considered and depastured as one pasture
- 2.2 Every Pasture Freeman, for the time being entitled to stock the Common Pastures may, subject to these byelaws and having previously paid Head Money as hereinafter provided, depasture the Common Pastures during

Pasture Time with the number of head of cattle (bona-fide his or her own property) as specified from time to time by the Pasture Masters

- 2.3 No person shall depasture or attempt to depasture the Common Pastures except in accordance with these byelaws and shall not do so with any Cattle exceeding the head or number allowed by these byelaws

3. Head Money

Every person entitled to stock the Common Pastures whether as a Pasture Freeman, or by virtue of grant, lease, usage or purchase, shall pay the Head Money to the Pasture Masters

4. No Letting or Sale of Gaits

- 4.1 No Gait or Right of Pasturage shall be let sold or transferred by any Freeman or by means of grant or purchase;
- 4.2 Any Pasture Freeman entitled to stock the Common Pastures must apply annually in writing to the clerk or other nominated officer of the Pasture Masters before the last Friday in March

5. Dangerous Animals

No person shall stock or depasture the Common Pastures either with any bull ram or entire horse mule or ass or with any dangerous cattle or sheep

6. Veterinary Inspection

To prevent the spread of contagious diseases among Cattle, it is hereby ordered that no Cattle shall be depastured on the Common Pastures unless the Cattle have been previously examined by a Veterinary Surgeon or other suitably qualified person appointed by the Pasture Masters and granted such a certificate of fitness and freedom from disease and infection as is reasonably satisfactory to the Pasture Masters

7. Ear-Tags

All Cattle shall be ear-tagged as to ownership and no unmarked Cattle will be admitted onto the Common Pastures

8. Impounding

For the purpose of ascertaining from time to time whether the Common Pastures are being depastured in accordance with these byelaws and the provisions of the Pasture Act 1836 the Pasture Masters for the time being shall whenever they think proper to do so cause the Cattle depastured upon any of the Common Pastures to be driven and collected together in a manner they think fit for this purpose

8.1 In accordance with this byelaw if the Pasture Masters or any person appointed by them shall at any time

- (a) have reason to suspect that any Cattle found depasturing on the Common Pastures is or are not the bona-fide property of the person claiming the same; or
- (b) be of the opinion that any Cattle found upon the Common Pastures is or are improperly depastured thereon it shall be lawful for the Pasture Masters or such person to impound such Cattle forthwith

8.2 The Pasture Masters or such person authorised by them shall in any case where the owner or claimant or supposed owner or claimant is known to either the Pasture Masters or to any person authorised by them give notice in writing to such owner or claimant or supposed owner or claimant to furnish to the Pasture Masters within a reasonable time to be limited in such notice reasonable proof that he or she is the bona-fide owner of such Cattle and that the same was or were rightfully depasturing in the Common Pastures at the time when such Cattle were impounded as aforesaid

8.3 In the meantime and until such proof be furnished it shall be lawful for the Pasture Masters in respect of any such Cattle in pound to retain and keep the Cattle and if at or before the expiration of such reasonable time limited as aforesaid such proof is not given to the Pasture Masters the said Cattle shall be further dealt with according to law. The expense involved in keeping Cattle for this purpose whether for labour or foodstuffs shall be paid by the owner or claimant

9. Control of Movement of Stock

9.1 No person shall change any Cattle depastured upon the Common Pastures for other Cattle more than once in 24 hours (unless such change be merely taking such Cattle from one of the Common Pastures to another of the Common Pastures)

9.2 It shall be lawful for the Pasture Masters for the time being at any time at their discretion to remove Cattle from Hurn into Westwood or from Westwood into Hurn and to restrict and confine the Cattle so removed on the Common Pastures for such period as the Pasture Masters shall order

10. Racehorses

10.1 Except as authorised by the Pasture Masters in writing no person shall train for racing or any similar purpose any horse mare or gelding on the Common Pastures called Westwood Hurn Figham and Swinemoor and only on such other parts of the Common Pastures as may be authorised by the Pasture Masters

- 10.2 Every person so authorised to train a horse mare or gelding on the Common Pastures called Westwood from the first day of March in any year shall pay such sum to the Pasture Masters as shall from time to time be prescribed by them

11. Horse Riding, Driving and Prohibition Areas

- 11.1 No horse shall be exercised or ridden and the carriage cart buggy horse trotting frame or similar non-mechanical means of conveyance by whatever animal they may be drawn shall be driven on the metalled footpath commonly known as the Cinder Footpath on Westwood Common Pasture which extends from Sterne's Corner on York Road to Westwood Road
- 11.2 The Pasture Masters notwithstanding that previous authority has already been given may either:-
- 11.2.1 close any part of the Common Pastures for all or any such purposes set out in this byelaw; or
- 11.2.2 impose limitations on the number of horses and such conveyances that may be allowed on the Common Pastures
- 11.3 The prohibition set out in clause 11.2 shall also apply to any other track on the Common Pastures as may from time to time be identified and duly publicised by the Pasture Masters
- 11.4 No person shall ride or train any horse on the Common Pastures in such a manner as shall in the opinion of the Pasture Masters be a danger to others

12. No Damage to be Caused to Common Pastures

No person shall:-

- 12.1 damage deface soil defile injure cut pull down or destroy either the sward any bank bridge seat bench tan gallop hedge fence chain tree plantation post railing gate board palisade wall sluice drain holdstock tunnel footpath stopgate sign signpost water tank supply pipe and its control or any thorns furze or bushes;
- 12.2 damage deface soil defile injure cut pull down or destroy any of the fairways tees or putting greens and protective fencing thereon laid out by the Beverley and East Riding Golf Club or any successor Club on any of the Common Pastures;
- 12.3 damage or leave on the Common Pastures any litter or rubbish of any kind;
- 12.4 fasten back so as to keep open any of the entrance gates of the Common Pastures

13. Planting of Commemorative Trees and Shrubs

13.1 Where the Pasture Masters give permission to any person for the planting of approved commemorative trees and shrubs on the Common Pastures it shall only take place where the Pasture Masters shall designate and be subject to conditions which shall include the following:-

13.1.1 to erect fencing and to provide a gate or stile (and to maintain the same) to a specification to protect the trees and shrubs until they are established;

13.1.2 to water them regularly until established;

13.1.3 to keep the enclosed ground area tidy well-maintained and free from litter;

13.1.4 after the trees or shrubs have become established to require the applicant to remove the fencing and any gate or stile and leave the area tidy and free from any material which would be a danger to Cattle

14. Dogs

All dogs shall be kept under proper control by their handlers whilst on the Common Pastures and shall not be allowed either to cause worry chase or disturb any animal grazing on the Common Pastures

15. The Meet of Horse and Hounds

Any application made in writing by or on behalf of a Local Hunt Committee to hold an occasional meet of horses and hounds on Westwood Pasture shall be considered by the Pasture Masters and if granted shall be subject to such conditions as shall be then imposed

16. Hunting of Wild Animals

The hunting of any wild animals is prohibited on the Common Pastures

17. Insurance

17.1 No person shall depasture Cattle on the Common Pastures unless he shall have taken out and maintain a policy of insurance in an amount considered to be reasonable by the Pasture Masters against any claims for personal injuries or damage to property arising from Cattle or its trespass and such persons shall on the request by a Pasture Master the Clerk or other officer of the Pasture Masters produce for inspection such policy of insurance and the last receipt for a premium

- 17.2 The Pasture Masters shall not be held liable for any loss death damage or injury howsoever caused by any animals either on or which stray from the Common Pastures

18. Firearms

- 18.1 No person shall except in the exercise of any lawful right or privilege have in his possession while he is on the Common Pastures any firearm unless it is covered with a securely fastened gun cover so that it cannot be fired
- 18.2 In this byelaw the expression "firearm" includes any weapon of any description from which any shot bullet or other missile can be discharged
- 18.3 No person shall either discharge any firearm projectile catapult crossbow bow and arrow air weapon or throw any missile on the Common Pastures

19. Aircraft

- 19.1 No person shall without the prior written consent of the Pasture Masters on or over the Common Pastures except in the case of byelaw 23, emergency accident or other sufficient cause
- 19.2 take off or land any form of aeroplane helicopter or any form of glider hang-glider or hot air balloon manned or unmanned
- 19.3 fly any such glider or aircraft in such a manner as to be likely to cause undue interference with the enjoyment of the Common Pastures by people using them

20. Skateboarding and Roller Skating

No person shall on the Common Pastures skate on rollers skateboards wheels or other mechanical contrivances in such a manner as to cause danger or nuisance or give reasonable grounds for annoyance to other persons on the Common Pastures

21. Metal Detectors

No person shall on the Common Pastures use any device designed or adapted for detecting or locating any metal or mineral in the ground

22. Golf

- 22.1 Only persons authorised by Beverley and East Riding Golf Club or any successor Club may play and practice golf on the golf course
- 22.2 No other person shall:-
- 22.2.1 play or practice golf on any portion of the golf course which expression shall mean all the tees greens (including putting or

practice greens) and fairways which comprise the golf course which the Beverley and East Riding Golf Club or any successor Club is authorised from time to time to use on Westwood Pasture or any other portion of the Common Pastures which may at any time hereafter be set out or used for the purpose of the game of golf by way of alteration or extension of any existing golf course;

22.2.2 remain upon the greens tees or bunkers for the time being forming part of the golf course or any alteration or extension of the same as aforesaid;

22.2.3 intentionally remove or displace the gravel sand soil or turf of the golf course

22.3 Persons authorised as aforesaid with the prior written consent of the Pasture Masters may:-

22.3.1 by means of tractors mowers and other machinery or otherwise plant or remove trees shrubs gorse bracken heather plants and grass on and from the parts of the Common Pastures designated for use as the golf course or any part thereof and may dig or remove soil gravel sand or turf from the Common Pastures or any part thereof for the purpose of making or enlarging the fairways of the golf course or for making bunkers thereon or protecting or resiting the greens tees and fairways or protecting newly laid turf or freshly sown grass on the golf course or any part thereof or otherwise relaying renewing draining maintaining or improving the surface of the said golf course or any part thereof or any other part of the Common Pastures for which authority by the Pasture Masters has been given;

22.3.2 improve the golf course or its facilities but so as not to interfere with the rights of those lawfully crossing the golf course or depasturing the Common Pastures including the golf course

23. Model Aircraft

23.1 At all times flying of model aircraft must be organised by the Beverley and District Model Aircraft Club (or their successor) which shall be permitted to cut an Air Strip but only on an area and in a manner specified by the Pasture Masters

23.2 In this byelaw "model aircraft" means an aircraft which either weighs not more than 7 kilograms without its fuel or is for the time being exempted (as a model aircraft) from the provisions of the Air Navigation Order;

"power-driven" means driven by the combustion of petrol vapour or other combustible vapour or other combustible substances or by one or more electric motors or by compressed gas;

“radio-controlled” means controlled by a radio signal from a wireless transmitter or similar device

23.3 Where any part of the Common Pastures has by a notice conspicuously exhibited on the Common Pastures been set apart by the Pasture Masters for the flying of such model aircraft no person in any other part of the Common Pastures shall release any such aircraft for flight or control the flight of such an aircraft and no person shall in such other part of the Common Pastures

23.3.1 cause such an aircraft to take off; or

23.3.2 without reasonable excuse cause such an aircraft to land

23.4 Where an area within a part of the Common Pastures so set apart for the flying of power-driven model aircraft is designated by the Pasture Masters as an area from which aircraft may be launched and is described in a notice placed in a conspicuous position on the Common Pastures no person shall release such an aircraft for flight or cause such an aircraft to take off in any part of the Common Pastures other than that area

23.5 No person shall on the Common Pastures

23.5.1 release any power-driven model aircraft for flight or control the flight of such an aircraft; or

23.5.2 cause any such aircraft to take off or land on the Common Pastures unless it is attached to a control line or is radio-controlled and is kept under effective control

23.6 No person shall on the Common Pastures

23.6.1 release any power-driven model aircraft for flight or control the flight of such an aircraft; or

23.6.2 cause any such aircraft to take off or land unless (1) the noise emitted by the aircraft gives a noise measurement of not more than 82dB(A) at a distance of 7 metres from the aircraft when measured by means of the equipment described and by the method set out in the code of practice issued in pursuance of the approval given by the Control of Noise (Code of Practice on Noise from Model Aircraft) Order 1981

23.7 Byelaw 23.6.2 above shall not have effect in relation to an aircraft to which the fitting of a silencer or similar device is not reasonably practicable

24. Events on Common Pastures

Unless either authorised by these byelaws or pursuant to the established rights of the public to resort to the Common Pastures for recreation and enjoyment no event function pastime or use shall take place thereon without the prior written consent of the Pasture Masters having been obtained

25. Advertising

25.1 No person shall on the Common Pastures without the consent in writing of the Pasture Masters:-

25.1.1 affix or cause to be affixed any advertisement bill placard or notice upon any building wall fence gate door pillar post tree rock or stone on or enclosing the Common Pastures;

25.1.2 fix into or cause to be fixed into or place in the ground of any part of the Common Pastures any such advertisement bill placard or notice

26. Fires

No person shall without the consent in writing of the Pasture Masters light a fire on the Common Pastures or place or throw or let fall a lighted match or any other thing so as to be likely to cause a fire

27. Vehicles and Parking

27.1 No person shall ride or drive any mechanically propelled vehicle on any part of the Common Pastures where there is no right of way for vehicles

27.2 This byelaw shall not include any vehicle wheelchair or mobility vehicle which is an invalid carriage complying with the requirements and used in accordance with the conditions prescribed by regulations made under section 20 of the Chronically Sick and Disabled Persons Act 1970

27.3 If the Pasture Masters have set apart an area on the Common Pastures for use by vehicles of any class this byelaw shall not prevent riding or driving of those vehicles on the area so set apart and on the direct route between that area and the entrance to the Common Pastures from a public highway

27.4 No person shall ride any bicycle tricycle or other similar machine on the Common Pastures except on the public highway

27.5 Parking on any part of the Common Pastures is restricted to 4 hours in any period of 24 hours and no return shall be permitted within that period

28. Drains and Watercourses

No person shall obstruct the flow of any drain or watercourse or open shut or otherwise interfere with any sluiceway or similar apparatus on the Common Pastures

29. Sports

29.1 Any person resorting to the Common Pastures and playing or taking part in any game for which the exclusive use of any space in the Common Pastures has been set apart shall:-

29.1.1 not play on the space any game other than the game for which it is set apart;

29.1.2 in preparing for playing and in playing such games use reasonable care to prevent undue interference with the proper use of the Common Pastures by other people;

29.1.3 when the space is already occupied by other players not begin to play thereon without their permission;

29.1.4 where the exclusive use of the space has been granted by the Pasture Masters for the playing of a match not play on that space later than fifteen minutes before the time fixed for the beginning of the match unless he is taking part therein;

29.1.5 except where the exclusive use of the space has been granted by the Pasture Masters for the playing of a match in which he is taking part not use the space for a longer time than two hours continuously if any other player or players make known to him a wish to use the space

30. Fitness of Ground

No person shall on the Common Pastures which may have been set apart by the Pasture Masters for any game play or take part in any game when in the opinion of the Pasture Masters the state of the ground or other cause makes it unfit for use

31. Booths and Other Erections

31.1 No person shall on the Common Pastures:-

31.1.1 either erect any post rail fence pole tent marquee caravan booth stand building or other structure or park any trailer;

31.1.2 park or leave a mobile vehicle which exhibits either any form of trade or business advertisement or any appeal or invitation to the public to support or subscribe to any charitable or public cause

- 31.2 This prohibition shall not apply where upon an application to the Pasture Masters they grant permission in writing to erect any post rail fence pole tent caravan booth stand movable building or other structure or park any trailer upon such occasion and for such purpose(s) as are specified in the application

32. Sale or Hiring of Articles

A person shall not on the Common Pastures sell or offer or expose for sale or hire or offer or expose for letting or hire any commodity or article unless in pursuance of an agreement in writing with the Pasture Masters or otherwise in the exercise of any lawful right or privilege he is authorised to sell or let to hire such commodity or article on the Common Pastures

33. Camping

- 33.1 No person shall on the Common Pastures without the previous written consent of the Pasture Masters either

33.1.1 erect or pitch any tent bivouac or structure for sleeping overnight or otherwise remain overnight in the Common Pastures; or

33.1.2 park any vehicle including a caravan caravanette or other like vehicle for sleeping overnight on any part of the Common Pastures

34. Obstruction

- 34.1 No person shall in the Common Pastures either

(a) wilfully obstruct disturb or annoy any other person in the proper use or enjoyment thereof; or

(b) wilfully obstruct, disturb or annoy a Pasture Master a Neatherd warden or other officer of the Pasture Masters in the proper execution of his duty or any person or servant of any person employed in the proper execution of any work in connection with the laying out or maintenance of the Common Pastures by the Pasture Masters

- 34.2 An act necessary to the proper execution of his duty on the Common Pastures by any person or servant of any person employed by the Pasture Masters shall not be deemed an offence against these byelaws

- 34.3 Nothing in or done under any of the provisions of these byelaws shall in any respect prejudice or injuriously affect any public right of way through the Common Pastures or the rights of any person acting legally by virtue of some established estate right or interest in over or affecting the Common Pastures or any part thereof

35. Fines and Removals

35.1 Every person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale

35.2 Every person who shall infringe any byelaw for the regulation of the Common Pastures may be removed therefrom only by an officer of the Pasture Masters by the Pasture Masters or by any person duly authorised by the Pasture Masters in any one of the several cases hereinafter specified:-

35.2.1 where the infringement of the byelaw is committed within the view of such officer Pasture Master or authorised person and the name and residence of the person infringing the byelaw are unknown to and cannot be readily ascertained by such officer Pasture Master or person duly authorised;

35.2.2 where the infringement of the byelaw is committed within the view of such officer Pasture Master or authorised person and from the nature of such infringement or from any other fact of which such officer Pasture Master or authorised person may have knowledge or of which he may be credibly informed there may be reasonable ground for belief that the continuance on the Common Pastures of the person infringing the byelaw may result in another infringement of a byelaw or that the removal of such person from the Common Pastures is otherwise necessary as a security for the proper use and regulation of the Common Pastures

36. Offences Against These Byelaws - Prohibited Persons

It is hereby ordered as follows:-

- (a) if any person shall offend against any of these byelaws committed after a previous offence against them such person shall be suspended and prohibited from exercising his or her Right of Pasturage on the Common Pastures for the period of three years from the time that the second offence occurred; and
- (b) if any person shall offend against any of these byelaws after committing two previous offences, such person shall be suspended and prohibited from exercising his or her Right of Pasturage on the Common Pastures for the period of five years from the time that the third offence occurred

Given under our hands and seals this 19th day of August 2004

SIGNED AND SEALED by	)		
CHRISTOPHER RALPH THOMPSON	)	C R Thompson (sgd)	(his seal)
	)		
as a Pasture Master of Beverley	)		

SIGNED AND SEALED by	)		
TREVOR GEORGE WALKER	)	Trevor George Walker (sgd)	(his seal)
	)		
as a Pasture Master of Beverley	)		

SIGNED AND SEALED by	)		
ALLAN ENGLISH	)	Allan English (sgd)	(his seal)
	)		
as a Pasture Master of Beverley	)		

SIGNED AND SEALED by	)		
CLIVE WALKER	)	Clive Walker (sgd)	(his seal)
	)		
as a Pasture Master of Beverley	)		

SIGNED AND SEALED by	)		
ALAN GILLYON	)	A Gillyon (sgd)	(his seal)
	)		
as a Pasture Master of Beverley	)		

The Secretary of State this day confirmed the
Foregoing byelaws and fixed the date on which
they are to come into operation as the 15 day
of December 2004.

Seal of Secretary of State
for Environment, Food and
Rural Affairs

David Coleman (sgd)

David Coleman
A Grade 5 in DEFRA
Signed by the authority of the Secretary of State
15 Nov. 2004