

Subsidiary Legislation made under s.5.

Commonwealth Park Rules 2014

LN.2014/117

Commencement

10.7.2014

ARRANGEMENT OF REGULATIONS

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SCHEDULE

2014-23

Commonwealth Park

2014/117

Commonwealth Park Rules 2014

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In exercise of the powers conferred upon him by section 5 of the Commonwealth Park Act 2014 the Minister has made the following rules–

Title and Commencement.

1. These Rules may be cited as the Commonwealth Park Rules 2014 and come into operation on the day of publication.

Interpretation.

2. In these Rules, unless the context otherwise requires–

“amenity” means anything constructed or placed in the park whether temporary or permanent, excluding park vegetation and including any sign, building, wall, bench, table, railing, stairs, wading pool, fire pit, barbeque stand, swing set, compost bin, waste receptacle, planter, underground sprinkler, irrigation system, fence, bridge, guardrail, headstone, memorial marker or other similar thing;

“bicycle” means a cycle with one or more wheels propelled by human power on which at least one person can ride;

“camp” means to live or take up quarters in the park;

“central fountain” means the area delineated in blue in the Schedule to these Rules;

“central pathway” means the east-west pathway that transects the park as demarcated by broken red lines in the Schedule to these Rules.

“Government” means the Government of Gibraltar;

“cyclist” means a person who rides or is in physical control of a bicycle;

“Minister” means the Minister with responsibility for the environment;

“officer” means a police officer as defined in the Police Rules, 2006;

“operative” means a person authorised by the Government to enforce these Rules or to perform maintenance or supervision duties in accordance with these Rules;

“park” means all that public space to be known as Commonwealth Park that has been set aside by the Government, the boundary of which is set out in the Schedule to the Commonwealth Park Act 2014;

“pathway” means a multi-purpose thoroughfare in the park, which is improved by asphalt, concrete, brick, rubber, wood or any other surface, and includes any bridge or structure with which it is contiguous;

“permit” means the written permission of the Minister to do something in or on the park;

“person” means an individual or any business entity including a firm, partnership, association, corporation or society, but does not include the Government or any of its employees, contractors or subcontractors acting within the course and scope of his or its duties, or any officer or operative acting within the course and scope of his duties;

“trail” means an established path within the park used by pedestrians or cyclists or both which is not improved by concrete, asphalt or brick and includes any bridge or structure with which it is contiguous;

“park vegetation” means any fungus, plant or part thereof which grows in the park;

“vehicle” means—

- (a) cars, trucks, boats, all-terrain vehicles, motorcycles, or other devices which are or may be propelled by a motor; and
- (b) trailers, campers, non-power boats or other devices which may be towed behind other vehicles,

but does not include a bicycle, wheeled conveyance, towed device or device propelled by a motor used by an officer or operative, a vehicle used for maintenance of the Park, or any emergency or Government vehicle;

“waste” means anything that is discarded;

“wheeled conveyance” means roller-skates, in-line-skates, roller skis, skateboards, scooters, motorized 3 or 4 wheeled scooters designed for persons with infirmities, motorized wheelchairs, or other similar devices but excludes bicycles, motorised scooters and vehicles.

Hours.

3.(1) The park shall be open to the public 24 hours a day unless otherwise designated by the Minister by notice in the Gazette.

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(2) A person must not enter or remain in the park when it is closed, nor enter or remain in an area of the park when that area is closed.

Camping etc.

4. A person must not, unless allowed by a permit—
- (a) camp in the park; or
 - (b) erect a tent or other structure in the park.
 - (c) place a sunshade in the park.

Vehicles.

5. A person must not operate a vehicle in the park.
6. A person must not park a vehicle in the park.

Sale of goods and services.

7. A person must not, anywhere in the park, unless expressly allowed by the Minister—
- (a) make available, offer or give away free goods or services;
 - (b) make available for sale goods or services;
 - (c) carry on any business of any kind or nature whatsoever or solicit for any business, trade or occupation;
 - (d) place a sign or device of any kind advertising or publicising any commercial venture or facility;
 - (e) place or leave any goods or merchandise in order to display the same for sale; or
 - (f) engage in busking.

Prohibited activities.

- 8.(1) A person must not—

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- (a) dig, disturb or remove any mineral substance including soil, sand, gravel or rock from the park;
 - (b) damage, dig, cut, disturb or destroy any park vegetation, whether alive or dead;
 - (c) damage, dig, disturb, deface, destroy or remove any bones or historical artefacts from the park;
 - (d) damage or destroy any wildlife habitat;
 - (e) introduce any animal, bird, fish, plant or other form of life into the park which would make the park its habitat; or
 - (f) pester, feed or otherwise interfere with any animal, bird or fish in the park.
- (2) A person must not enter, wade or swim in or upon any body of water (including ponds, pools and fountains) which flows through, is adjacent to or is located within the park unless such activity is specifically allowed by the Minister pursuant to these Rules.
- (3) A person must not–
- (a) jump, dive or otherwise propel himself from or off any amenity into any water course pond or pool which flows through, is adjacent to, or is located within the park;
 - (b) affix or secure himself to any structure or amenity for the purposes of water play (but moderate waterplay at the central fountain is permitted at the discretion of an operative);
 - (c) throw any object into any water course pond or pool which flows through, is adjacent to, or is located within the park.
- (4) A person must not launch a boat, canoe, kayak or similar craft from or within the park.
- (5) A person must not damage, deface, destroy, remove or use other than for its intended purpose any pathway, trail or amenity in the park.
- (6) A person must not perform or engage in any stunt, trick or reckless or unsafe activity on or in any pathway, trail or amenity in the park.
- (7) A person must not engage in any conduct or activity in the park which may–

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- (a) injure any other user of the park;
 - (b) disturb the use or enjoyment of the park by any other user of the park;
 - (c) damage the park or an amenity in the park, or
 - (d) be inconsistent with the peaceful enjoyment of the park by the public.
- (8) (a) Subject to subrule (b), a person must not walk or otherwise allow a dog or other animal which he owns or for which he is otherwise responsible in the park.
- (b) A person may at any time cross the central pathway with a leashed animal in order to transit the park.
- (c) A person must not, in the park–
- (i) swing a golf club,
 - (ii) play with a ball in a manner that interferes with the safety or enjoyment of other users of the park or damages, or has the potential to damage, the turf, amenities or park vegetation.
 - (iii) engage in any form of archery,
 - (iv) play lawn darts, horseshoes or any kind of golf,
 - (v) operate an amplification system,
 - (vi) carry or consume alcohol on turfed areas,
 - (vii) do anything which is likely to attract a crowd,
 - (viii) take part in any procession, drill, performance, ceremony, concert or public gathering,
 - (ix) allow a dog which he owns or for which he is otherwise responsible to foul any part of the park,

except in an area where an activity under (i) to (viii) is specifically allowed by the Minister pursuant to these Rules.

- (9) (a) A person must not, in the park–

- (i) plant, grow, place or modify any plant, flower or other park vegetation,
 - (ii) build, erect, place, remove or modify any amenity, pathway or trail,
 - (iii) cut, irrigate, spray or apply any substance, including pesticides and fertilizers, to any grass or other park vegetation, or otherwise disturb or damage the park vegetation,
 - (iv) leave, place, store, deposit or hoard anything, or
 - (v) build, erect or create a jump or ramp.
- (b) A person must not drain or re-direct any water from a private parcel of land onto or into the park.
- (10) A person must not set off, launch or operate, in the park—
- (a) any firework, explosive device or rocket,
 - (b) any glider or hot air balloon, or
 - (c) any remote control device including boats, planes, helicopters or cars,
- except where such activity is specifically allowed by the Minister.

Signs.

9.(1) A person must obey an authorised sign placed in the park.

(2) A person must not, other than where authorised pursuant to these Rules, place a sign of any kind, commercial or otherwise, in the park.

Waste.

10.(1) In the park, a person must not leave or dispose of waste except in receptacles specifically provided for waste disposal.

(2) In the park, a person must not leave or dispose of any waste that is burning.

Public toilets.

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11. A person must not urinate or defecate in the park except in a public toilet or portable facility provided for that purpose.

Pathways and trails.

12.(1) Unless otherwise authorised pursuant to these Rules, a person in the park must not use or ride—

- (a) a bicycle except on the central pathway in order to cross the park; or
- (b) any wheeled conveyance except on a pathway or trail.

(2) It shall not be an offence to use or ride a motorized 3 or 4 wheeled scooters designed for persons with infirmities, motorized wheelchairs, or other similar devices any wheeled conveyance anywhere in the park.

(3) A person must not ride a bicycle or use a wheeled conveyance or vehicle on a pathway or trail which is closed, or where such use is prohibited.

(4) Unless otherwise allowed a person must not operate a bicycle or wheeled conveyance in a park at a speed greater than 10 kilometres per hour.

(5) A person using a pathway or trail must not travel at a rate of speed that is unreasonable having regard to all the circumstances, including but not limited to—

- (a) the nature, condition and use of the pathway or trail;
- (b) any conditions, including weather, that may affect visibility; and
- (c) the volume and type of traffic on the pathway or trail regardless of whether that person is travelling at the applicable speed limit.

(6) A person must not operate a bicycle or wheeled conveyance on a pathway or, trail in a manner that is unsafe to that person or to other people in the park.

(7) A person using a pathway must not use poles or other hand held aids when using a wheeled conveyance.

(8) A person riding a bicycle or wheeled conveyance on a pathway or trail must not use the bicycle or wheeled conveyance to carry more persons than the number for which it is designed and equipped.

(9) A person operating or riding as a passenger on a bicycle or wheeled conveyance on the pathway or trail must not hold onto or be attached to any other bicycle, wheeled conveyance or vehicle unless that person is riding in a child or animal trailer designed for such use.

Permits.

13.(1) The Minister may grant permits allowing any activity within the park which is otherwise prohibited by these Rules, including—

- (a) allowing parades, events or gatherings in the park, including private or exclusive parades, events or gatherings whether for a fee or otherwise;
 - (b) allowing vehicles to operate in the park;
 - (c) allowing the sale of goods and services in the park;
 - (d) allowing commercial guiding and interpretative tours in the park;
 - (e) allowing the cutting or planting of park vegetation in the park;
 - (f) allowing the removal of artefacts from the park;
 - (g) allowing the placement of temporary signs or banners;
 - (h) allowing fireworks displays from the park; and
 - (i) allowing the exclusive use of the park or pathway, or trail, or a part of the park or pathway or trail.
- (2) A permit is not valid unless it is in writing and signed by the Minister.
- (3) The Minister may place any conditions he deems fit on any permit.
- (4) A permit is valid only for the period of time it is granted.
- (5) The Minister may amend, vary or revoke a permit at any time.
- (6) A permit-holder shall have the permit available for review and inspection at all times when exercising the rights granted under the permit and shall produce the permit upon demand by an operative or officer.

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(7) Any person who relies on a permit has the onus of proving that they are the holder of a valid and subsisting permit.

(8) No person shall interfere with the use and enjoyment of persons holding a valid and subsisting permit for the exclusive use of the park or portion of the park, during the times and in the areas for which the permit is granted.

Offences.

14.(1) A person who contravenes a rule by–

- (a) doing any act or thing which the person is prohibited from doing; or
- (b) failing to do any act or thing the person is required to do;

is guilty of an offence.

(2) A person who is convicted of an offence pursuant to these Rules is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to a period of imprisonment not exceeding 3 months, or both.

Expulsion from the park.

15. A person who contravenes these Rules may be required by an operative to leave the park for the remainder of the day on which the contravention occurs.

Barring from the park.

16.(1) A person who contravenes these Rules may be barred by the Minister from visiting or using the park for a period not exceeding 3 months.

(2) The Minister may exercise his powers under subrule (1) only upon–

- (a) receiving the recommendation or advice of an officer or an operative to bar a person;
- (b) inviting the offender to state reasons in writing why he should not be barred.

(3) The Minister may exercise his powers to bar a person under this rule irrespective of whether that person has been charged or convicted under rule 14 or expelled under rule 15.

Entering the park during period of expulsion or barring.

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17. A person who enters the park during the period of expulsion or barring to which he is subject commits an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to a period of imprisonment not exceeding 3 months, or both.

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