

**GREATER LONDON AUTHORITY
PARLIAMENT SQUARE GARDEN BYELAWS 2012
GREATER LONDON AUTHORITY ACT 1999, SECTION 385(1), (2) and (4)
LOCAL GOVERNMENT ACT 1972, SECTION 236B**

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GREATER LONDON AUTHORITY

PARLIAMENT SQUARE GARDEN BYELAWS

MADE UNDER SECTION 385(1), (2) AND (4) OF THE GREATER LONDON AUTHORITY ACT 1999 AND SECTION 236B OF THE LOCAL GOVERNMENT ACT 1972

The Mayor of London, acting on behalf of the Greater London Authority, hereby makes the following byelaws, which he considers are necessary for securing the proper management of Parliament Square Garden, and the preservation of order and the prevention of abuses there.

1. Citation

These byelaws may be cited as the Parliament Square Garden Byelaws 2012 ("the Byelaws").

2. Interpretation

In the Byelaws-

"the Act" means the Greater London Authority Act 1999^a;

"the Authority" means the Greater London Authority;

"the Mayor" means the Mayor of London;

"the Square" means the central garden of Parliament Square within the meaning of section 384 of the Act;

"animal" means any animal or bird;

"authorised person" means a constable, or any person acting to enforce the Byelaws in accordance with an authorisation given by the Mayor under section 380 of the Act;

"the retention period" means the period of 28 days referred to in byelaw 7(2).

3. Acts prohibited within the Square^b

(1) No person shall within the Square-

(a) fail to keep any animal of which he is in charge under control or on a lead;

(b) use any kite or model aircraft or any mechanically propelled or operated model;

(c) wash or dry any piece of clothing or fabric;

^a 1999 c. 29.

^b These byelaws do not seek to prohibit anything which is a prohibited activity for the purposes of Part 3 of the Police Reform and Social Responsibility Act 2011(c.13) (see section 143(2) of that Act).

- (d) fail to comply with a reasonable direction given by an authorised person to leave the Square;
 - (e) fail to remove any animal of which he is in charge from the Square after being required to do so by an authorised person;
 - (f) light a fire or barbeque, or place, throw or drop a lighted match or any other thing likely to cause a fire;
 - (g) obstruct an authorised officer in performance of his duties.
- (2) An authorised person, a member of the armed forces or of any fire brigade or ambulance service acting in the performance of his duty does not contravene Byelaw 3(1) by doing anything reasonably necessary for the performance of that duty.

4. Feeding of birds

- (1) No person other than a person acting at the direction of the Mayor shall within the Square—
- (a) feed any bird (which shall include dropping or casting feeding stuff for birds); or
 - (b) distribute any feeding stuff for birds.
- (2) An authorised person, a member of the armed forces or of any fire brigade or ambulance service acting in the performance of his duty does not contravene Byelaw 4(1) by doing anything reasonably necessary for the performance of that duty.

5. Acts within the Square for which written permission is required^c

- (1) Unless acting in accordance with permission given in writing by the Mayor, or any person authorised by the Mayor under section 380 of the Act to give such permission, no person shall within the Square-
- (a) attach any banner or article to, climb or interfere with any tree, plinth, plant box, seat, railing, fence, statue or other structure whether permanent or temporary;
 - (b) interfere with any notice or sign;
 - (c) exhibit any notice, advertisement or any other written or pictorial matter;
 - (d) play or cause to be played a musical instrument;
 - (e) use any apparatus for the transmission, reception or reproduction of sound or speech, except apparatus designed and used as an aid to defective hearing, or apparatus used in a vehicle so as not to produce sound audible to a person outside that vehicle, or apparatus where the sound is received through headphones;

^c Permission will not be given in respect of any matter defined as a ‘prohibited activity’ under s143 of Part 3 of the Police Reform and Social Responsibility Act 2011 (c.13)

- (f) project any missile manually or by artificial means;
- (g) erect or cause to be erected any structure or means of enclosure on any part of the Square;
- (h) collect or solicit money or any other gift;
- (i) make or give a public speech or address;
- (j) organise or take part in any assembly, display, performance, representation, parade, procession, review or theatrical event;
- (k) take photographs or film or make any other recordings of visual images for the purpose of or in connection with a business, trade, profession or employment or any activity carried on by a person or body of persons, whether corporate or unincorporate;
- (l) ride any animal on the Square;
- (m) go on any shrubbery or flower bed;
- (n) interfere with, remove or displace any stone, paving slab, soil, turf or any part of any plant, shrub or tree;
- (o) plant any shrub, plant or tree;
- (p) cause or permit any animal or bird of which he is in charge to chase, worry or injure any animal or bird;
- (q) engage in any organised form of sport or physical exercise which causes a disturbance to any other person using the Square;
- (r) unless in an emergency, cause any vehicle to wait, or leave any vehicle unattended;
- (s) use any pedal cycle, roller skate, ice skate, scooter, roller blade, skate board or other foot-propelled device;
- (t) tow or leave any caravan or trailer.

6. Trading

- (1) Unless acting in accordance with the terms of a written licence issued by the Mayor, or any person authorised by the Mayor under section 380 of the Act to issue such a licence, no person shall within the Square-
 - (a) carry on any trade or business;
 - (b) sell or hire anything, or offer anything for sale or hire;
 - (c) expose or have in his possession anything for the purpose of sale or hire within the Square;
 - (d) use language which publicly intimates that any article, commodity, facility or service can be obtained within the Square or elsewhere.

- (2) Byelaw 6(1) is a trading byelaw for the purposes of section 385 of the Act.

7. Seizure

- (1) An authorised person may seize and retain anything of a non-perishable nature that is on the Square if it appears to that authorised person that an item is being, or has been, used in connection with the breach of Byelaw 6(1).
- (2) An item seized under Byelaw 7(1) must be returned to the person from whom it was seized-
 - (a) no later than the end of the period of 28 days beginning with the day on which the item was seized, or
 - (b) if proceedings are commenced against the person for an offence under section 385 of the Act for breach of Byelaw 6(1) before the return of the item under Byelaw 7(2)(a), at the conclusion of those proceedings.
- (3) If it is not possible to return an item under Byelaw 7(2) because the name or address of the person from whom it was seized is not known-
 - (a) the item may be returned to any person appearing to have rights in the property who has come forward to claim it, or
 - (b) if there is no such person, the item may be disposed of or destroyed at any time after the end of the period of 90 days beginning with the day on which the item was seized.
- (4) Byelaws 7(2)(b) and 7(3) do not apply if a court makes an order under Byelaw 8(1) for the forfeiture of the item.
- (5) The references in Byelaw 7(1) to an item that is “on” the Square include references to an item that is in the possession of a person who is on the Square.

8. Court power of forfeiture

- (1) A court which convicts a person of an offence under section 385 of the Act for breach of Byelaw 6(1) may make an order providing for the forfeiture of any item seized under Byelaw 7(1) that was used in the commission of the offence.
- (2) The power of the court to make an order under Byelaw 8(1) is in addition to the court’s power to impose a fine under section 385(3) of the Act.

9. Name and address

Where an authorised person has reasonable ground for belief that a person has contravened any one or more of the Byelaws, that person shall give on demand his name and address to that authorised person.

10. Coming into operation of the Byelaws and revocation of previous byelaws

- (1) The Byelaws will come into operation on the date fixed by the confirming authority in accordance with the provisions of section 236(7) of the Local Government Act 1972.

EXPLANATORY NOTE

Section 385 of the Greater London Authority Act 1999 provides that:

“A person who contravenes or fails to comply with any byelaw under this section shall be guilty of an offence and liable on summary conviction-

- (a) If the byelaw is a trading byelaw, to a fine not exceeding level 3 on the standard scale, or
- (b) In any other case, to a fine not exceeding level 1 on the standard scale.”