

TAY ROAD BRIDGE JOINT BOARD

MANAGEMENT RULES

regulating

Land, Open Spaces and Places of Public Resort or Recreation

The Tay Road Bridge Joint Board (hereinafter referred to as "the Joint Board") by virtue of the powers conferred on them by paragraph 60 of the Tay Road Bridge Order Confirmation Act 1991 (hereinafter referred to as "the Order 1991"), hereby makes the following Management Rules for the regulation of land, open spaces and places of public resort and recreation and conduct of persons whilst on the land, open spaces and places of public resort or recreation under the management or control of the Joint Board.

PART I

Interpretation

1. Definition of terms used in Management Rules

- (i) The provision of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to the interpretation of an Act of Parliament;
- (ii) In these Management Rules, unless the context requires otherwise, the following words and expressions shall have the following meanings:-

"The Bridge Manager" means the Bridge Manager for the time being of the Joint Board or other duly authorised person.

"Land" means any land whether owned or leased by or under the control of the Joint Board and used for the purpose of business or recreation, or as a public playground (other than a school playground and/or school playing fields), open spaces, public walk, garden and ornamental ground or place of public resort or recreation and all structures, works, roads, paths, appliances and servitudes, rights, powers and privileges connected therewith.

"Vehicle" means a carriage or conveyance of whatever description. For the avoidance of doubt this includes bicycles but excludes non-motorised cycles and motorised vehicles or vessels adapted for use by a person with a disability and which are being used by that person, provided the user complies with the 2003 Act.

"Caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed or being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted.

"The 2003 Act" means the Land Reform (Scotland) Act 2003 and any Acts extending or amending the same, and any related guidance.

"The Code" means the Scottish Outdoor Access Code and any guidance or regulations extending or amending the same.

"Authorised Officer" means an officer authorised by or on behalf of the Joint Board to carry out duties on the land.

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PART II

2. Damage to Trees, Erections etc

No person shall on any land:-

- (i) wilfully or negligently deface, remove, displace, injure or destroy any board, plaque, tablet or any bill, placard or notice exhibited on such board, plaque, tablet or any support, fastening or fitting on any board, plaque or tablet used in exhibiting any bill placard or notice;
- (ii) wilfully or negligently deface, injure, destroy or soil any wall, fence or railing on any land or any shelter, barrier, railing, post, seat, erection or ornamental structure situated on any land.

3. Persons not to Climb over Walls etc

No person shall walk, stand, climb, or step on or over any structure, wall, railing, fence, tree, hedge post, monument, shelter or other erection whether in a temporary or permanent situation on any land.

4. Persons not to Enter or Injure Plantations etc

- (i) No person shall enter or stand, sit or walk in or upon any flower bed, verge, border or shrubbery on any land or in or upon any part of any land which bears notices of restriction;
- (ii) No person shall cut, displace, or injure any turf or uproot or displace any plants of whatever description or anything growing on any land.
- (iii) No person shall pluck any bud, blossom, flower or leaf of any tree, shrub, or plant on any land.

5. Protection of Grass etc

No person shall lay or deposit on the grass or in or upon any flowerbed, verge, border or shrubbery, or any part of any land, any substance of whatever description likely to be injurious to such part of any land.

PART III

Exclusion etc of Vehicles, Aircraft and Animals

6. Exclusion of animals etc from Land

Unless a notice is posted by the Joint Board in any land indicating that animals are not permitted on the land or any part thereof it shall be permissible to bring an animal (except a dangerous wild animal as defined under the Dangerous Wild Animals Act 1976) onto any land always provided that the owner or person in charge of any such animal shall keep it under close control or on a short lead and ensure that any excrement deposited by any dog under his/her control be picked up and removed from the land and the provisions of the Dog Fouling (Scotland) Act 2003 any Act extending or amending the same shall apply.

- 7.** Any person leading, exercising, training, riding or moving any such animal on any land may do so as provided under the 2003 Act subject to that person complying with the responsibilities outlined in the Code.

8. Greyhounds, coursing Dogs etc

Notwithstanding the foregoing Rules, no person shall take into or permit to be on any land any greyhound or coursing dog which is not on a lead and not led by such person, except with the prior written consent of the Bridge Manager.

9. Assistance Dogs (Guide Dogs)

Assistance dogs are exempt from the foregoing Rules when under the control of their handlers.

10. Vehicles etc on Land

- (i) No person shall use, propel or drive any vehicle including a caravan other than on such roads or other parts of any land as are provided or designated for such purposes except with the prior written consent of the Bridge Manager. Notwithstanding this rule, the Bridge Manager may from time to time permit any vehicle to be used within any part of any land for the purposes of participating in any event involving the use of vehicles.
- (ii) No person shall abandon, park, leave unattended or otherwise allow to remain any vehicle including a caravan on any land without the written consent of the Bridge Manager.
- (ii) There shall be excluded from such restriction any vehicle used or operated by or authorised by the Bridge Manager in carrying out the maintenance of any land.

11. Exempt from Restriction

The provision contained in Management Rule 10 hereof shall not apply for the use on any land of any perambulator or similar vehicle drawn or propelled by hand for the use by a child or invalid or of any ambulance, fire engine, police vehicle, hearse and attendant vehicles as may be permitted by the Bridge Manager.

12. Rules as to driving lights etc on Land

On any land a driver of any vehicle, or rider of any cycle or horse, or other animal which is normally ridden, shall be bound to observe such statutes, enactments, rules and regulations for the time being in force or any amendment thereof or extension thereto for the regulation of driving on public street or roads and for the exhibition of lights on vehicles as are applicable to public streets or roads.

13. Speed Control of Vehicles

- (i) No person shall use, propel or drive any vehicle on any road on any land at a speed exceeding twenty miles per hour or such other speed as may be determined from time to time by the Joint Board; declaring that nothing in this Management Rule shall be in derogation of any enactment relating to the speed of vehicles.
- (ii) No person shall use, propel, drive or ride any vehicle in a furious, careless or reckless manner on any land.

14. Aircraft

No person shall make use of any land as an aerodrome or landing ground for aircraft or hot air balloon without the prior written consent of the Bridge Manager, except in an emergency.

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PART IV

Protection of Animals, Birds, Game etc

15. Protection of Animals, Birds, Games etc

No person shall on any land:-

- (i) wilfully or negligently displace, disturb, ill-treat, injure, take, destroy or attempt to displace, disturb, ill-treat, injure, take or destroy any animal, bird, game, nest or egg;
- (ii) spread, set or use or attempt to spread, set or use any net, snare, trap, line, firearm, instrument, weapon or other means for the taking, injury or destruction of any animal, bird or game.

Nothing in these Management Rules, however, shall affect the right of the Joint Board, The Bridge Manager or other person duly authorised by the Joint Board to take such steps as the Scottish Government may require in the exercise of their power under Section 39 of the Agriculture (Scotland) Act 1948 and any Act extending or amending the same for the killing, taking or destruction on any land of any animal or birds to which the said Section applies or the eggs of such birds.

PART V

Regulation of Activities

16. Control of Structures, Erections etc

No person shall erect on any land without the prior written consent of the Bridge Manager any post, rail, fence, platform, pole, peg, booth, screen, stand, swing or other erection.

17. Tents etc

No person shall erect or attempt to erect any tent or other similar shelter or canopy on any part of any land without the written consent of the Bridge Manager.

18. Military Operations

No person shall drill or practice military or similar operations on any land without the prior written consent of the Joint Board.

19. Regulation of Cricket, Football etc

No person shall play cricket, football, rugby, hockey, golf or similar sport on any land except with the prior written consent of the Bridge Manager.

20. Firearms etc

No person shall, on any land without the prior written consent of the Bridge Manager:-

- (i) carry any firearm or weapon; or
- (ii) discharge any firearm or weapon; or
- (iii) throw, shoot or propel any stone, fireworks, arrow, knife, missile, or other similar article; or

- (iv) fly or otherwise put into motion any mechanically propelled model aeroplane or similar device, except in such part of any land designated for such purpose by the Joint Board.

Notwithstanding the foregoing provisions of this Management Rule the Joint Board may permit fireworks or other similar display or entertainment on any land on such terms and conditions as they may prescribe.

PART VI

Protection of Person

21. Prohibition of Molestation etc

No person shall on any land:-

- (i) Wilfully obstruct, disturb, interrupt or annoy any other person in the proper or authorised use of any land; or
- (ii) Wilfully obstruct, disturb, interrupt or annoy any officer, servant or employee of the Joint Board or person duly authorised by the Joint Board in exercise of his duty or in the execution of any work in connection with any land; or
- (iii) molest or importune any other person and no person shall importune any other person for the purpose of prostitution or loiter for that purpose

PART VII

22. Control of Trading

No person shall on any land except with the prior written consent of the Bridge Manager:-

- (i) sell or offer or expose for sale or deal in any commodity article or thing; or
- (ii) let or hire or offer or expose for let or hire any commodity, article or thing; or
- (iii) Pursue any trading vocation; or
- (iv) carry out any market research, survey or any other activity of a similar kind; or
- (v) distribute or affix to any wall, tree, fence or any other surface any hand bill, tract, advertising material or any written or printed paper or document.

PART VIII

Regulations of Meetings etc

23. Control of speeches, meetings, performances etc

- (1) No person whilst on any land shall, without the prior written consent of the Joint Board:-
- (i) deliver or utter any speech, lecture or address or preach; or
 - (ii) hold or cause to be held or take part in any public meeting, lecture, pronouncement, religious service, public discussions, procession, demonstration or public assembly.

(2) No person on any land shall:-

- (i) sing or play any instrument; or
- (ii) operate any cassette, radio, television, compact disc player, apparatus or similar instrument,

in such a manner or to such a degree as may cause annoyance to other persons within the land.

24. Control of Collections etc

No persons shall on any land solicit or collect money, gifts or subscriptions for any purpose whatsoever except with the prior written consent of the Bridge Manager.

25. Control of Performances and Exhibitions

No person shall give or take part in or attempt to give or take part in any performances or exhibition on any land except with the prior written consent of the Bridge Manager.

PART IX

Prevention of Danger, Nuisance etc

26. Dangerous Articles - Litter, Refuse etc

No person shall deposit or leave or cause to suffer or fall or to be deposited or left on any land:-

- (i) any substance or article likely to cause injury or damage to any person or property; or
- (ii) any substance or article which might occasion risk of any kind to any child or other person finding or handing same; or
- (iii) any paper, glass, earthenware, rubbish, soot, filth, refuse or other deleterious matter; or
- (iv) any other material;

except with the prior written consent of the Bridge Manager, unless in containers specifically provided for litter or dog excrement.

27. Control and Prevention of Fires etc

No person shall light a fire, burn, or do any action which might cause to be set on fire or burned on any land any paper, rubbish, refuse, fuel or other substance, except with the prior written consent of the Bridge Manager.

28. Nuisance

No person shall on any land:-

- (i) commit a nuisance or any act of indecent behaviour; or
- (ii) use any profane, obscene, abusive, indecent or insulting language.

29. Public Conveniences, etc

No person shall on any land enter any public conveniences or similar accommodation which is not appropriate to the sex and age of such person.

30. Alcoholic Liquors etc

Except with the prior consent of the Joint Board and where a proper licence has been granted in terms of the Licensing (Scotland) Act 1976 and any Act extending or amending the same, no person shall sell or supply or consume or cause to be sold, supplied or consumed any spirit or other alcoholic liquor (as defined in the aforementioned Act).

31. No person who is under the influence of alcohol, drugs or solvents shall enter or remain on any land.

32. Control of Smoking

No person shall smoke in any building, pavilion, erection, enclosure or place on any land in contravention of the Smoking, Health and Social Care (Scotland) Act 2005 (Prohibition of Smoking in Certain Premises) Regulations 2005 or a notice prohibiting smoking.

PART X**Miscellaneous****33. Refusal of Admission**

The Joint Board reserves the right in respect of any land to refuse admission to any person, group, body or organisation and its decision to do so shall be final. The 2003 Act gives the public the right of responsible access to land and people are expected to comply with the responsibilities outlined in the Code.

34. Under Section 11 of the 2003 Act, the Joint Board may by order exempt any land or part of any land for a particular purpose specified in the order from the access rights which would otherwise be exercisable during such times as may be specified by the order. In general such exemptions will be limited to allowing a charge to be levied for admission to a particular event; in the interests of safety and security; and for ensuring the protection of privacy.

35. Expulsion or Exclusion for Breach of Rules

The Bridge Manager may:-

- (i) if he has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, expel the person from the land;
- (ii) if he has reasonable grounds for believing that a person is about to contravene any of the foregoing Management Rules, exclude that person from the land.

A person who persistently contravenes or attempts to contravene the foregoing Management Rules and is, in the opinion of the Joint Board, likely to contravene them again, shall be liable to be made the subject of an Exclusion Order by the Joint Board for a period not exceeding one year in terms of Section 117 of the Civic Government (Scotland) Act 1982 .

36. Offences

Any person who:-

- (i) on being required to leave any land by the Bridge Manager who has reasonable grounds for believing that such person has contravened, is contravening or is about to contravene any of the foregoing Management Rules, fails to leave;
- (ii) on being informed by the Bridge Manager who has reasonable grounds for believing that such person is about to contravene any of the foregoing Management Rules that he is excluded from any land, enters or attempts to enter upon any land;
- (iii) being a person subject to an Exclusion Order under Section 117 of the 1982 Act, enters or attempts to enter any land to which the Exclusion Order relates.

shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level one of the standard scale, currently TWO HUNDRED POUNDS (£200) STERLING in terms of Section 118 of the 1982 Act.



37. Saving for Authorised Officers and others

- (i) Nothing in the foregoing Management Rules shall prevent access to any part of any land at any time by
 - (a) authorised officers;
 - (b) any persons engaged in the operation, maintenance or repair of the land under the control of the Joint Board;
 - (c) constables and members of a fire brigade or of an ambulance service while engaged in the exercise of their duties; and
 - (d) any person giving necessary assistance to any person on the land.
- (ii) Nothing in the foregoing Management Rules shall prevent access to any land by any person in accordance with any permission given by an authorised officer.

38. Date of Operation

The foregoing Management Rules shall come into force on the Thirty First day of January Two thousand and Thirteen

Dated at Dundee this Thirty First day of January, Two Thousand and Twelve.


 (Witness)