

**ST. ALBANS  
RURAL DISTRICT COUNCIL**

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**Scheme**

For the Regulation of

**BRICKET WOOD COMMON**

**(Including Smug Oak Green and Black Green)**

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*Approved by the Secretary of State  
for the Environment*

*28th March, 1972*

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**ERIC N. WHEELER**  
Clerk

**Council Offices,  
43, Upper Lattimore Road,  
St. Albans**

## **ST. ALBANS RURAL DISTRICT COUNCIL**

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### **Amending Scheme for the Regulation of**

### **BRICKET WOOD COMMON**

*(Including Smug Oak Green and Black Green)*

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**Description of  
commons and  
management  
by District  
Council**

1. The pieces of land with the ponds, streams, paths and roads thereon, commonly known as Bricket Wood Common, Smug Oak Green, and Black Green, situate in the Parish of St. Stephen in the County of Hertford, and hereinafter referred to as "the commons" as the same are delineated in a plan sealed by, and deposited at the office of the Rural District Council of St. Albans, hereinafter called "the Council" and thereon coloured green, being "Commons" within the meaning of the Commons Act, 1899, shall henceforth be regulated by this Scheme, (which amends and supplements the Scheme made by the Council on 4th March, 1925, and approved by the Minister of Agriculture & Fisheries on 12th May 1925) and the management thereof shall be vested in the Council:

**Appointment of  
Officers**

2. The powers of the Council generally as to appointing or employing officers and servants and paying them under the general Acts applicable to the Council shall apply to all such persons as in the judgement of the Council may be necessary and proper for the preservation of order on and the enforcement of byelaws with respect to the commons and otherwise for the purpose of this Scheme, and the Council may make rules for regulating the duties and conduct of the several officers and servants so appointed and employed and may alter such rules as occasion may require.

**Protection and  
improvement of  
commons**

3. The Council may execute any necessary works of drainage, raising, levelling or other works for the protection and improvement of the commons and may, for the prevention of accidents, fence any quarry, pit, pond, stream or other like place on the commons, and

Protection and improvement of commons.  
(cont'd)

shall preserve the turf, shrubs, trees, plants and grass thereon, and for this purpose may, for short periods, enclose by fences such portions as may require rest to revive the same, and may plant trees and shrubs for shelter or ornament, and may place seats upon and light the commons, and otherwise improve the commons as places for exercise and recreation. Save as hereinafter provided, the Council shall do nothing that may otherwise vary or alter the natural features or aspects of the commons or interfere with free access to any part thereof, and shall not erect upon the commons any shelter, pavilion, drinking fountain, convenience or other building without the consent of the person or persons entitled to the soil of the commons and of the Secretary of State for the Environment (in this Scheme referred to as 'the Secretary of State').

The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882, shall be acceded to or not.

Against encroachments

4. The Council shall maintain the commons free from all encroachments, and shall not permit any trespass on or partial or other enclosure of any part thereof.

Public Right of Access and Recreation

5. The inhabitants of the district and neighbourhood shall have a right of free access to every part of the commons and a privilege of playing games and of enjoying other species of recreation thereon, subject to any byelaws made by the Council under this Scheme.

Maintenance and construction of paths and roads

6. The Council shall have power to repair and maintain the existing paths and roads on the commons, other than highways maintainable at the public expense, and to set out, construct, and maintain or authorise the construction and maintenance of such new paths and roads on the commons as appear to the Council to be necessary or expedient, and to take any proceedings necessary for the stopping or diversion of any highway over the commons.

Games, etc.

7. The Council may with the consent of the person entitled to the soil of the commons set apart for games any portion or portions of the commons as they may consider expedient, and may form grounds thereon for cricket, football, tennis, bowls and other similar games, and may allow such grounds to be temporarily enclosed with any open fence, so as to prevent cattle and horses from straying thereon; but such grounds shall not be so numerous or extensive as to affect prejudicially the enjoyment of the commons as open spaces or the lawful exercise of any right of common, and shall not be so near to any dwelling-house or road as to create a nuisance or be an annoyance to the inhabitants of the house or to persons using the road.

Parking Places

8. The Council may, with the consent of the person or persons entitled to the soil of the commons and of the Secretary of State, temporarily set apart and fence such portion or portions of the commons as they may consider expedient for the parking of motor and other vehicles, and may make such charges for the use of the such part as they may deem necessary and reasonable; provided that any area so set apart shall not be so near to any dwelling house as to create a nuisance or be an annoyance to the inhabitants of the house. The Secretary of State, in giving or withholding his consent, shall have regard to the same considerations and shall, if necessary, hold the same enquiries as are directed by the Commons Act, 1876, to be taken into consideration and held by the Secretary of State before forming an opinion whether an application under the Inclosure Acts, 1845 to 1882 shall be acceded to or not.

Byelaws

9. The Council may, for the prevention of nuisances and the preservation of order on the commons, and subject to the provisions of Section 10 of the Commons Act 1899, make, revoke and alter byelaws for any of the following purposes, viz: -

- (a) For prohibiting the placing or depositing and leaving on the commons without lawful authority of road-sand, materials for repair

Byelaws  
(Cont'd)

of roads, wood, glass, china, earthenware, tin, carton, paper, or other refuse, or litter, so as to affect, or tend to affect, injuriously the public amenities of the Commons.

- (b) For prohibiting any person without lawful authority from digging, cutting or taking turf, sods, gravel, sand, clay, or other substance on or from the commons, and from cutting, felling or injuring any gorse, heather, timber, or other tree, shrub, brushwood or other plant growing on the commons.
- (c) For regulating the place and mode of digging and taking turf, sods, gravel, sand, clay, or other substance, and cutting, felling and taking trees or underwood on or from the commons in exercise of any right of common or other right over the commons.
- (d) For prohibiting the injury, defacement, or removal of any works or property maintained by the Council on the commons.
- (e) For prohibiting or regulating the posting or painting of bills, placards, advertisements, or notices on trees or fences, erections or notice-boards on the commons.
- (f) For prohibiting any person without lawful authority from bird catching, setting traps or nets, or laying snares for birds or other animals, taking birds' eggs or nests, and shooting or chasing game, or other animals, on the commons.
- (g) For prohibiting the drawing, driving or placing upon the commons or any part thereof without lawful authority of any carriage, cart, caravan, truck, motor-cycle, or other vehicle, or any aircraft (except in the case of accident or other sufficient cause); or camping or the lighting of any fire thereon.

Byelaws  
(Cont'd)

- (h) For prohibiting or, in the case of a fair lawfully held, for regulating the placing on the commons of any show, exhibition, swing, roundabout, or other like thing.
- (i) For prohibiting or regulating the firing or discharge of firearms, or the throwing or discharge of missiles, on the commons.
- (j) For regulating games to be played and other means of recreation to be exercised on the commons, and assemblages of persons thereon.
- (k) For regulating the use of any portion of the commons temporarily enclosed or set apart under this Scheme for any purpose.
- (l) For prohibiting or regulating the driving, exercising or breaking in of horses without lawful authority on any part of the commons.
- (m) For prohibiting any person without lawful authority from turning out or permitting to remain on the commons any cattle, sheep or other animals.
- (n) For prohibiting any person from bathing in any pond or stream on the commons save in accordance with the byelaws.
- (o) Generally, for prohibiting or regulating any act or thing tending to injury or disfigurement of the commons, or to interference with the use of the commons by the public for the purposes of exercise and recreation.
- (p) For authorising any officer of the Council, after due warning, to remove from the commons any vehicle or animal drawn, driven or placed, or any structure erected or placed thereon in contravention of this Scheme, or of any byelaw made under this Scheme, or to remove from the commons any person who within his view infringes any such byelaw or any provision of the Vagrancy Acts.

Byelaws  
(Cont'd)

- (q) For prohibiting the hindrance or obstruction of an officer of the Council in the exercise of his powers or duties under this Scheme, or under any byelaw made thereunder.

Publication  
of Byelaws  
on Commons

10. All byelaws made under this Scheme shall be published on notice-boards placed on such parts of the commons (not less than four) as to the Council may appear desirable.

Saving of  
rights, etc.  
in the  
soil and  
highways

11. Nothing in this Scheme or any byelaw made thereunder shall prejudice or affect any right of the person entitled as lord of the manor or otherwise to the soil of the commons, or of any person claiming under him, which is lawfully exercisable in, over, under, or on the soil or surface of the commons in connection with game, or with mines, minerals, or other substrata or otherwise, or prejudice or affect any right of the commoners in or over the commons, or the lawful use of any highway or thoroughfare on the commons, or affect any power or obligation to repair any such highway or thoroughfare.

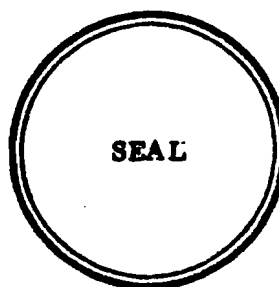
Copies of  
Scheme

12. Printed copies of this Scheme shall at all times be sold at the office of the Council to all persons desiring to buy the same at a price of 5p each.

On the 7th day of February, 1972 the  
COMMON SEAL of the RURAL DISTRICT COUNCIL  
of ST. ALBANS was hereunto affixed in the  
presence of:-

**W. INGLIS**  
*Chairman*

**ERIC N. WHEELER**  
*Clerk*



Approved by Order of the Secretary of State for the Environment  
on 28th March, 1972.

**H.E. ROBERTS.**

Authorised by the Secretary of State to sign in that behalf.