



**GATESHEAD
METROPOLITAN BOROUGH COUNCIL**

BYELAWS

made under

**SECTION 35(6) OF THE
HIGHWAYS ACT 1980
BY THE**

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METROPOLITAN BOROUGH COUNCIL**

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BYELAWS

For the keeping of order and prevention of nuisances upon the walkways of the Metro Centre in Gateshead in the County of Tyne and Wear.

The Borough Council of Gateshead, in exercise of the powers conferred on them by Section 35(6) of the Highways Act 1980, and of all other enabling powers, hereby make the following Byelaws:

Interpretation

1. In these byelaws:-

"building owner" has the meaning given to that expression in the Walkways Regulations 1973;

"Census or surveys" means any market or other research, official or unofficial count, random sample, observation or study;

"the Council" means the Borough Council of Gateshead;

"intoxicating liquor" means spirits wine beer cider and any other fermented distilled or spirituous liquor with an alcohol content exceeding 0.5 per cent by volume;

"invalid carriage" has the same meaning as in Section 185(1) of the Road Traffic Act 1988;

"opening hours" means those hours specified in the walkway agreement.

"shoppers trolleys" means those trolleys provided by retailers for the temporary use of customers to convey their purchases through the retail store and to the customer's vehicle.

"vehicle" means any vehicle whether mechanically propelled or not, but does not include an invalid carriage, a pedestrian-operated trolley, or a perambulator;

"walkway" means any part of those ways dedicated as footpaths in accordance with Section 35 of the Highways Act 1980 and specified in the walkway agreement; and

"interior walkway" means any part of those ways specified in the walkway agreement.

"the walkway agreement" means an agreement dated 3 January 1989 and made between the Council and the Church Commissioners for England in relation to land and premises constructed or to be constructed at Swalwell, Gateshead in the County of Tyne and Wear and presently known as the "MetroCentre".

Prohibited Actions

2. Save as provided in byelaw 5 below, no person when on a walkway shall:
- (1) spit or urinate;
 - (2) play any musical instrument so as to give to any person reasonable cause for annoyance;
 - (3) use any radio, television set, instrument for playing tapes or other forms of recording or other similar apparatus so as to give any person reasonable cause for annoyance;
 - (4) climb or sit on any balustrade, barrier, fence, railing or wall;
 - (5) without reasonable cause climb any tree or go on any area laid out with shrubs, plants or grass;
 - (6) cause or permit any animal other than a dog under the control of a blind person to accompany him or a dog trained to act as a hearing aid for a deaf person under the control of such person;
 - (7) ride, drive or otherwise cause to be in motion any vehicle provided that this byelaw shall not apply to a person driving a vehicle on a walkway contrary to Section 34 of the Road Traffic Act 1988;
 - (8) intentionally obstruct any person employed by the Council in the execution of his duty;
 - (9) deposit any litter except in the receptacles provided;
 - (10) throw or discharge any stones or other missiles in, onto, from or at any part of the walkway;
 - (11) consume any intoxicating liquor unless within a place authorised by the Council;

- (12) exhibit dangerous articles in or near, or within view of the walkways or any part or parts thereof or suspend any such article from or affix it to any part of the walkways;
 - (13) collect a crowd so as to cause obstruction or hold any meeting or demonstration or refuse or fail to move on when requested to do so by a police officer or any person duly authorised by the Council;
3. Save as provided in byelaw 5 below, no person when on a walkway, unless previously approved in writing by the Council from time to time, shall:
- (1) place or leave any vehicle or any furniture, goods, wares or merchandise or any cash, tub, box, case, hamper, basket, pail, bucket or present similar article or place or use any standing place, tent, booth, stall, stand, show, board or other like arrangement;
 - (2) sell or expose or offer for sale any goods, articles, services or things;
 - (3) tout or importune for the purpose of selling or advertising any article or obtaining custom;
 - (4) bring into the walkway any placard, bill, advertisement, or advertising board or allow the same to remain in any such part or parts of the walkway or for the purpose of advertising, throw about or deposit in any part of the walkway any bill, placard or other paper;
 - (5) play any musical instrument or use any wireless, apparatus, loudspeaker, gramophone or tape recorder;
 - (6) take any census or surveys: where approval in writing is given by the Council such approval shall state the manner in which the census or survey is to be conducted.
4. Save as provided in byelaw 5 below, no person when on a walkway shall, without the consent of the Council:
- (1) use on the walkway any bicycle or other wheeled vehicle or conveyance including any roller skates, skateboard or similar except prams, pushchairs or wheelchairs (being wheelchairs propelled either manually or by electricity) or bring onto the interior walkway shoppers' trolleys
 - (2) enter the fire escape save in the case of emergency or rehearsal therefore;
 - (3) without reasonable cause remain on the interior walkway beyond the 30 minutes following the opening hours.

5. The provisions of byelaws 2, 3 and 4 above do not apply in respect of any act done
- (a) at the direction or with the consent of a police constable, an ambulance officer or a fire officer;
 - (b) by a person in the service of the Council, or an undertaker (as defined in Section 39(1) of the Public Utilities Street Works Act 1950) under statutory powers or duties or in accordance with the walkway agreement;
 - (c) by or with the authority of the building owner in accordance with the walkway agreement or the Walkways Regulations 1973;
 - (d) by a person who is required to do the act in pursuance of a statutory requirement or a notice served under such a requirement; or
 - (e) by a person in accordance with Regulations made under the Police, Factories etc (Miscellaneous Provisions) Act 1916.

Penalty

6. Any person who commits an offence under the provision of byelaws 2, 3 and 4 above shall be liable on summary conviction to a fine not exceeding Level 2 on the Standard Scale.

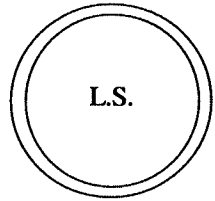
Citation

7. These byelaws may be cited as the Borough Council of Gateshead Walkway Byelaws 1994.

**THE COMMON SEAL OF THE
BOROUGH COUNCIL OF
GATESHEAD** was hereunto affixed
on the third day of February 1994 in
the presence of :

**S Henderson
Mayor**

**C J Stockwell
Deputy Director of Legal and
Administrative Services**



EXPLANATORY NOTE

(This Note is not part of the Byelaws)

Regulation 5 of the Walkways Regulations 1973, provides that the walkway, or any part, may be closed -

- (a) periodically, at such times as are specified in the walkway agreement, and
- (b) temporarily, where the closure is necessary for the carrying out of building or repair works.

The walkway agreement provides that the walkway, or any part, may be closed on Sundays, public holidays and between the hours of 10 pm and 7 am. Any unauthorised member of the public who is upon the walkway, or any part so closed, or when temporarily closed for building or repair works, is committing an offence against the Byelaws.

DET 7218

The foregoing byelaws are hereby confirmed by the Secretary of State for Transport and shall come into force on 1 July 1994

Signed by authority of
the Secretary of State
19 May 1994

R M Kimber
An Assistant Secretary
in the Department of Transport