Epsom and Walton Downs Regulation Act 1984

CHAPTER ix

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ELIZABETH II



1984 CHAPTER ix

An Act to repeal and to re-enact with amendments the Epsom and Walton Downs Regulation Act 1936; to confer further powers on the Epsom and Walton Downs Conservators, United Racecourses Limited, the Horserace Betting Levy Board and the Epsom and Ewell Borough Council in respect of Epsom and Walton Downs regulated by that Act; and for other purposes.

[24th May 1984]

WHEREAS—

(1) By the Epsom and Walton Downs Regulation Act 1936 (hereinafter referred to as "the Act of 1936") the Epsom and Walton Downs Conservators (hereinafter referred to as "the Conservators") were incorporated with power to regulate, preserve and control Epsom Downs and Walton Downs as defined in the Act of 1936 (hereinafter referred to as "Epsom Downs" and "Walton Downs" respectively and collectively referred to as "the Downs"): 1936 c. c.

(2) Epsom Downs (except the part of Epsom Downs which extends into Rosebery Road in the borough of Epsom and Ewell and comprises an area of approximately 0·06 hectares) and a portion of Walton Downs which on the passing of the Act of 1936 were the property of the Epsom Grand Stand Association Limited are now (with that exception) the property of Metropolitan and Country Racecourse Management and Holdings Limited subject to a lease in favour of United Racecourses Limited (hereinafter referred to as "the Company") and the remainder of Walton Downs is the property of Stanley Thomas Wootton subject to a lease dated 31st December 1969 made between the said Stanley Thomas Wootton of the one part and the Horserace Betting Levy Board (hereinafter referred to as "the Levy Board") of the other part:

(3) On parts of Epsom Downs, certain well known horse races are held, and both Epsom Downs and Walton Downs are used for training race-horses:

(4) It is expedient that the rights of the public over the Downs and the rights of the Company and of the said Stanley Thomas Wootton and his successors in title and of the Levy Board to use parts of the Downs for the said purposes should be defined as by this Act provided:

(5) By virtue of section 262 of the Local Government Act 1972, the Act of 1936 or certain provisions thereof will cease to have effect at the end of 1986:

1972 c. 70.

(6) It is expedient that the Act of 1936 should be repealed and re-enacted with amendments as by this Act provided including amendments extending and enlarging the powers of the Conservators, the Company, the Levy Board and the Epsom and Ewell Borough Council (hereinafter referred to as "the Council"):

(7) In the month of November 1981, maps comprising two sheets, being sheet "A" and sheet "B" showing Epsom Downs and Walton Downs, were deposited with the town clerk and chief executive of the Council, and copies of those maps were in the same month deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons respectively:

(8) It is expedient that the other provisions of this Act be enacted:

(9) The purposes of this Act cannot be effected without the authority of Parliament:

(10) In relation to the promotion of the Bill for this Act, the requirements of section 239 of the Local Government Act 1972 have been complied with:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the Epsom and Walton Downs Regulation Act 1984. Short title.

2.—(1) In this Act, unless the subject or context otherwise requires— Interpretation.

"the access road" means the road along the north side of the southern part of the Race Course commencing on the western side of Walton Road and terminating at the entrance road to The Downs House;

"the Act of 1936" means the Epsom and Walton Downs Regulation Act 1936; 1936 c. c.

"authorised meeting" means any race meeting on the Downs which for the time being may be authorised in pursuance of section 14 (Authorised meetings) of this Act;

"the borough" means the borough of Epsom and Ewell;

"the Company" means United Racecourses Limited and includes their successors and assigns and the reversioner for the time being expectant on their lease of Epsom Downs and a portion of Walton Downs;

"the Conservators" means the Epsom and Walton Downs Conservators constituted by the Act of 1936 and this Act;

"the constituents" means the Council, the Company and the Owner or the Levy Board and "constituent" shall be construed accordingly;

"the Council" means the Epsom and Ewell Borough Council;

"the deposited map" means sheet "A" of the maps referred to in the Preamble of this Act;

"the Downs" means the lands in the borough known as Epsom Downs and Walton Downs, which said lands are contained within the boundary lines coloured red on the deposited map;

"Epsom Downs" means the lands forming part of the Downs shown by blue boundary lines on the deposited map;

"horse" includes any mare, gelding, pony, foal, colt, filly or stallion and also any ass, mule or jennet;

"intervening period" means the period between any two authorised meetings if any such period will not exceed 10 weeks;

"the Levy Board" means the Horserace Betting Levy Board or their successors in title, the lessee for the time being of the lease dated 31st December 1969 or any lease granted in substitution thereof;

"Metropolitan Course" means the course coloured blue and cross-hatched black on the deposited map;

"the northern part of the Race Course" means the portion of the Race Course situate between Walton Road and Tattenham Corner Road;

"the Owner" means Stanley Thomas Wootton or other the owner or owners for the time being of the freehold interest in that portion of Walton Downs referred to in the Preamble of this Act as the property of the said Stanley Thomas Wootton or of such interest in not less than 40 hectares of that property;

"the paddock" means the lands situate on the north-western side of Langley Vale Road opposite the Rubbing House Hotel or any land which may be utilised as a paddock in substitution therefor under section 18 (Alterations of Race Course) of this Act;

"preliminary period" means the period of three days immediately preceding any authorised meeting;

"preparatory period" when used in connection with temporary stands, and in connection with the fencing referred to in paragraph (4) (*d*) (iii) of section 17 (For protection of Company) of this Act means the period of 21 days immediately before the commencement of a racing period and in any other case means the period of 14 days immediately before the commencement of a racing period;

"Race Course" means the portion of the Downs coloured blue on the deposited map and thereon marked "Race Course";

"racing period" means the days on which horse racing takes place on the Downs during any authorised meeting;

"the signed map" means the map signed in triplicate by Gavin Strang the chairman of the committee of the House of Commons to whom the Bill for this Act was referred one copy of which has been deposited at each of the following offices:—

(*a*) the office of the Clerk of the Parliaments, House of Lords;

(*b*) the Private Bill Office, House of Commons; and

(*c*) the office of the town clerk and chief executive of the Council;

"the southern part of the Race Course" means so much of the Race Course as is not comprised within the northern part of the Race Course;

"Walton Downs" means the lands forming part of the Downs shown by a brown boundary line on the deposited map;

"Walton Road" means the road leading from Langley Vale Road across the Downs to Ebbisham Lane, Walton, at the southern boundary of the borough.

(2) References in this Act to a bridleway designated by a number are references to the bridleway designated by that number on the definitive map and statement prepared for the borough under Part IV of the National Parks and Access to the Countryside Act 1949. 1949 c. 97.

Copy of Act and maps to be kept for public inspection.

3.—(1) It shall be the duty of the Council to secure that a copy of this Act, of the deposited map and of the signed map shall be available for inspection by the public at all reasonable times at the offices of the town clerk and chief executive of the Council.

(2) Copies of the deposited map and of the signed map certified by the said town clerk and chief executive to be true shall be receivable in all civil or criminal proceedings and elsewhere as evidence of the contents of the deposited map and of the signed map.

Rights of public over Downs.

4. Subject to the provisions of this Act, and of any byelaws made under this Act, members of the public shall have right of access for air and exercise on foot over the Downs:

Provided that nothing in this section shall authorise any interference with the training by the Company, the Levy Board or the Owner, or their lessees or licensees, of horses on any part of the Downs or with any other rights conferred upon the Company, the Levy Board or the Owner by this Act or with the use of the Downs for events permitted by the Conservators under subsection (2) of section 10 (Duties and powers of Conservators) of this Act.

Continuance of Conservators.

5. Notwithstanding the repeal by this Act of the Act of 1936 the Downs shall continue to be regulated, preserved and controlled by the Conservators, who shall continue to be a body corporate and each person appointed a Conservator under the Act of 1936 shall (unless he shall previously die or resign or

become disqualified to be a Conservator) continue to be a Conservator for the period for which he was appointed.

Appointment and term of office of Conservators.

6.—(1) The Conservators shall consist of 10 persons of whom six shall be members of and shall be appointed by the Council, three by the Company and one by the Owner:

Provided that after the death of Stanley Thomas Wootton a Conservator shall be appointed by the Levy Board instead of by the Owner.

(2) The persons appointed by the Council after the passing of this Act shall hold office for four years:

Provided that a person appointed a Conservator by the Council shall cease to hold his office of Conservator if he resigns that office or ceases to be a member of the Council.

(3) In the event of a casual vacancy occurring in the office of a Conservator appointed by the Council the Council shall, as soon as reasonably practicable, appoint another person to fill the vacancy who shall hold office until the date upon which the person in whose place he was appointed would regularly have retired.

(4) A person appointed a Conservator by the Company, the Owner or the Levy Board shall hold that office until his appointment is revoked by the body or person who appointed him or until his death or resignation.

(5) Whenever a Conservator appointed by the Company, the Owner or the Levy Board dies or resigns or has his appointment revoked the body or person who appointed him shall as soon as reasonably practicable appoint another person as Conservator in his place.

Provision where failure to appoint Conservators.

7. If any of the constituents fails to appoint persons as Conservators, or to fill any vacancy, as by this Act provided it shall be competent nevertheless for the other Conservators to carry this Act into execution and if any constituent fails subsequently to appoint Conservators or a Conservator at the proper time of their appointment the then existing Conservators or Conservator representing such constituent and qualified to be Conservators shall continue in office until their successors or his successor are or is appointed.

Meetings and proceedings of Conservators.

8.—(1) The Conservators shall in every year hold two meetings for the transaction of their business at such times and at such places as they may determine.

(2) The Conservators may hold such other meetings at such times and at such places as they may determine.

(3) No act or proceeding of the Conservators shall be questioned on account of any vacancy in their body or any invalidity or defect in the appointment of any member thereof.

(4) No business shall be transacted at any meeting of the Conservators unless at least four members including one member appointed by the Council and one member appointed by the Company are present thereat.

(5) (*a*) At every meeting which first occurs after the occurrence of a vacancy in the office of chairman of the Conservators, the Conservators shall elect one of their number to be chairman for such period as they may think fit, and at any meeting the Conservators present may elect another of the Conservators to be vice-chairman for such period as they may think fit.

(*b*) A vacancy shall be deemed to occur in the office of chairman or vice-chairman on the expiration of the period for which the holder was appointed or if the holder resigns or ceases to be a Conservator.

(6) (*a*) At a meeting of the Conservators, the chairman if present shall preside, but if the chairman be absent, the person for the time being holding office as vice-chairman shall have and may exercise all the powers of the chairman.

(*b*) If at any meeting of the Conservators neither the chairman nor the vice-chairman is present, the Conservators present at the meeting shall choose one of their number to be chairman of the meeting.

(7) The Conservators shall be a body to which the Public Bodies (Admission to Meetings) Act 1960 applies. 1960 c. 67.

(8) (*a*) All questions arising for the determination of the Conservators shall be decided by the majority of such Conservators present and voting at a meeting and in the case of an equality of votes the person presiding at the meeting shall have a casting vote.

(*b*) The mode of voting at any meeting of the Conservators shall be by show of hands or, if at least three Conservators so request, by ballot.

Appointment of officers.

9.—(1) The town clerk and chief executive for the time being of the Council shall be the clerk of the Conservators.

(2) The Conservators may from time to time employ such other officers and servants as they may think necessary and may pay their clerk and other officers and servants such reasonable wages, salaries or allowances as they may think proper.

Duties and powers of Conservators.

10.—(1) It shall be the duty of the Conservators to preserve the Downs so far as possible in their natural state of beauty and to have regard to the rules of good forestry and the desirability of conserving flora, fauna and geological or physiographical features of special interest and subject thereto they may—

(*a*) do any works necessary for preserving, restoring, planting and maintaining the turf, trees, shrubs, plants and grass and for landscaping and temporarily fence off such parts of the Downs as they may think necessary;

(*b*) execute works of draining, raising or levelling for the preservation and maintenance of the Downs and fence off dangerous places;

(*c*) construct and maintain, or permit the construction and maintenance of buildings, seats, fences, notice-boards and other structures for the purposes of their functions under this Act:

Provided that the Conservators shall not construct or permit the construction of any such buildings or structures upon any part of the Downs except with the consent of the Council and of the owner of that part of the Downs upon which such buildings or premises are proposed to be constructed, such consents not to be unreasonably withheld.

(2) Notwithstanding anything contained in this Act, or in any byelaws made under this Act the Conservators may, with the consent of the Council and the Company or the Owner or the Levy Board, as the case may require, permit the Downs to be used for the holding of such events other than horse races as they think fit:

Provided that in the case of such events which, in the opinion of the Conservators involve a significant degree of interference with the rights of the public of access for air and exercise under section 4 (Rights of public over Downs) or section 15 (Rights of horse riders on Downs) of this Act—

(*a*) the Downs shall not be so used for such events for more than five days in any one year; and

(*b*) not more than 25 hectares of the Downs shall be set apart for the holding of any such event.

Byelaws.

11.—(1) The Conservators may subject to the provisions of this Act make byelaws for the prevention of nuisances, for the preservation of order, for the prevention of damage to the land

or anything thereon or therein, and for securing that persons resorting thereto will so behave themselves as to avoid undue interference with the enjoyment of the Downs by other persons and, without prejudice to the generality of the foregoing, such byelaws may be made for any of the following purposes:—

(*a*) for prohibiting any enclosure of any part of the Downs or the erection of any building, shed or other structure thereon or the construction of any roads or parking places or the use of any part of the Downs as a parking place;

(*b*) for prohibiting or regulating the placing of any tent, stall, show, exhibition, swing, roundabout or other like thing;

(*c*) for prohibiting the playing of golf except as provided in paragraph (11) of section 17 (For protection of Company) of this Act or organised games and for regulating other means of recreation and the assemblage of persons on the Downs;

(*d*) for prohibiting any person from turning out or permitting to remain on the Downs any horses, cattle, sheep, pigs, goats or other animals;

(*e*) for preventing any digging or taking of stone, chalk, soil or other materials or the taking of turf, sods, trees, flowers, shrubs, plants or grass and for prohibiting the use on the Downs of any device designed or adapted for detecting or locating any metal or mineral in the ground;

(*f*) for prohibiting or regulating the driving or placing of carriages, carts, motor cars or any other vehicles on or upon any part of the Downs other than any public carriageway or authorised parking place;

(*g*) for prohibiting or regulating camping or sleeping on the Downs or the lighting of fires thereon;

(*h*) for preventing the displacing or removing of seats, fences, banners, notice-boards or other things put up and maintained by the Conservators or the Company or the Owner under the powers of this Act;

(*i*) for prohibiting or regulating the operation or playing of instruments and electrical amplification or other activities likely to give rise to noise disturbance;

(*j*) for authorising any officer or servant of the Conservators after due warning to remove or exclude from the Downs any person who within his view commits any offence against the byelaws made under this Act;

(*k*) for prohibiting the hindrance or obstruction of any officer or servant of the Conservators in the exercise of his duties;

(*l*) for prohibiting or regulating the use of the Downs by or for the purpose of aircraft, flying devices or model aircraft;

(*m*) for authorising the Conservators or any officer or servant of the Conservators to take down or remove any thing or animal on the Downs in contravention of the byelaws;

(*n*) for restricting or prohibiting the selling, hawking or hiring of any article, commodity or thing or the provision of any service;

(*o*) for prohibiting the public from walking on the Race Course except at crossing places authorised under paragraph (5) (*a*) of section 17 of this Act;

(*p*) for controlling dogs in the interest of the safety of horses and their riders;

(*q*) for prohibiting any member of the public riding or exercising a horse on—

(i) any portion of the Downs not being a ride or area authorised under subsection (1) of section 15 (Rights of horse riders on Downs) of this Act; and

(ii) the ride and areas referred to in the proviso to subsection (1) of section 15 before noon on any day; and

(iii) any area within a distance of 50 metres from any part of the Race Course or anywhere within the area bounded by the Race Course and an imaginary line drawn between the western extremities of the northern part of the Race Course and of the southern part of the Race Course during the period from half an hour before the start of the first race until half an hour after the finish of the last race at an authorised meeting;

(*r*) for temporarily restricting or prohibiting the riding or exercising of horses in contravention of notices displayed under paragraph (*a*) of subsection (3) of section 15 (Rights of horse riders on Downs) of this Act.

(2) The provisions of sections 236 and 238 of the Local Government Act 1972 shall with all necessary modifications apply to all byelaws made by the Conservators under this Act as if the Conservators were a local authority within the meaning of those sections and for the purposes of those sections the office of the Council shall be deemed to be the office of the Conservators and the confirming authority in relation to any such byelaws shall be the Secretary of State.

1972 c. 70.

(3) Any person who without reasonable excuse contravenes any byelaw made under this section shall be guilty of an offence and shall on summary conviction be liable to a fine not exceeding £50.

(4) A person shall not be guilty of an offence for contravening a byelaw made under paragraph (*q*) of subsection (1) above unless notice specifying the offence and the maximum penalty for such an offence is conspicuously displayed in such places on the Downs as the Conservators think fit, and the routes of the rides are clearly identified by signs or other means.

(5) Proceedings under this section shall not without the written consent of the Director of Public Prosecutions be taken by any person other than the Conservators or a party aggrieved.

Accounts and expenditure of Conservators.

12.—(1) The financial year of the Conservators shall commence on the 1st April in each year and end on the 31st March in the following year and as soon as practicable after the end of each financial year the Conservators shall send a copy of their accounts for that year to each of the constituents.

(2) Not later than the 1st January in each year the Conservators shall send to each of the constituents a detailed estimate of their income and expenditure during the following financial year which estimate may include an amount to provide a working balance.

(3) Each of the constituents shall have the right at any time within 21 days of the receipt of any such estimate to give notice in writing to the others of them and to the Conservators of objection to any item shown in such estimate.

(4) All items in respect of which no such notice of objection is given and all items in respect of which such notice of objection has been given but within 21 days is withdrawn shall be deemed to be approved items.

(5) (*a*) If notice of objection is given in respect of any item and not withdrawn as aforesaid it shall be decided by a person to be agreed upon by the constituents or failing agreement appointed by the President of the Institute of Chartered Accountants in England and Wales whether such item shall be allowed in whole or in part or shall be disallowed.

(*b*) The decision of such person shall be final and he shall be entitled to arrive at his decision from his own knowledge and experience on statements in writing from the parties but shall not be bound to hear oral evidence or arguments.

(*c*) The remuneration of such person shall be paid by the Conservators.

(6) The Conservators shall not without the consent of the constituents incur any expenditure other than expenditure included in an approved item or in an item which has been allowed under subsection (5) above and any expenditure necessary to pay any remuneration payable under subsection (5) above.

(7) The Conservators shall cause to be kept proper accounts of all sums received or paid by them and proper records in relation to those accounts.

(8) The accounts of the Conservators and of their officers shall be subject to audit in accordance with Part III of the Local Government Finance Act 1982.

1982 c. 32.

Contributions by constituents.

13.—(1) The expenses incurred by the Conservators in pursuance of this Act shall be defrayed out of a common fund to be formed from contributions made by the constituents as hereinafter mentioned and from any other revenue received by the Conservators under the provisions of this Act.

(2) Prior to the 1st April in each year the Conservators shall apportion all authorised expenditure to be incurred by them between the constituents in the proportions of six-tenths thereof to the Council, three-tenths thereof to the Company and one-tenth thereof to the Owner, and the Conservators shall issue precepts to the constituents for the amounts so respectively apportioned and the constituents shall within six weeks from the receipt of such precepts pay to the Conservators the amount so apportioned to them respectively:

Provided that if the Conservators incur any further expenditure with the consent of the constituents they may issue a further precept or precepts to the constituents and the provisions of this section relating to precepts shall apply to any further precept or precepts so issued.

(3) If in any year the expenditure of the Conservators exceeds the income of the Conservators in that year the amount of such excess shall be repaid to the Conservators by the constituents in the proper proportions and the Conservators shall be entitled to issue precepts to the constituents accordingly.

(4) If in any year the income of the Conservators exceeds the expenditure of the Conservators in that year the Conservators shall give credit for the amount of such excess in the next detailed estimate sent by them to the constituents.

(5) If any constituent fails to pay any amount included in a precept within the time aforesaid the same shall be a debt due to the Conservators from such constituent and shall bear interest until payment at the rate of ten pounds per centum per annum and the Conservators may in addition to all other remedies sue the defaulting constituent for the amount unpaid in any court of competent jurisdiction.

(6) The Council may advance moneys to the Conservators for the purpose of enabling the Conservators to defray authorised expenditure prior to the receipt by them of the contributions payable in pursuance of subsection (2) above and any moneys so advanced shall be credited to the Council in the first apportionment made by the Conservators.

Authorised meetings.

14. Race meetings on the Downs shall be held on such days not exceeding 16 days in any one year, as may be authorised by the stewards of the Jockey Club:

Provided that horse racing at an authorised meeting shall not without the consent of the Council and of the Conservators commence or continue after seven o'clock in the afternoon of any day or at any time on Sunday except that the consent of the Conservators only shall be required in respect of the day on which the horse race known as the Derby is run.

Rights of horse riders on Downs.

15.—(1) Subject to the provisions of this Act, and of any byelaws made under this Act, members of the public shall have right of access for air and exercise on horseback over the rides and areas shown for that purpose on the signed map and on such other rides and areas as may from time to time be authorised by the Conservators subject to such other rides and areas not extending into the areas designated for the training of racehorses under paragraph (9) of section 17 (For protection of Company) and paragraph (1) of section 20 (For protection of Owner and Levy Board) of this Act without the agreement of the Company or of the Owner or the Levy Board, as the case may be:

Provided that the public shall not have such a right of access before noon on any day in respect of—

(*a*) the ride on Epsom Downs between the entrance to Epsom Downs from Rosebery Road and the point where that ride joins bridleway 127 (being the ride between the points marked "A" and "B" on the signed map) and the area adjacent to that ride; and

(*b*) the area on the northern side of Walton Downs commencing by a junction with the ride along the north-western boundary of Walton Downs immediately south of the point where the south-western side of the Warren meets that boundary following the southern edge of the woodland adjacent to the Warren and continuing generally in an easterly direction to a junction with bridleway 127 (being the area between the points marked "C" and "D" on the signed map); and

(*c*) the area on Walton Downs leading from the area on Walton Downs immediately adjacent to the eastern side of bridleway 127 commencing at Walton Road at a point 130 metres or thereabouts south of the point where Walton Road is crossed by bridleway 127 following the southern edge of the woodland and continuing generally in a north-easterly direction to the point where the first-mentioned area joins the ride along the southern side of the Race Course and having a width of 10 metres throughout (being the area between the points marked "E" and "F" on the signed map); and

(*d*) the area on Walton Downs immediately to the north of bridleway 66 (being the area between the points marked "G" and "H" on the signed map); and

(*e*) the area on Walton Downs immediately to the north and north-west of the track shown on the signed map continuing from the termination of bridleway 66 to its junction with bridleway 65 (being the area between the points marked "I" and "J" on the signed map).

(2) The rides and areas referred to in subsection (1) above shall be clearly identified by sufficient notices and signs which shall be conspicuously displayed in such places on the Downs as the Conservators think fit.

(3) (*a*) If in the opinion of the Conservators it is necessary to do so—

(i) as respects any rides or areas shown on the signed map to prevent undue deterioration of the surface or to secure its natural or other restoration;

(ii) as respects any other ride or area of the Downs to prevent their injury or disfigurement or to protect their use for open-air recreation;

they may from time to time by notices posted at such places as they think fit temporarily restrict or prohibit the riding or exercising of horses on any such ride or area indicated by such notices.

(*b*) No restriction or prohibition shall be imposed under sub-paragraphs (i) or (ii) above unless when practicable there is designated a reasonably sufficient ride or area which shall be in substitution for the ride or area the subject of the restriction or prohibition during the currency thereof; and the substituted ride or area shall be clearly identified by notices or direction signs and may from time to time be varied.

Control of caravans.

16.—(1) The Conservators may for a period before, during and after the authorised meeting which includes the horse race known as the Derby provide upon Epsom Downs a temporary site for the accommodation of not less than 200 caravans, and may make charges for admission thereto, and impose such conditions as they think fit to prevent danger to persons.

(2) The period referred to in subsection (1) above shall commence not earlier than 16 days prior to the first day of the authorised meeting and shall terminate not later than the day following the day upon which that authorised meeting ends.

(3) Any person who without reasonable excuse at any time places or keeps a caravan on the Downs other than upon the temporary site and during the period referred to in subsection (1) above or contravenes or fails to comply with any conditions imposed by the Conservators in relation to any such site shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale and to a fine not exceeding £5 for each day on which an offence under this section is continued after conviction thereof.

(4) Where a justice of the peace (acting, if he deems it necessary, ex parte) is satisfied on the written application of the Conservators that a caravan has been placed or kept on the Downs other than on the temporary site and during the period referred to in subsection (1) above the justice may make an order requiring any caravan so placed or kept (whether or not identified in the order) to be removed together with any person residing in it.

(5) An order under subsection (4) above may authorise the Conservators to take such steps as are reasonably necessary to ensure that the order is complied with and in particular may authorise the Conservators by their officers, servants and agents to take in relation to any caravan to be removed pursuant to the order such steps for securing entry and rendering it suitable for removal as may be so specified.

(6) A person who intentionally obstructs any person acting in the exercise of any power conferred on him by an order under subsection (4) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(7) A constable in uniform may arrest without warrant anyone whom he reasonably suspects to be guilty of an offence under subsection (6) above.

(8) Where an information is laid under this section, a summons issued by the court requiring the person or persons to whom it is directed to appear before the court to answer to the information may be directed—

(*a*) to the occupant of a particular caravan stationed on the land in question; or

(*b*) to all occupants of caravans stationed there;

without naming him or them.

(9) Where it is impracticable to serve such a summons on a person named in it, it shall be treated as duly served on him if a copy of it is placed in or fixed to the caravan concerned; and where such a summons is directed to the unnamed occupants of caravans, it shall be treated as duly served on those occupants if a copy of it is placed in or fixed to every caravan stationed on the land in question at the time when service is thus effected.

(10) In this section, "caravan" has the meaning given by section 16 of the Caravan Sites Act 1968 but does not include any caravan placed or kept in accordance with section 17 (4) (*c*) (i) of this Act upon the portion of Epsom Downs hatched mauve or upon the portion of Epsom Downs coloured yellow and marked "Licensed Booths" on the deposited map.

1968 c. 52.

For protection of Company.

17. Notwithstanding anything contained in this Act or in any byelaws made under this Act the Company may hold and conduct horse races at authorised meetings on the Downs and—

(1) the Company may—

(*a*) maintain, control and use, and exclude members of the public from, the undermentioned existing stands and other buildings—

(i) the Grand-Stand and the Prince's stand with their appurtenances;

(ii) the stand opposite the Grand-Stand known as the Lonsdale stand, and the buildings immediately to the south thereof;

(iii) the number boards—

(A) to the west of the last-mentioned buildings; and

(B) on The Hill;

with their appurtenances; and

(iv) the building to the west of the Rubbing House Hotel;

(*b*) exclude members of the public from the lands hatched blue on the deposited map—

(i) during the preparatory period for the purpose of the erection of temporary stands;

(ii) during the racing period; and

(iii) during a period of 10 days after the racing period for the removal of temporary stands;

and, during the racing period, admit members of the public to the said lands on payment of such charges as the Company think fit;

(*c*) maintain and control on the Downs the existing posts, rails and fences, and the standards and chains at the sides of the roads or tracks crossing the Race Course:

(2) with the approval of the Council (which in relation to the powers referred to in sub-paragraph (*b*) of this paragraph may be given subject to such reasonable conditions as the Council may think fit) the Company may—

(*a*) make alterations and additions to the buildings referred to in paragraph (1) (*a*) above and provide for the parking of vehicles in connection therewith;

(*b*) redevelop and use the site of those buildings and develop the lands in proximity to the Grand-Stand shown hatched yellow on the deposited map, and thereafter control and use the same and exclude members of the public therefrom:

Provided that in the event of the Company developing the land in proximity to the Grand-Stand shown hatched yellow on the deposited map under sub-paragraph (*b*) of this paragraph they shall convey

to the Council free of cost a portion of the land known as The Warren containing an area equivalent to the area of land utilised for development:

(3) during the racing period and the preliminary period, the Company may control the access over the Downs to the Race Course and the paddock:

(4) during the preparatory period and the racing period and subject as hereinafter mentioned during the intervening period the Company may erect and maintain or permit the erection and maintenance of or set apart and provide and control—

(*a*) on any portion of Epsom Downs coloured green on the deposited map (except such parts thereof as are coloured green and hatched green on the deposited map which shall remain open to pedestrian traffic) and also on the portions of the Downs coloured mauve or coloured pink on the deposited map, when not in use as a police enclosure or helicopter landing ground and approach zone respectively, and on the portions of Walton Downs hatched brown on the deposited map—

(i) any temporary parking places, temporary enclosures and temporary omnibus stations with approaches thereto:

Provided that such temporary parking places, temporary enclosures and temporary omnibus stations, with the exception of such posts as are used to form the parking places and enclosures, shall be removed as soon as practicable (and in any case within 10 days) after the end of each authorised meeting and shall not be again erected before the next following preparatory period;

(ii) frames, frameworks, boards and other devices and apparatus used for the display of advertisements or announcements:

Provided that such frames, frameworks, boards and other devices and apparatus shall be such as may be approved by the Council who in giving such approval, may impose such terms and conditions as they think fit and unless the Council otherwise agree shall be removed within 10 days after the end of each authorised meeting and shall not be again erected before the next following preparatory period;

(*b*) on the portion of Epsom Downs coloured pink on the deposited map, with the consent of the Conservators, a temporary helicopter landing ground and approach zone:

Provided that such temporary helicopter landing ground and approach zone shall cease to be set apart as soon as practicable (and in any case within 10 days) after the end of each authorised meeting, and shall not be again set apart before the next following preparatory period:

(*c*) (i) on the portion of Epsom Downs coloured yellow and marked "Licensed Booths" on the deposited map and, with the consent of the Conservators, on the portion of Epsom Downs hatched mauve on the deposited map any stalls, booths, fairs, canteens, enclosures, public conveniences, ambulance stations, shows, exhibitions, swings, roundabouts or other like things; and

(ii) on the remaining portion of Epsom Downs and on Walton Downs temporary stands and such additional stalls, booths, fairs, canteens, public conveniences, ambulance stations, and enclosures or any of them as the Conservators upon application by the Company may authorise in writing under the hand of their clerk, subject to such conditions as the Conservators think fit to impose but in respect of any temporary stands on the lands hatched blue on the deposited map the authority of the Conservators shall only be required and the conditions which may be imposed shall only relate to the height, type and design of such stands:

Provided that all the erections specified in this sub-paragraph shall be removed within 10 days after the end of each authorised meeting and shall not be again erected before the next following preparatory period:

(*d*) any necessary fencing—

(i) to enable the public to be excluded from the lands shown hatched blue on the deposited map:

Provided that the approval of the Conservators (such approval not to be unreasonably withheld) shall be required in respect of the height and type of such fencing;

(ii) to enable members of the public to pass to the paddock from any stands without hindrance;

(iii) to enable the horses taking part in any race to assemble without hindrance at the rear of any starting gate;

(iv) to indicate the boundaries of the Metropolitan Course;

(v) to enable the public to be excluded from the land set apart for the helicopter landing ground and approach zone coloured pink on the deposited map; and

(vi) to enable television towers to be erected:

Provided that the fencing referred to in this sub-paragraph of this paragraph (except the posts used to form the fencing mentioned in (ii) above and the fencing in (iii) above) shall be removed within 10 days after the end of each authorised meeting and shall not be again erected before the next following preparatory period:

(*e*) any necessary fencing to enable the public to be excluded for a period commencing seven days before and terminating three days after an authorised meeting from the police enclosure coloured mauve on the deposited map:

Provided that all erections referred to in this paragraph which may be maintained during any intervening period shall be removed within 10 days after the end of the authorised meeting which terminates an intervening period or succession of intervening periods:

(5) the Company may exclude members of the public from walking—

(*a*) upon the Race Course except at such crossing places being at least seven in number as may be authorised by the Conservators and, for this purpose, close all approaches to the Race Course except that during the preliminary period a passage to a width of 1·2 metres shall be maintained across the northern part of the Race Course at and opposite to the western extremity of the Grand-Stand; and

(*b*) upon the Metropolitan Course and the portions of Walton Downs forming part of the enclosure used for the start of the races known as the six and seven furlong races respectively each of such

portions being 30·5 metres or thereabouts in width and 61 metres or thereabouts and 73 metres or thereabouts respectively in length so far as may be necessary to enable racing to take place:

(6) the Company may during the racing period close Tattenham Corner Road where that road crosses the Race Course and do such other acts as may be necessary for the safety and welfare of the public:

Provided that facilities shall be afforded for full and free passage over such road at such times as these facilities can be given without interfering with racing:

(7) the Company may close to vehicular traffic the portions of Old London Road and Walton Road where such roads cross the Race Course for such interval or intervals of time between the hours of one o'clock and seven o'clock in the afternoon on any day during the racing period as they may consider necessary or on any day on which racing is permitted after seven o'clock in the afternoon, between the hour of one o'clock in the afternoon and such later hour as they may consider necessary:

(8) the Company may close so much of Old London Road as lies between Tattenham Corner Road and Walton Road and the access road on any day during the racing period between the hours of four o'clock in the morning and seven o'clock in the afternoon (or on any day on which racing is permitted after seven o'clock in the afternoon, between four o'clock in the morning and such later hour as they may consider necessary) and use or permit the same to be used for parking vehicles:

Provided that when the access road is closed access shall be provided to The Downs House over Epsom Downs from Walton Road in accordance with the provisions of section 28 (As to access for vehicles to and from The Downs House) of this Act:

(9) the Company may—

(*a*) use for the training of horses—

(i) the areas of Epsom Downs shown for that purpose on the signed map; and

(ii) such other areas of Epsom Downs as may be agreed between the Company and the Conservators to be necessary for that purpose, subject to those other areas not extending into the rides and areas designated under section 15 (Rights of horse riders on Downs) of this Act;

(*b*) grant leases or licences of the right to use the same for that purpose; and

(*c*) preserve and maintain training gallops thereon and place bushes and wooden dolls on such training gallops:

(10) the Company may grant yearly licences for the erection of stalls not exceeding three in number for the sale of refreshments on the portion of Epsom Downs on the northern side of Tattenham Corner Road between Old London Road and Tattenham Crescent:

(11) the Company may grant or renew leases or licences for the continuation and control of the playing of golf on the portion of Epsom Downs situate to the north and north-east of Downs Road and Tattenham Corner Road except so much thereof as is referred to in paragraph (4) (*a*) above as being required to remain open to pedestrian traffic:

(12) the Company may exclude members of the public from the stands, police enclosure, helicopter landing ground and approach zone, omnibus stations, refreshment and other booths and the other buildings and erections referred to in sub-paragraph (*b*) and in sub-paragraph (*c*) of paragraph (4) above and admit persons and vehicles thereto on payment of such charges as they or their lessees or licensees may think fit and also admit vehicles to temporary parking places and permanent and temporary enclosures on payment of such charges as aforesaid:

(13) without prejudice to any rights of the Company as owners of Epsom Downs and a portion of Walton Downs the Company may—

(*a*) during the preliminary period and the racing period and so long as the Race Course is an approved horse racecourse within the meaning of the Betting, Gaming and Lotteries Act 1963 set apart or permit the setting apart of such portions of the Downs as they may think fit in reasonably convenient positions as places where bookmakers may carry on their business on any day during the racing period and prohibit the carrying on by any bookmaker of his business on any portion of the Downs other than on a place so set apart;

1963 c. 2.

(*b*) on any day during the racing period so long as the Race Course is an approved horse racecourse as aforesaid make or permit to be made such reasonable charges to bookmakers and their assistants for

admission for the purpose of carrying on their business to a place or places so set apart as the Company may think fit:

(14) the Company may during the preparatory period and the racing period and so long as the Race Course is an approved horse racecourse within the meaning of the Betting, Gaming and Lotteries Act 1963 permit the erection on such portion or portions of Epsom Downs of such temporary structures for the purpose of setting up, keeping and operating a totalisator or totalisators as may be agreed between the Company and the Horserace Totalisator Board (in this paragraph referred to as "the board"): 1963 c. 2.

Provided that—

(*a*) no such structure shall be erected without the consent in writing of the Conservators; and

(*b*) all such structures shall be removed by the board within 10 days after the end of each authorised meeting and shall not be again erected without such consent as aforesaid and before the next following preparatory period:

(15) for the preservation, improvement, repair and maintenance of the Race Course and the area adjacent thereto, the Metropolitan Course and the part of the Downs referred to in paragraph (9) above the Company may execute with the approval of the Conservators (such approval not to be unreasonably withheld) works of draining, raising or levelling and for those purposes dig and take chalk, soil, turf and other material, sowing with grass seed or re-turfing any area from which turf is taken and cut furze and gorse and during the execution of such works fence off the area on which the same are situate:

Provided that such works shall not interfere with the access to The Downs House provided under section 28 (As to access for vehicles to and from The Downs House) of this Act:

(16) subject to the provisions of paragraph (5) above the Company may during the racing period keep closed the crossing places referred to in that paragraph:

(17) nothing in paragraph (3) or sub-paragraph (*a*) (i) of paragraph (4) above shall be deemed to restrict or interfere with the exercise by the Commissioner of Police of the Metropolis of the powers conferred on him by any enactment relating to the

control or regulation of vehicular or pedestrian traffic or to the maintenance of public order.

Alterations of Race Course.

18.—(1) The Company may enclose and utilise as a paddock with stables and other necessary appurtenances and a totalisator the lands in proximity to the Grand-Stand shown hatched yellow on the deposited map.

(2) In the event of the Company utilising the lands referred to in subsection (1) above as a paddock the Company shall convey to the Council free of cost a portion of the lands known as The Warren containing an area equivalent to the area of lands so utilised as a paddock.

(3) The Company may with the approval of the Conservators (which approval shall not be unreasonably withheld) make any alterations in the Race Course and the stands and other buildings connected therewith and the land adjoining the Race Course which may at any time be necessary to meet any requirement of the stewards of the Jockey Club.

(4) The Company may with the approval of the Council (which approval shall not be unreasonably withheld) take such action as may be necessary to comply with any other requirement of the said stewards.

(5) The provisions of section 17 (For protection of Company) of this Act shall so far as may be necessary for the purpose apply to any alterations carried out under the provisions of this section and the Race Course and the paddock as so altered from time to time shall be deemed to be the Race Course and the paddock within the meaning of the said section and any building mentioned in the said section shall be deemed to include that building as altered in accordance with the provisions of this section.

Application of Act to part of The Warren.

19. In the event of the Company conveying to the Conservators any part of The Warren in pursuance of paragraph (2) of section 17 (For protection of Company) or subsection (2) of section 18 (Alterations of Race Course) of this Act that part shall be deemed to be part of the Downs for the purposes of this Act and thereupon the land in proximity to the Grand-Stand shown hatched yellow on the deposited map shall cease to form part of the Downs.

For protection of Owner and Levy Board.

20. Notwithstanding anything contained in this Act or in any byelaws made under this Act, the Owner or the Levy Board may—

(1) use for the training of horses—

(*a*) the areas of Walton Downs shown for that purpose on the signed map; and

(*b*) such other areas of Walton Downs as may be agreed between the Owner or the Levy Board and the Conservators to be necessary for that purpose subject to those other areas not extending into the rides and areas designated under section 15 (Rights of horse riders on Downs) of this Act:

(2) grant leases or licences of the right to use the same for that purpose:

(3) preserve and maintain training gallops thereon and place bushes and wooden dolls on such training gallops:

(4) with the approval of the Conservators, such approval not to be unreasonably withheld, execute works of draining, raising or levelling and for that purpose—

(*a*) dig and take chalk, soil, turf or other material, sowing with grass or re-turfing any area from which turf is taken; and

(*b*) cut furze or gorse and, during the execution of those works, fence off the area on which they are situate.

For further protection of Owner.

21. For the further protection of the Owner, the following provisions shall unless otherwise agreed in writing between the Conservators and the Owner apply and have effect (that is to say):—

Nothing contained in this Act or in any byelaws made under this Act shall prevent the Owner from—

(*a*) erecting and maintaining or permitting the erection and maintenance of and controlling, during the preparatory period and the racing period, a temporary parking place for motor cars and other vehicles with approaches thereto on a strip of land forming part of Walton Downs belonging to him extending from the Old London Road in an easterly direction to Tattenham Corner Road adjacent to the south side of the Race Course and which said land is coloured brown and hatched brown on the deposited map;

(*b*) admitting persons and vehicles to such parking place on payment of such charges as the Owner or his lessees or licensees may think fit;

(*c*) laying sewers, drains, water and gas pipes and electric cables under the portion of Walton Downs belonging to him, to his land adjoining such Downs, restoring the surface of the land as soon as practicable;

(*d*) transporting agricultural machinery and farm produce and utensils over the portion of Walton Downs belonging to him, to and from his farms and land adjoining such Downs, and for such purpose retaining existing entrances from his said farms and land on to such Downs and making such further entrances as may be reasonably approved by the Conservators.

For further protection of Company.

22. The Conservators shall not do anything to prevent the Company from grazing on Epsom Downs and on the portion of Walton Downs belonging to them a sufficient number of sheep for the maintenance, preservation or improvement of the herbage.

Repair of highways, etc.

23.—(1) (*a*) So much of Old London Road as lies between Tattenham Corner Road and the southern side of the northern part of the Race Course and the portion of Walton Road which crosses the Race Course shall be maintained and repaired by the Company to the reasonable satisfaction of the highway authority.

(*b*) The entrance road across the Race Course to The Downs House shall be maintained and repaired by the Company to the reasonable satisfaction of the Council.

(*c*) The further part of Old London Road situate on the portion of the Downs belonging to the Company south of the Race Course shall be maintained and repaired by the highway authority and the remainder of that road situate on Walton Downs shall be maintained and repaired by the Owner to the reasonable satisfaction of the highway authority.

(2) The highway authority shall maintain and repair the portions of Walton Road between the points "A" and "B" and "C" and "D" on the deposited map and the Owner shall maintain and repair to the reasonable satisfaction of the highway authority the portion of the said road between the points "D" and "E" on the deposited map.

(3) Notwithstanding anything contained in subsection (1) and subsection (2) above the Owner shall not be required to maintain and repair the portions of Old London Road and Walton Road which are repairable by him in such a manner as to make the said roads or either of them unfit or unsuitable to be crossed by horses whilst being trained.

Widening of highways.

24. The highway authority may at any time with the consent of the Company or the Owner as the case may be (such consent not to be unreasonably withheld) utilise any part of the Downs for the purpose of widening any highway over the Downs in existence at the commencement of this Act other than—

(*a*) Walton Road; and

(*b*) Old London Road between Tattenham Corner Road and its junction with Walton Road;

or for the purpose of improving or rounding off the corners of any such highway.

Provision of parking places.

25.—(1) The Conservators shall except during a racing period and the seven days immediately preceding and the four days immediately succeeding a racing period set apart areas for use as car parks for private motor cars and motor cycles with the consent of the Company or the Owner as the case may be and may, subject to the approval of the Council, make such charge, if any, for the use thereof as they think fit.

(2) The Conservators shall apply the income they receive from charges made under this section in the maintenance of any car park provided under this section.

Provision of parking place south of Race Course.

26. The public parking place in the borough of Reigate and Banstead shown cross-hatched green on the deposited map shall be maintained and kept in repair by the Council and shall be deemed to be within the borough for the purposes of any statutory provision as to parking places which would have applied or been applicable thereto if the same had been situate within the borough and provided by them:

Provided that nothing in this section shall affect or interfere with the area of jurisdiction of any justices or any court of competent jurisdiction or of any police constable or the control or maintenance of any public highway.

Removal of litter.

27. The Company shall at their own cost as soon as practicable after the end of each authorised meeting clear the Downs of all litter.

As to access for vehicles to and from The Downs House.

28.—(1) The Council as owner of The Downs House shall be entitled—

(*a*) to a right of way 3·7 metres in width from the main entrance on the northern side of the said property over the Race Course to the access road for all purposes at all times, except during a period from 20 minutes before the start until after the finish of any race, along the Race Course in front of The Downs House;

(*b*) to a right of way 3·7 metres in width from the entrance road to the The Downs House to Walton Road in the line and situation shown on the deposited map for all purposes during the hours on each day during the racing period when the access road is closed; and

(*c*) to a right of way 3·7 metres in width from the eastern boundary of the said property over Epsom Downs to Walton Road in the line and situation shown on the deposited map during the racing period and the day preceding and the day following the racing period for all purposes, and at all other times for all purposes incidental to the use of the said property as a dwelling-house, and for the purpose of agriculture and horticulture, the training and stabling of horses, the keeping of domestic animals, the holding of a properly organised camp under canvas for juveniles and the delivery of goods, plant and equipment in connection with such purposes.

(2) The Company shall in so far as may be necessary repair the part of the right of way described in paragraph (*b*) of subsection (1) above where the land rises to the entrance road to The Downs House to the reasonable satisfaction of the Council with clinker or other material so as to enable reasonable access to be afforded by means of it to The Downs House. If the state of the said right of way is by reason of weather conditions such as to prevent vehicular access to Walton Road along the said right of way the said owner shall in lieu thereof be entitled to drive vehicles over Epsom Downs to Langley Vale Road or Walton Road.

(3) Except in pursuance of subsections (1) and (2) above no person shall drive any vehicle to or from the property known as The Downs House other than by way of Walton Road and the access road.

Maintenance and provision of bus shelters.

29.—(1) The Council may maintain the shelter for persons intending to travel by public service vehicles erected on the portion of the Epsom Downs lying at the junction of Ashley Road and Chalk Lane.

(2) Nothing in this Act shall be deemed to prevent the Conservators permitting the erection of an additional shelter either on Epsom Downs with the consent of the Company, or on Walton Downs with the consents of the Owner and of the Company.

For protection of Reigate and Banstead Borough Council.

30. For the protection of the Reigate and Banstead Borough Council (in this section referred to as "the Banstead Council") the following provision shall unless otherwise agreed in writing between the Banstead Council and the Council apply and have effect:—

Nothing in this Act shall authorise the erection on the land hatched red on the deposited map of any permanent building structure or erection.

31. Nothing in this Act shall affect the rights and powers of British Telecommunications under the Telegraph Acts 1863 to 1916. For protection of British Telecommunications.

32. The Act of 1936 is hereby repealed. Repeal.

33. The costs, charges and expenses preliminary to, and of and incidental to the preparing, applying for and obtaining this Act, or otherwise in relation thereto shall be paid by the Council and the Company in equal shares. Costs of Act.

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