

STATUTORY INSTRUMENTS

1971 No. 593
OPEN SPACES

The Holyrood Park Regulations 1971

Laid before Parliament in draft

Made -----

26th March 1971

Coming into Operation

1st May 1971

In exercise of the powers conferred upon me by section 2 of the Parks Regulation (Amendment) Act 1926(a) as read with the Ministry of Works (Transfer of Powers) (No. 1) Order 1945(b), the Minister of Works (Change of Style and Title) Order 1962(c) and the Transfer of Functions (Scottish Royal Parks and Ancient Monuments) Order 1969(d) and of all other powers enabling me in that behalf, I hereby make the following regulations a draft whereof has been laid before Parliament in accordance with section 2(2) of the said Act as read with section 6(2) of the Statutory Instruments Act 1946(e):—

Citation and Commencement

1. These regulations may be cited as the Holyrood Park Regulations 1971 and shall come into operation on 1st May 1971.

Interpretation

2.—(1) In these regulations:—

“the Park” means Holyrood Park;

“Park-keeper” has the like meaning as in the Parks Regulation Act 1872(f);

“notice or sign” means a notice or sign exhibited by order of the Secretary of State.

(2) The interpretation Act 1889(g) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament, and as if these regulations and the regulations hereby revoked were Acts of Parliament.

(a) 1926 c.36

(b) S.R. & O. 1945/991 (Rev. XV, p 232: 1945 I, p. 1414).

(c) S.I. 1962/1549 (1962 II, p. 1676).

(d) S.I. 1969/383 (1969 I, p. 1047).

(e) 1946 c. 36. (f) 1872 c. 15. (g) 1889 c. 63.

Prohibited Acts

3. Within the Park the following Acts are prohibited:—
- (1) failing to conform to any directions for the regulation of traffic given by a Park Keeper or Police Constable or by a notice or sign;
 - (2) driving, or in any way using any mechanically propelled vehicle for the purpose of testing it or giving or receiving instruction in driving, managing or repairing it;
 - (3) failing to remove a vehicle after having been requested to do so by a Park Keeper or Police Constable;
 - (4) soliciting passengers with a hackney carriage;
 - (5) failure, by any person having charge of any animal, to keep such animal under control, or on a lead where so required by notice or when so requested by a Park Keeper or Police Constable;
 - (6) failure by any person having charge of any animal to remove it from the Park on being requested by a Park Keeper or Police Constable to do so;
 - (7) failing to conform to any direction for the regulation of horses or the riding of any animal, given by a Park Keeper or Police Constable or by a notice or sign;
 - (8) riding any horse or other animal recklessly, or so as to endanger or be likely to endanger the safety or to interfere with the comfort and convenience of any person using the Park, or racing any horses or other animals, or riding on them in a line more than four abreast;
 - (9) entering any part of the Park after having been requested by a Park Keeper or Police Constable not to do so or in contravention of a notice or sign;
 - (10) wilfully disturbing or injuring any animals, fish or bird, or taking any egg;
 - (11) going on any enclosure, flower bed or shrubbery whatsoever or on any lawn access to which is prohibited by notice;
 - (12) going on any ice when a notice is exhibited prohibiting so doing;
 - (13) breaking or damaging any ice, throwing things upon it, or any other act in relation to it which is likely to interfere with the safety or convenience of skaters;

- (14) climbing upon any rock, cliff or slope, the pitch of which necessitates the employment of any handhold, rope or other aid to climbing other than a walking stick except in the South Quarry to which paragraph (20) of regulation 4 of these regulations applies;
- (15) climbing any tree, railing, fence or structure of any other kind;
- (16) remaining in any part of the Park after having been requested by a Park Keeper or Police Constable to leave it;
- (17) wilfully interfering with the comfort or convenience of any person in the Park;
- (18) collecting or soliciting money;
- (19) dropping or leaving litter including metal tin or glass except in a receptacle provided for the purpose;
- (20) any act which pollutes or is likely to pollute any water;
- (21) playing any game or engaging in any form of sport or exercise after being requested by a Park Keeper or Police Constable not to do so or in contravention of a notice or sign;
- (22) operating or using any mechanically propelled or operated toy, model, machine or other appliance likely to interfere with the comfort or convenience of any person in the Park or after having been requested by a Park Keeper or Police Constable not to do so;
- (23) behaving or being clothed in any manner reasonably likely to offend against public decency;
- (24) boating, except on St. Margaret's Loch and then only in boats provided by a contractor licensed by the Secretary of State;
- (25) embarking in or disembarking from any boat except at a pier or landing stage under the control of a person licensed or authorised by the Secretary of State.
- (26) taking any animal into a boat;
- (27) bathing in any loch, pond or pool—provided that this prohibition shall not apply to the reasonable use by boys under 13 years of age and girls under 15 years of age of any paddling pool provided by the Secretary of State;
- (28) making use of a children's playground or paddling pool except in accordance with the conditions of a notice or sign;

- (29) fishing in St. Margaret's Loch;
- (30) failure by the owner or other person for the time being in charge of any dog or other animal to prevent such dog or other animal from chasing or worrying sheep or disturbing waterfowl or other birds;
- (31) lighting any fire or dropping or leaving lying any light or other article including glass in such place or manner as is likely to set fire to any tree, bush, shrub, plant or other vegetation in the Park;
- (32) moving or otherwise interfering with any rock, stone or earth in such manner as to cause or be likely to cause any landslide or fall of rock or stone.

Acts for which Written Permission is required.

4. Within the Park the following acts are prohibited unless the written permission of the Secretary of State has been obtained:—

- (1) driving or using any vehicle otherwise than on a road, but excluding from this restriction hand or foot propelled invalid carriages and any other vehicles not mechanically propelled no wheel of which (including any tyre) exceeds twenty inches in diameter;
- (2) driving or using any vehicle:—
 - (a) designed to seat more than seven passengers (in addition to the driver), or
 - (b) constructed or adapted for the purpose of any trade or business or as a dwelling, other than a vehicle designed to seat not more than seven passengers (in addition to the driver) and used only for the carriage of passengers and their effects pursuant to a contract for the use of the vehicle as a whole;
 except in either case for the purpose of transacting business with persons residing in the Park or using land under any licence from the Secretary of State, or for removing any vehicle which has broken down in the Park;
- (3) driving, riding or taking any vehicle on any road declared closed by notice;
- (4) riding a pedal cycle in line with others so as to form a line of more than two abreast;
- (5) driving or cycling at a speed greater than 30 miles per hour;

- (6) (a) leaving a vehicle unattended elsewhere than in a place for the time being appointed for that purpose by notice;
(b) leaving a vehicle in such a place while not using the Park;
- (7) entering or being in the Park at any time when it is not open to the public;
- (8) carrying on any trade or business;
- (9) selling or distributing anything or offering anything for sale or hire;
- (10) exhibiting or affixing any notice, advertisement or other written or pictorial matter, or giving any display, performance or representation;
- (11) making or giving a public speech or address except in the open part of the portion of the Park bounded on the north by Queen's Drive, on the east by St. Margaret's Loch, on the south by Haggis Knowe and the adjacent rising ground, and on the west by the low road to Hunter's Bog and then, provided that persons listening to the address do not obstruct any roads or paths, or interfere with any authorised assemblies, and that no person speaks or acts in any way likely to cause a breach of the peace;
- (12) playing or causing to be played a musical instrument;
- (13) organising, conducting, or taking part in any assembly, parade or procession;
- (14) erecting or using any apparatus for the transmission, reception, reproduction or amplification of sound, speech, or images by electrical or mechanical means, except apparatus designed and used as an aid to defective hearing and apparatus used in a vehicle so as not to produce sound audible by a person outside the vehicle or used in a vehicle to give warning of approach;
- (15) discharging a firearm, firework or other weapon or missile;
- (16) making use of any part of the Park for rifle or other shooting practice or any other military purpose;
- (17) camping or parking a caravan as defined in Section 29 of the Caravan Sites and Control of Development Act 1960;
- (18) showing, trying, exercising or breaking of horses (except the exercise of horses other than on the High Road);

- (19) fishing in Duddingston Loch except from the portion of the foreshore which extends eastwards from the east side of Hangman's Hill for a distance of 100 yards or thereby to the notice referring to fishing rights and in Dunsappie Loch except during the period 1st October to 30th April and only from the east side between the notices relating to fishing rights for juveniles between the ages of 8 and 18 years.
- (20) climbing within the areas known as the South Quarry.

General

5. Any person challenged by a Park Keeper or a Police Constable with a contravention of any of these Regulations shall on demand by such Park Keeper or Police Constable, give his full and proper name and address.

Revocation of Previous Regulations

6. The Holyrood Park Regulations 1959(a) The Holyrood Park (First Amendment) Regulations 1960(b) and the Holyrood Park (Second Amendment) Regulations 1967(c) are hereby revoked.

GORDON CAMPBELL,
One of Her Majesty's Principal
Secretaries of State.

St. Andrew's House,
Edinburgh
26th March, 1971.

(a) S.I. 1959/302. (b) S.I. 1960/1236. (c) S.I. 1967/1935.