

APPENDIX 2 - Aberdeen City Council (Parks and Outdoor Areas) Management Rules 2024 (Proposed draft Management Rules)

ABERDEEN CITY COUNCIL (PARKS AND OUTDOOR AREAS) MANAGEMENT RULES 2024

Aberdeen City Council ('the Council') by virtue of the powers conferred on them by Section 112 of the Civic Government (Scotland) Act 1982 ('the Act') have made the following Management Rules to regulate the conduct of persons within Parks, Recreational and Open Areas, Outdoor Sports Areas, Play Areas and Local Nature Reserves owned, occupied or managed by the Council:-

1. For the purposes of these Management Rules:
 - (a) 'Parks' means those areas of land maintained by the Council and designated as parkland for the use and enjoyment of the general public and shall include without prejudice to this generality any area designated as a park or as a garden by the Council from time to time;
 - (b) 'Recreational and Open Areas' means areas landscaped or otherwise provided by the Council for the amenity of the general public;
 - (c) 'Outdoor Sports Areas' means those open areas specifically provided by the Council for the playing of organised sports such as football, golf, rugby and hockey and so designated by the Council from time to time, either generally or in respect of particular sports;
 - (d) 'Play Areas' means any areas specifically provided by the Council for children to play in; and
 - (e) 'Local Nature Reserves' are reserves established under Section 21 of the National Parks and Access to the Countryside Act 1949.

These Management Rules do not apply to any land below the high water mark of ordinary spring tides.

2. No person shall play or practice organised sports of any kind within any of the areas described at 1(a) – (e) above, except in areas specifically designated by the Council from time to time as Outdoor Sports Areas and subject to such rules as may be determined by the Council.

Fitness training services may use the areas described at 1(a) – (e) above, under the expectation that they will comply with the responsibilities set out in the Scottish Outdoor Access Code.

3. No person within any of the areas described at 1(a) – (e) above shall:
 - (a) Erect or put up any hoarding or similar structure, placard, poster, bill, notice or other similar thing;
 - (b) Be in possession of a firearm or any other weapon;
 - (c) Release any animal*, plant** or seed on to the site;
 - (d) Swim or wade in ornamental ponds or in water bodies specifically managed for horticulture or wildlife;
 - (e) Operate a drone in such a way that it annoys or frightens other users, animals* or wildlife (and they must follow the UK Civil Aviation Authority Drone and Model Aircraft Code at all times); or
 - (f) Attach or leave permanent memorials such as plaques, vases, ornaments, plastic flowers or other forms of memorabilia.

4. No person within any of the areas described at 1(a) – (e) above shall, except with the prior written consent of the Council:
- (a) Ride, drive or wheel any motorised vehicle except in areas designated for that purpose. This prohibition does not apply to vehicles adapted for use by a person with a disability provided the adapted vehicle is being used by such a person;
 - (b) Erect, occupy or use any tent, shed, caravan or other structure except in areas designated for that purpose. This prohibition does not apply to unenclosed countryside sites where wild camping may be undertaken in compliance with the Scottish Outdoor Access Code and wild campers leave no trace behind. Wild campers may be asked to move to an alternative site if their presence is considered to be causing an unreasonable impact on the environment or is not respecting the interests of other people;
 - (c) Be in possession of or light any fireworks;
 - (d) Use any form of metal or mineral detecting equipment;
 - (e) Dig or otherwise interfere with any ground surface;
 - (f) Intentionally or recklessly kill, injure, capture or disturb any animal* or disturb or interfere with their places of shelter or nests. This prohibition does not apply to fishing undertaken with appropriate permits;
 - (g) Intentionally or recklessly uproot or damage any tree or plant**, or attach any structures or ropes to them;
 - (h) Organise or participate in a public performance of any literary, dramatic, musical or other work;

- (i) Undertake commercial sound recording, photography or filming. This prohibition does not apply to commercial sound recording, photography or filming of features of natural and cultural heritage, provided such actions are carried out in a responsible manner and without disruption to other people visiting such features or any wildlife within such features;
- (j) Release balloons, sky lanterns or any other uncontrolled items in or onto land, air or water;
- (k) Use drones for commercial activities such as filming and surveying purposes; or
- (l) Undertake any archaeological study, or wildlife or wildflower survey or recording.

* 'animal' includes mammals, amphibians, reptiles, birds, fish or invertebrates and includes any life stage of those animals including eggs.

** 'plant' includes any flowering plant, fern, alga, fungus, lichen or moss.

5. An authorised officer of the Council may:

- (a) If they have reasonable grounds for believing that a person has contravened, is contravening or is about to contravene these Management Rules, expel that person from the relevant area;
- (b) If they have reasonable grounds for believing that a person is about to contravene these Management Rules, exclude that person from the relevant area.

6. A person who has persistently contravened or attempted to contravene these Management Rules and is, in the opinion of the Council, likely to contravene them again, may be made subject to an Exclusion Order by the Council under Section 117 of the Act for a period not exceeding one year.

7. **Any person who fails to comply with expulsion, exclusion or an Exclusion Order as set out at 5 and 6 above shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding Level 1 on the Standard Scale.**

8. The Interpretation Act 1978 shall apply to the interpretation of these Management Rules as it applies to the interpretation of an Act of Parliament.

9.
 - (a) These Management Rules shall be cited as the Aberdeen City Council (Parks and Outdoor Areas) Management Rules 2024.

 - (b) These Management Rules shall come into force on the date of their execution and shall, unless revoked, continue in force for a period of 10 years from that date.