

## HAVANT BOROUGH COUNCIL

### BYELAWS MADE BY THE COUNCIL OF THE BOROUGH OF HAVANT UNDER SECTION 82 OF THE PUBLIC HEALTH ACTS AMENDMENT ACT 1907 FOR THE PREVENTION OF DANGER, OBSTRUCTION OR ANNOYANCE TO PERSONS USING THE SEASHORE

1. Throughout these byelaws the expressions:

“the Council” means The Council of the Borough of Havant

“the Seashore” means the seashore at Hayling Island within the Borough of Havant, that is shown as a hatched area on the map attached to the byelaws

2. SAVING FOR OFFICERS

An act necessary to the proper execution of his duty on the Seashore by an officer of the Council or any act which is necessary to the proper execution of any contract with the Council shall not be an offence under these byelaws.

3. ERECTION OF POSTS, RAILS. FENCES ETC.

A person shall not on the seashore except as hereinafter provided erect any post, rail, fence, pole, tent, booth, stand, building, or other structure (other than a windbreak or similar device).

Provided that this prohibition shall not apply where, upon an application to the Council, they grant permission to erect any post, rail, fence, pole, tent, booth, stand, building, or other structure upon such occasion and for such purposes as are specified in the application.

4. SELLING AND HAWKING

A person shall not on the seashore sell, or offer or expose for sale, or let to hire, or offer or expose for letting to hire, any commodity or article, unless in pursuance of an agreement with the Council or otherwise in the exercise of any lawful right or privilege he is authorised to sell or let to hire on the seashore such commodity or article.

5. PERFORMANCES

A person shall not on the seashore hold or take part in any public show or performance.

Provided that this byelaw shall not apply to any person holding or taking part in a band, show or any other entertainment held on the seashore in pursuance of an agreement with the Council.

## 6. BEGGING, TOUTING ETC.

No person shall on the seashore, to the annoyance or obstruction of any person using the seashore, beg or solicit alms, or for the purpose of selling or advertising any article or of obtaining custom, tout or importune, either verbally or by the distribution of handbills, circulars or advertisements. Provided that this byelaw shall not apply to any collection of money or sale of any article in accordance with any Regulations made under Section 5 of the Police, Factories, etc. (Miscellaneous Provisions) Act 1916, for the time being in force in the Borough.

## 7. TRUCK, MACHINE AND VEHICLE PROHIBITION

A person shall not drive, ride, bring or cause to be brought onto the seashore, any truck, machine or vehicle other than:-

- i. a wheeled bicycle, tricycle or other similar machine;
- ii. a wheelchair, pushchair or perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or a disable person;
- iii. a mechanically or electronically propelled wheelchair used solely for the conveyance of a disabled person.

Provided that this byelaw shall not apply to:-

- a. any vehicle belonging to the police, fire or ambulance services or where entry to any part of the seashore is required for the purpose of any emergency in connection with the saving of a life.
- b. where any part of the seashore has, by notices affixed in conspicuous positions on the seashore, been set apart by the Council as a parking place for motor vehicles, this Byelaw shall not be deemed to prohibit the driving in or to that space by a direct route from the entrance to the seashore of any vehicle of the class for which it is set apart.
- c. where any part of the seashore has, by notices affixed in conspicuous positions on the seashore, been set apart by the Council as a place for the launching of boats, this byelaw shall not be deemed to prohibit the driving to that place by a direct route from the entrance to the seashore of any vehicle of a class permitted by the Council
- d. any vehicle being used for the purpose of launching or recovering any boat or other vessel where it is necessary for the vehicle to cross the seashore when using a privately owned or existing slipway or to gain access or egress for the purpose of

launching or recovering a boat or other vessel in connection with the operation of a commercial boatyard or established sailing club.

## 8. GAMES

Where any part of the seashore has, by notices affixed in conspicuous positions on the seashore, been set apart by the Council for the playing of such games (involving the exclusive use of any space by the players) as may be specified in the notices:-

- i. no person shall play any game so specified on any other part of the seashore;
- ii. no person shall use or attempt to use any such part so as to interfere with or cause annoyance to any person already using such part for the purpose for which it has been set apart.

## 9. RIDING AND DRIVING

No person shall from the Thursday preceding Easter Monday to 30<sup>th</sup> September (both days inclusive) between the hours of 10am and 7pm ride or drive any horse on the seashore. Provided that this shall not apply to any area set apart by the Council for the riding of horses and described by notices affixed in conspicuous positions on the seashore or approaches to the seashore.

10. No person shall on the seashore break in any horse or other animal or ride any horse or drive any horse or other animal in a race or so as to cause danger or annoyance to any person using the seashore

## 11. WIRELESS SETS, GRAMOPHONES ETC.

No person shall on the seashore, by operating or causing or suffering to be operated, any wireless set, gramophone, amplifier, tape recorder or similar instrument or any musical instrument, make, cause or suffer to be made any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to other persons on the seashore.

## 12. FIRES

Where any part of the seashore has been set aside by the Council for the purpose of holding barbecues, discotheques, dances or similar social functions, no person shall on any other part of the seashore organise, permit or suffer any such events or the lighting of any fires.

Provided that no such function referred to above shall be permitted without prior written notice being given to the Council. Any such consent of the Council shall be subject to availability of the seashore set apart.

13. INTENTIONALLY OBSTRUCTING CONSTABLES ETC. IN THE EXECUTION OF DUTY

No person shall on the seashore:

- a. intentionally obstruct any officer of the Council in the proper execution of his duties;
- b. intentionally obstruct any person carrying out any act which is necessary to the proper execution of any contract with the Council;
- c. intentionally obstruct any other person in the proper use of the promenade, beach or foreshore or behave so as to give reasonable grounds for annoyance to other persons on the seashore.

14. PENALTIES

Every person who shall offend against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

15. REPEAL OF EXISTING BYELAWS

As from the date on which the foregoing byelaws come into operation the byelaws made by the Urban District Council of Havant and Waterloo on 31 May 1949 under section 82 of the Public Health Acts Amendment Act 1907 as to the seashore shall be and are hereby repealed.

16. SAVING OF CROWN AND OTHER RIGHTS

Nothing contained in any of the foregoing byelaws shall be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore below high water mark of any estate or interest in or right over such foreshore, or any part thereof. Nor shall anything contained in or done under any of the provisions of the foregoing byelaws in any respects prejudice or injuriously affect the rights and interest of the Crown in such foreshore, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in over and in respect of the seashore.

ON THE 20<sup>TH</sup> DAY OF APRIL 1990 )  
THE COMMON SEAL OF THE COUNCIL OF )  
THE BOROUGH OF HAVANT was hereunto )  
affixed in the presence of:- )

P.T. ADAMS  
Borough Secretary

The foregoing Byelaws are hereby confirmed by the Secretary of State and shall come into operation one month after the date on which consent of the Department of Transport is given to the Byelaws.

Signed by Authority of the Secretary of State

C.L. SCOBLE  
(An Assistant Under-Secretary of State)

16 July 1990

Home Office  
London SW1

(A map referred to in section 1 of this Byelaw can be obtained by contacting Customer Services on (023) 9247 4174 or by emailing:  
[customer.services@havant.gov.uk](mailto:customer.services@havant.gov.uk)).