

BYELAWS

Made by the Urban District Council of Havant and Waterloo

With respect to

NEW STREETS

IN THE URBAN DISTRICT OF HAVANT AND WATERLOO

Interpretation of Terms.

Interpretation
of terms

1. In these byelaws unless the context otherwise requires:-
“District” means the Urban District of Havant and Waterloo.
“Council” means the Urban District Council of Havant and Waterloo.
“Width” applied to a new street means the space intended to be used as a public way measured at right angles to the direction of the street.

With respect to the level, width, and construction of new streets and the provisions for the sewerage thereof.

Level of New
Streets.

6. Every person who shall lay out a new street shall lay it out at such level as, having regard to the intended use of the land abutting on the street will afford the easiest practicable gradients for communicating with any street or intended street with which it may be connected.
7. Every person who shall lay out for use as a carriage-road a new street, intended to be the principal means of access to any building shall except as hereinafter provided lay out the street of the width of thirty-six feet at the least:

Width of New
Streets
generally.

Provided that he may lay out the street of the width of

- (1) thirty feet at the least if
 - (a) the street does not exceed one thousand feet in length;
 - (b) every main wall of any building in the street is distant not less than thirty feet from the middle of the street:
- (2) twenty-four feet at least if
 - (a) the street does not exceed three hundred feet in length:
 - (b) every main wall of any building in the street is distant not less than twenty-five feet from the middle of the street:
- (3) twenty – six feet at the least if
 - (a) the street does not exceed one thousand feet in length;

* The foot and marginal notes do not form part of the byelaws.

- (b) every main wall of any building in the street is distant not less than thirty feet from the middle of the street;
- (c) There are domestic buildings only in the street;
- (d) either (i) the erection of buildings on one side of the street is impracticable or prohibited by reason of a canal, river, or railway, or of the configuration of the ground or of the permanent appropriation of the land as a recreation ground or as gardens: or
(ii) there are no buildings on one side of the street and either the land on both sides of the street is in the same ownership or the land on the side of the street on which there are no buildings is in the ownership of the Council:

- (4) twenty-one feet at the least if
 - (a) the street does not exceed three hundred feet in length:
 - (b) every main wall of any building in the street is distant not less than twenty-five feet from the middle of the street;
 - (c) there are domestic buildings only in the street;
 - (d) either (i) the erection of buildings on one side of the street is impracticable or prohibited by reason of a canal, river, or railway, or of the configuration of the ground or of the permanent appropriation of the land as a recreation ground or as gardens; or
(ii) there are no buildings on one side of the street and either the land on both sides of the street is in the same ownership or the land on the side of the street on which there are no buildings is in the ownership of the council.

8. Every person who shall lay out a new street intended to be the principal means of access to any building shall except as hereinafter provided lay it out for use as a carriage-road:

Streets for use as principal means of access, and so on.

Provided that he may lay out the street for use otherwise than as a carriage-road and of the width of

- (1) Twenty-four feet at the least if the street does not exceed one hundred feet in length
- (2) Ten feet at least if
 - (a) the street does not exceed five hundred feet in length;
 - (b) every main wall of any building in the street is distant not less than twenty-five feet from the middle of the street;
 - (c) there are dwelling-houses only in the street;
 - (d) the street communicates at one end at least with a street constructed for use as a carriage-road and not less than thirty feet in width;
 - (e) the whole surface of the street is properly paved or otherwise constructed in a suitable manner with suitable material laid on a sufficient and solid foundation, falling at the rate of not more than half an inch in every foot either to channels at the sides or from the sides to a channel in the middle;
 - (f) the space, if any, on each side of the street is laid out as forecourts or gardens, and no fence or wall thereon exceeds four feet six inches in height;

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- (g) where the street exceeds two hundred feet in length there is provided in the rear of the dwelling-houses in the street and adjoining the curtilage of each such dwelling house a street of the width of sixteen feet at the least constructed for use as a carriage road, with a carriage-way of the width of fourteen feet at the least.
9. Every person who shall lay out for use as a carriage-road a new street intended to be the secondary means of access to any premises shall lay out the street of the width of ten feet at the least, and every person who shall construct such a street shall so construct it that the width of the carriage-way shall be eight feet at the least. Streets for use as secondary means of access, and so on
10. Every person who shall construct for use as a carriage-road a new street intended to be the principal means of access to any building shall Construction of new streets. Turning spaces.
- (1) construct a carriage-way of a width Width of Carriage-way
- (a) if the street is required by the byelaw in that behalf to be of the width of thirty-six feet at the least, not less than eighteen feet;
- Provided that if the carriage-way is constructed of a less width than twenty-four feet a turning space shall be provided at intervals not exceeding six hundred feet either (a) of such dimension that a circle with a diameter of twenty-four feet could be inscribed within the carriage-way, or (b) by the communication with the street of a street laid out for use as a carriage-road; Turning Spaces
- (b) if the street may, in pursuance of the byelaw in that behalf, be of the width of thirty feet at the least or twenty-six feet at the least, not less than eighteen feet;
- (c) if the street may, in pursuance of the byelaw in that behalf, be of the width of twenty-four feet at the least or twenty-one feet at the least, not less than fifteen feet:
- (2)(a) cover the whole width of the carriage-way with a foundation of hard core at least six inches in thickness and properly consolidated or otherwise in an equally suitable manner and with suitable materials; Foundation of Carriage-way
- (b) construct the surface of the carriage-way with of properly broken stone, or flints, or other equally suitable material at least four inches in thickness and properly consolidated, or otherwise in an equally suitable manner and with suitable materials;
- (c) construct the surface of the carriage-way so as to curve or fall from the middle to channels at the sides, at the rate of not less than one quarter of an inch and not more than three-quarters of an inch for every foot of the width between the middle and the channels: Contour of Carriage-way
- (3) construct a footway Width of footways

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- (a) if the street is required by the byelaw in that behalf to be of the width of thirty-six feet at the least, not less than six feet in width on each side of the street;
 - (b) if the street may, in pursuance of the byelaw in that behalf, be of the width of thirty feet at the least, not less than five feet in width on each side of the street;
 - (c) if the street may, in pursuance of the byelaw in that behalf, be of the width of twenty-four feet at the least, not less than four-and-a-half feet in width on each side of the street;
 - (d) if the street may in pursuance of the byelaw in that behalf be of the width of twenty-six feet at the least, not less than five feet in width on that side of the street on which there may be buildings;
 - (e) if the street may, in pursuance of the byelaw in that behalf, be of the width of twenty-one feet at the least, not less than four-and-a-half feet in width on that side of the street on which there may be buildings;
- (4) construct every footway so as to slope towards the kerb or outer edge at the rate of not less than one half of an inch and not more than three-quarters of an inch for every foot of width, if the footway be not paved, flagged, or asphalted, and at the rate of not less than a quarter of an inch and not more than one half of an inch for every foot of width, if the footway be paved, flagged or asphalted:
- (5) construct every footway so that the height of the kerb or outer edge above the channel (except where there is a crossing for foot passengers) shall be not less than three inches at the highest part of such channel and not more than seven inches at the lowest.
- (6) construct every footway with a layer of gravel laid upon a hard and suitable foundation, or otherwise in an equally suitable manner and with suitable materials.
11. Every person who shall lay out a new street shall provide that one end, at least, shall be open from the ground upwards to the full width of the street.
12. Every person who shall construct a new street shall make proper and sufficient provision for carrying off the surface water from the street.
13. Every person who shall construct a new street which shall be intended to form the principal approach or means of access to more than two dwelling-houses erected or to be erected so as to front on such street shall provide a suitable sewer for the sewerage of such street sufficient for the buildings to be erected in such street.

Slope of Footways

Height Of Kerb.

Construction Of footway.

Width of one End of new Street.

Provision for Surface water Drainage.

Provision for sewerage.

Provided always that this byelaw shall apply only where:

- (i) such sewer can discharge into a sewer used or intended or adapted to be used for the reception of the drainage of buildings, and constructed in or for the sewerage of a street with which such new

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street communicates or is intended to communicate and within one hundred feet of the end of such new street;

(i) a sufficient sewer or sewers are not otherwise provided for the use of such dwelling-houses.

14. Every person who shall construct a sewer for the sewerage of a new street shall comply with the following rules:-

Construction
Of sewer.

- (1) the sewer shall be laid at such depths and inclinations as shall effectually serve for the houses or buildings with which it is or shall be connected;
- (2) the sewer shall form the best practicable continuous gradients along its entire length to the point of discharge;
- (3) the sewer shall be constructed in a good and workmanlike manner;
- (4) the sewer shall, where necessary, be provided with sufficient manholes;
- (5) the form and size of the sewer, the materials of which it is constructed, and the manholes, junctions and appurtenances to be provided in connection with it shall be such as shall be necessary for its use or intended or probable use.

As to the giving of notices: as to the deposit of plans and sections by persons intending to lay out street: and as to inspection by the council.

54. (1) Every person who intends to lay out a new street to which the foregoing byelaws relate shall, before laying out the street, give to the council notice in writing of his intention and shall send or deliver the notice to the clerk or surveyor of the council.

Notice and plan
of intended
new street.

- (2) He shall also send or deliver to the clerk or surveyor a plan and a longitudinal section and cross sections of the street drawn or reproduced in a clear and intelligible manner on suitable and durable material to a scale not less than one inch to every forty-four feet horizontally and one inch to every ten feet vertically for the plan and longitudinal section, and one inch to every eight feet horizontally and vertically for the cross sections,
- (3) He shall show upon the plan all particulars (not being particulars which may more conveniently be given on the sections) necessary to show whether the street complies with any of the foregoing byelaws which apply to it, including:-
 - (a) the names of the owners of the land occupied by the street and of the lands on each side of the street;
 - (b) the name and address of the person intending to lay out the street;
 - (c) the name, in any, of the street;
 - (d) the points of the compass;
 - (e) the length, width or widths, and levels of the street;
 - (f) the existing or intended building line on each side of the street;
 - (g) the position of the street in relation to the nearest existing streets;

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- (h) any provision intended for carrying off the surface water from the street.
 - (4) He shall show upon the sections all particulars (not being particulars which may more conveniently be given on the plan) necessary to show whether the street complies with any of the foregoing byelaws which apply to it, including:-
 - (a) the levels of the present surface of the ground over or through which the street is to pass taken from some known datum;
 - (b) the levels of the ground immediately abutting on each side of the street and, so far as necessary and practicable the intended levels of the building sites on each side if the street;
 - (c) the levels and rates of inclination of the street;
 - (d) the levels and rates of inclination of any intended or existing streets with which it is intended that the street shall connect so far as is necessary to show the levels and rates of inclination at which the new street will connect with such intended or existing streets.
 - (5) Provided that where a person is deemed to be laying out a new street by reason only of sub-section (4) of section 30 of the Public Health Act, 1925, this byelaw shall not apply.
55. (4) (f) the position and level of the outfall of the drains and the position of any sewer with which the drainage is intended to be connected.
- (5) He shall, where it is proposed to construct a sewer for the sewerage of the new street, show upon the plan the form, size, and position of the sewer, and upon the section the size, depth and inclination of the sewer, and shall at the same time send or deliver to the clerk or surveyor a sufficient description in writing of the materials to be used in the construction of the sewer and appurtenances.
56. (1) Every person who shall lay out a new street or otherwise execute any work to which any of the foregoing byelaws apply shall
- (a) give the surveyor of the council at least twenty-four hours' notice in writing of the date and time at which the laying out of the street or the execution of the work will be commenced;
 - (b) if the laying out of the street or the execution of the work involves the covering up of any sewer, drain or foundation to which these byelaws apply, give the surveyor at least twenty four hours' notice in writing of the date and time at which the covering –up will be commenced.
 - (2) If such person neglects or refuses to give any such notice, and if the surveyor on inspecting the street or work finds that it is so far adavanced that he cannot ascertain whether any of the foregoing byelaws have been contravened and within a reasonable time thereafter gives such person a notice in writing requiring him within a reasonable time specified in the notice to cut into, lay open, so much

Notice, plan, section, and so on of soil sewer.

Notice of commencement of new street

Notice of covering up sewer, drain, foundation or damp-course.

Work may b cut into, laid open.

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of the street or work as prevents the surveyor from ascertaining as aforesaid – such person shall within the time so specified comply with such notice.

- (3) If such person shall have contravened any of the foregoing byelaws, and shall within a reasonable time after such contravention receive notice in writing from the surveyor pointing out in what respects the street or work contravenes those byelaws and as a result of such notice shall have amended or added to the street or work, so as to secure compliance with those byelaws, such person shall, within a reasonable time after the completion of such work as he may have undertaken to secure compliance with those byelaws, give notice in writing to the surveyor of the completion of such work and shall at all reasonable times within a period of seven days after the giving of such notice of completion afford the surveyor free access to such work for the purpose of inspection.
- (4) Such person shall at all times during the laying out of the street, or the execution of the work, afford the surveyor free access to the street, or work, for the purpose of inspection.
- (5) Such person shall
- (a) Within a reasonable time after the completion of the laying out of the street or the execution of the work give the surveyor notice in writing of the completion;
and shall at all reasonable times within a period of seven days after such notice afford the surveyor free access to the street or work for the purpose of inspection.
57. Where, in the foregoing byelaws, access is required to be afforded to the surveyor of the council access shall be deemed to be required to be afforded to any person duly authorized in writing to act in place of the surveyor, and to any assistant or workman accompanying such surveyor or person.
58. (1) Every person who shall in pursuance of the foregoing byelaws be required to give, send, or deliver any notice or any plans or sections shall sign such notice, plans, or sections, or cause them to be signed by his duly authorized agent.
- (2) He shall cause any such notice, plans, or sections to be sent or delivered either to the office of the council or to the office of the person to whom the notice is required by the foregoing byelaws to be sent or delivered.

Penalties.

60. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of five pounds, and in the case of a continuing offence to a further penalty of forty shillings for each day after written notice of the offence from the council;

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Provided, nevertheless, that the justices or court before whom any complaint may be made or any proceedings may be taken in respect of any such offence may, if they think fit adjudge the payment as a penalty of any sum less than the full amount of the penalty imposed by this byelaw.

As to the power of the council to remove, alter, or pull down any work begun or done in contravention of byelaws.

61. If any work to which any of the foregoing byelaws may apply is begun or done in contravention of that byelaw, and the person by whom it is so begun or done is required, by a notice in writing signed by the clerk to the council and duly served upon or delivered to him, to furnish on or before the day specified in the notice a statement in writing under his hand or under the hand of an agent duly authorized in that behalf showing sufficient cause why the work shall not be removed or altered, or to attend personally or by an agent duly authorised in that behalf before the council on such day and at such time and place as shall be specified in the notice and show sufficient cause why the work shall not be removed or altered,

Work done in contravention of byelaws may be removed or altered.

and if such person shall fail to show sufficient cause why the work shall not be removed or altered,

the council shall be empowered, subject to any statutory provision in that behalf, to remove or alter the work:

Provided that this byelaw shall not empower the council to remove or alter

- (1) Any work which contravenes only the byelaws as to the giving of notices, as to the deposit of plans and sections, and as to inspection by the council: or
- (2) Any work which has been completed for more than twelve months; or
- (3) Any work if
 - (a) all notices required by the byelaw in that behalf have been duly given by the person undertaking the work; and
 - (b) the surveyor of the council has not within seven days after the notice of completion of the work taken exception to the work as contravening the byelaws.

62. From and after the date of the confirmation of these byelaws, the byelaws described in the following schedule shall, so far as they are in force, be repealed, except as regards any work begun before the date of the confirmation of this byelaw, or any work which has not been so begun, of which plans shall either have been approved by the council before such date, or have been sent to the clerk or surveyor of the council one month at least before such date, and shall not have been disapproved by the council:

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Provided that this exception shall not prohibit any such work from being executed in accordance with or so as not to contravene the forgoing byelaws.

SCHEDULE.

Description of Byelaws	Date of making	By whom made	Date of confirmation	By whom confirmed
New Streets and Buildings	29 June 1925	Urban District Council of Havant	8 September 1925	Minister of Health
New Streets and Buildings	10 September 1925	Rural District Council of Havant	17 November 1925	Minister of Health
Sewerage of New Streets	4 November 1926	Rural District Council of Havant	14 February 1927	Minister of Health
Sewerage of New Streets	19 March 1931	Rural District Council of Havant	20 May 1931	Minister of Health
New Streets and Buildings	29 April 1924	Rural District Council of Catherington	30 May 1924	Minister of Health
New Streets and Buildings	9 June 1925	Rural District Council of Fareham	29 June 1925	Minister of Health
New Streets and Buildings	11 June 1929	Urban District Council of Warblington	8 July 1929	Minister of Health

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Sealed with the Common Seal of the URBAN DISTRICT COUNCIL OF HAVANT AND WATERLOO at a Meeting of the said Council held on the Thirty-first day of December, 1934, in the presence of

JOHN LEWIS
Chairman

ALBERT E. MADGWICK
Clerk of the Council

The foregoing byelaws are hereby confirmed by the Minister of Health this Thirteenth day of February, 1935, and shall come into operation on the First day of May, 1935.

E. H. RHODES
Assistant Secretary,
Ministry of Health