

WINCHESTER CITY COUNCIL



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**BYELAWS**  
for  
**GOOD RULE**  
and  
**GOVERNMENT**  
made by  
**Winchester City Council**

WINCHESTER CITY COUNCIL

BYELAWS FOR GOOD RULE & GOVERNMENT  
WINCHESTER CITY COUNCIL  
LOCAL GOVERNMENT ACT 1972

Extent of Byelaws

These byelaws shall extend throughout the City of Winchester.



1. Deposit of Mud on Highways

(a) A person in a vehicle which is upon a highway, when to his knowledge any mud, clay, lime, chalk or similar material has fallen on the highway from the vehicle and is likely if not removed therefrom to cause obstruction, danger or nuisance to other persons using the highway or injury to the highway, shall remove or cause to be removed all such fallen material from the highway as completely as is reasonably practicable.

**BYELAWS  
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**Winchester City Council**

2. No person shall urinate or defecate in any street or public place.

3. Musical Instruments

No person shall sound or play upon any musical or noisy instrument or ring in any street or public place within 100 yards of any dwelling house or office, after being requested to desist by any inmate or

WINCHESTER CITY COUNCIL

BYELAWS FOR GOOD RULE & GOVERNMENT

MADE BY WINCHESTER CITY COUNCIL

ACTING IN PURSUANCE OF SECTION 235 OF THE

LOCAL GOVERNMENT ACT 1972

Extent of Byelaws

These byelaws shall extend throughout the City of Winchester.

1. Deposit of Mud on Highways

(a) A person in charge of a vehicle which is upon a highway, when to his knowledge any mud, clay, lime, chalk or similar material has fallen on the highway from the vehicle and is likely if not removed therefrom to cause obstruction, danger or nuisance to persons using the highway or injury to the surface of the highway, shall remove or cause to be removed all such fallen material from the highway as completely as is reasonably practicable.

(b) A person in charge of a vehicle shall not bring the vehicle or permit it to be brought upon a highway unless there has been removed from the wheels thereof as completely as is reasonably practicable all mud, clay, lime, chalk or similar material which is likely if not so removed to cause obstruction, danger or nuisance to persons using the highway or injury to the surface of the highway.

2. Urinating in a Public Place

No person shall urinate or defecate in any street or public place.

3. Music Near Houses

No person shall sound or play upon any musical or noisy instrument or sing in any street or public place within 100 yards of any dwelling house or office, after being requested to desist by any inmate or

occupant thereof, either personally or through a servant or through a constable, on account of the interruption of the ordinary occupations or pursuits of any such inmate or occupant or for other reasonable and sufficient cause. Provided that this byelaw shall not apply to properly conducted Religious Services, except when the request to desist is made on the ground of serious illness of any inmate of the house.

#### 4. Music near Places of Public Assembly

No person shall sound or play upon any musical or noisy instrument or sing in any street or public place within 100 yards of any place of public worship or public entertainment or other place of public assembly in which persons are for the time being assembled, to the annoyance of any person or persons so assembled, after being requested to desist by any constable, or by any person so annoyed or disturbed, or by any person acting on his behalf.

#### 5. Music Near Hospitals

No person shall sound or play upon any musical or noisy instrument or sing in any street or public place within 100 yards of any hospital, infirmary, convalescent home or other place used for the reception or treatment of the sick, after being requested to desist by any constable, or by any inmate or officer of such hospital or other place, or by any person acting on his behalf.

#### 6. Night Noises

No person shall in any street or public place between the hours of 11.00 p.m. and 6.00 a.m. wantonly and continuously sing or shout or make any loud noise to the disturbance of residents.

#### Interpretation

In these bye laws the following expressions shall have the meanings assigned to them:-

"Highway" means a highway maintainable at the public expense.

"Person in charge of a vehicle" means the person who, whether as an owner or otherwise, has the charge or control of a vehicle or being present is entitled to give orders to the person having charge or control.

"Public place" means any place to which at the material time the public have, or are permitted to have, access whether on payment or otherwise, and includes any churchyard, chapel yard, roadside waste or any common, public park or walk, pleasure or recreation ground, cemetery or market which is not or may not be regulated by means of byelaws under any other enactment.

"Vehicle" includes any trailer or any agricultural implement or machine and any implement or machine used for or in connection with the felling or haulage of timber or other forestry operations.

"Wheels" includes axles, runners and tracks.

#### Penalty

Any person offending against any of the foregoing byelaws shall be liable on summary conviction to a fine of not exceeding £100.

#### Revocation of Byelaws

The byelaws specified in Part I of the Schedule to these byelaws are hereby repealed, insofar as they affect the areas that are within the City of Winchester in their entirety.

The byelaws specified in Part II of the Schedule to these byelaws are hereby repealed.

## SCHEDULE

### Part I

The byelaws made for good rule and government by Hampshire County Council on the 13th October 1879, 26th July 1926, 11th May 1936, 26th May 1952, 31st July 1953, 29th March 1957, 13th May 1929, 29th May 1961, 27th May 1963, 4th August 1967, 25th September 1959, 24th February 1930.

### Part II

The byelaws for good rule and government made by the Mayor, Aldermen and Citizens of the City of Winchester acting by the Council on 2nd May 1907 with respect to:-

Waste paper, refuse, advertising bills, fruit rinds, broken glass, etc.,  
Music near houses,  
Street noises,  
Posting of bills without permission,  
Disturbance of persons assembled in public buildings,  
Indecent shows,  
Organs,  
Shooting galleries,  
Noisy animals and cocks crowing,

on the 6th January 1910 with respect to spitting in public places;

on the 1st May 1930 with respect to the deposit of litter;

on 7th November 1935 with respect to wireless loudspeakers and gramophones;

on 2nd December 1943 with respect to nuisances contrary to public decency;

on 7th May 1931 with respect to:-

Advertising vehicles,  
Defacing pavements,

Pulling down notices;

on 1st July 1959 with respect to letting off fireworks in places of public entertainment;

on 5th April 1963 with respect to unruly behaviour in cinemas;

on 11th May 1965 with respect to mud on highways;

on 3rd October 1962 with respect to noises at night.

Provided that the repeal of any byelaw referred to in the Schedule to these byelaws shall not affect any legal proceedings; instituted in respect of any offence committed before the effective date of this revocation clause. Any such legal proceedings may be instituted and continued and any penalty recovered as if these byelaws had not been made.

THE COMMON SEAL of WINCHESTER )  
CITY COUNCIL was, pursuant to )  
a resolution of the Council, )  
hereunto affixed this 3rd )  
day of January 1985 in the )  
presence of:- )

R C DURMAN  
City Secretary

The foregoing byelaw(s) are hereby confirmed by the Secretary of State and shall come into operation on the 10th day of April 1985.

M E HEAD

Signed by authority of the Secretary of State

Home Office  
LONDON SW1



CITY OF WINCHESTER  
BYELAW WITH RESPECT TO GOOD RULE AND GOVERNMENT  
MADE BY THE COUNCIL OF THE CITY OF WINCHESTER  
ON THE 3RD DAY OF NOVEMBER 1980

DOGS FOULING FOOTWAYS

IN THE DISTRICT OF THE CITY OF WINCHESTER

1. No person in charge of a dog shall allow the dog to foul a footway by depositing its excrement thereon.

This byelaw applies to:-

- a. The footway of any street or public place:
- b. A grass verge which is not more than 3 metres wide and is
  - (i) Adjacent to the carriageway or footway of a highway
  - (ii) Managed by a Local Authority and maintained in a good order

Provided that in proceedings for an offence against this byelaw it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

2. For the purpose of this byelaw the owner of the dog shall be deemed in charge thereof unless the Court is satisfied that at the time when the dog fouled the footway or grass verge it had been placed in or taken into the charge of some other person.
3. Any person offending against this byelaw shall be liable on summary conviction to a fine not exceeding fifty pounds.



4. The byelaw for good rule and government made by the Mayor Aldermen and Citizens of the City of Winchester on the 1st March 1934 and allowed by the Secretary of State on the 5th March 1934 is hereby repealed.
5. The byelaw for good rule and government with respect to dogs fouling footpaths made by the Council of the Hampshire County Council on the 14th August 1968 is hereby repealed in so far as it affects those areas that are within the district administered by the Council of the City of Winchester.
6. Provided that the repeal of any byelaw referred to in paragraph four or five of this byelaw shall not effect any legal proceedings whether instituted before or after this repeal in respect of any offence under the byelaws so repealed any such legal proceedings may be instituted and continued and any penalty recovered as if this byelaw had not been made.
7. Definition

In this byelaw:

"Street" means any highway including a highway over any bridge and any road, lane, footway, square, court, alley or passage whether a throughfare or not.

"Public Place" means any place to which at the material time the public have or are permitted to have access whether on payment or otherwise and includes any churchyard, chapel yard, roadside waste or any common public park or walk pleasure or recreation ground cemetery or market which is not or may not be regulated by means of byelaws under any other enactment.

The Common Seal of the Council  
of the City of Winchester was  
pursuant to a resolution of the  
Council hereunto affixed this

3rd day of November 1980

In the presence of

D COWAN  
Chief Executive

The Secretary of State  
this day confirmed  
the foregoing byelaw  
and fixed the date  
on which it is to come  
into operation as the first day of February 1981

Signed by authority of the  
Secretary of State  
Home Office  
LONDON SW1

(G I de Deney)  
AN ASSISTANT UNDER  
SECRETARY OF STATE

15 January 1981

WINCHESTER CITY COUNCIL

STRAW AND STUBBLE BURNING

Byelaws made under Section 235 of the Local Government Act 1972 by the Council of Winchester City District for the good rule and government of Winchester City and for the prevention and suppression of nuisances.

EXTENT OF BYELAWS

1. These byelaws shall extend to the area of the Winchester City District.

RESTRICTIONS ON BURNING

2. No person shall, on agricultural land, commence to burn any straw or stubble remaining on such land after the harvesting of any cereal crop which has been grown thereon, or knowingly cause or permit the commencement of burning of such straw or stubble at any time -
  - (a) during the period beginning one hour before sunset and ending at sunrise; or
  - (b) on any Saturday, Sunday or bank holiday.
3. No person shall commence to burn or knowingly cause or permit the commencement of burning of such straw or stubble unless the area in which it is intended to burn such straw or stubble is more than 150 metres from any other area where such straw or stubble is being burned.
4. (1) No person shall commence to burn or knowingly cause or permit the commencement of burning of any area of such straw or stubble unless that area -
  - (a) does not exceed 10 hectares; and
  - (b) is bounded on all sides and at every place where the area to be burned must be distanced from any point or object in accordance with sub paragraphs (c) and (d) below by a firebreak not less than 5 metres in width; and
  - (c) is not less than 15 metres from -

- (i) the trunk of any tree;
  - (ii) any hedgerow;
  - (iii) any fence not belonging to the occupier of land upon which the straw or stubble is to be burned the greater part of which is constructed of combustible material;
  - (iv) any pole which is or may be used to carry telegraph wires; and
- (d) is not less than 25 metres from -
- (i) any residential building;
  - (ii) any structure having a thatched roof;
  - (iii) any building, structure, fixed plant or machinery the greater part of which is constructed of combustible material or glass or both;
  - (iv) any scheduled monument the greater part of which is constructed of combustible material;
  - (v) any stack of hay or straw;
  - (vi) any accumulation of combustible material other than straw removed in the construction of a firebreak;
  - (vii) any standing cereal, oil seed or pulse crop;
  - (viii) any woodland or nature reserve;

(2) Any straw which is -

- (a) between any object from which the area to be burned must be distanced in accordance with sub-paragraph (c) of paragraph (1) above and any firebreak; and
- (b) within 15 metres of the area to be burned

shall so far as is reasonably practicable be removed to a distance of not less than 25 metres from such object or incorporated into the soil prior to the commencement of burning.

(3) Any straw which is -

(a) between any object from which the area to be burned must be distanced in accordance with sub-paragraph (d) of paragraph (1) above and any firebreak; and

(b) within 25 metres of the area to be burned

shall so far as is reasonably practicable be removed or incorporated into the soil prior to the commencement of burning.

5. (1) No person who has commenced to burn or knowingly caused or permitted the commencement of burning of such straw or stubble shall without reasonable excuse cause or permit (whether knowingly or not) a fire to cross a fire break to any area where burning has not otherwise been commenced.

(2) Without prejudice to the generality of the words "reasonable excuse" within paragraph (1) above, it shall be a reasonable excuse within that paragraph if a person shows that the construction of the fire break was such that he could not reasonably have foreseen that the fire would travel across it.

6. No person shall burn or knowingly cause or permit the burning of any area of such straw or stubble unless during the whole time the material is burning the operation is under the supervision of at least two responsible persons present at the burning of that area of whom one is in charge of the operation and is experienced in the burning of straw and stubble.

7. No person shall commence to burn or knowingly cause or permit the commencement of burning of such straw or stubble on any day unless not less than one hour's notice has been given on that day to:

the County Fire Control of the County Fire Brigade.

8. No person shall, without reasonable excuse, burn or knowingly cause or permit the burning of any area of such straw or stubble unless during the whole of the time the material is burning the following means for fighting fire are available at the burning of that area, that is to say -
- (a) not less than 500 litres of water in one or more mobile containers together with a means of dispensing the water for firefighting purposes; and
  - (b) not less than five implements suitable for use for firebeating purposes.
9. The occupier of the land on which such straw or stubble has been burned shall not, without reasonable excuse, permit any ash or carbonised residues, not incorporated into the soil of the land, to remain for a period of more than 36 hours after the commencement of the burning on an area on which straw or stubble has been burned.

#### DEFENCE

10. In proceedings against any person for an offence under Byelaw 3 or 6 above it shall be a defence for that person to prove that he had taken all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

#### PENALTY

11. Any person contravening any of these byelaws shall be liable on summary conviction of a fine not exceeding £2,000.

#### INTERPRETATION

12. In these byelaws -

"combustible material" means material capable of undergoing combustion;

"combustion" means consumption by oxidation with the production of heat, usually with incandescence or flame or both;

"council" means the Winchester City Council;

"nature reserve" has the same meaning as in Section 15 of the National Parks and Access to the Countryside Act 1949;

"scheduled monument" has the same meaning as in section 1 of the Ancient Monuments and Archaeological Areas Act 1979: and

"fire break" means an area of ground of which the surface consists wholly or mainly of any substance other than combustible material.

13. The byelaws made by Winchester City Council on the 2nd May 1984 and confirmed by the Secretary of State on the 14th June 1984 are hereby revoked.

The Common Seal of Winchester  
City Council was hereunto  
affixed this 30th day of September 1985

R C Durman  
City Secretary

The foregoing byelaw(s) is/are hereby confirmed by the Secretary of State and shall come into operation on the 25 day of December 1985.

Signed by authority of the Secretary of State

M E HEAD

An Assistant Under-Secretary of State

10 December 1985

Home Office  
LONDON, SW1

SAWWJW100



## WINCHESTER CITY COUNCIL

### BURNING OF CROP RESIDUES

Byelaws made under Section 235 of the Local Government Act 1972 by the Council of Winchester City for the good rule and government of Winchester City and for the prevention and suppression of nuisances.

#### EXTENT OF BYELAWS

1. These byelaws shall extend to the area of the Winchester City.

#### RESTRICTIONS ON BURNING

2. No person shall, on agricultural land, commence to burn any crop residues remaining on such land after the harvesting of oil seed rape, field beans or peas harvested dry which have been grown thereon, or knowingly cause or permit the commencement of burning of such crop residues at any time -
  - (a) during the period beginning one hour before sunset and ending at sunrise; or
  - (b) on any Saturday, Sunday or bank holiday.
3. No person shall commence to burn or knowingly cause or permit the commencement of burning of such crop residues unless the area in which it is intended to burn such crop residues is more than 150 metres from any other area where crop residues, cereal straw or stubble is being burned.
4. (1) No person shall commence to burn or knowingly cause or permit the commencement of burning of any area of such crop residues unless that area -
  - (a) does not exceed 20 hectares; and
  - (b) is bounded on all sides and at every place where the area to be burned must be distanced from any point or object in accordance with sub paragraph (c) and (d) below by a fire break not less than 5 metres in width; and
  - (c) is not less than 5 metres from -

- (i) the trunk of any tree;
- (ii) any hedgerow;
- (iii) any fence not belonging to the occupier of land upon which the crop residues are to be burned, the greater part of which is constructed of combustible material;

- (iv) any pole which is or may be used to carry telegraph wires; and

(d) is not less than 15 metres from -

- (i) any residential building;

- (ii) any structure having a thatched roof;

- (iii) any building, structure, fixed plant or machinery the greater part of which is constructed of combustible material or glass or both;

- (iv) any scheduled monument the greater part of which is constructed of combustible material;

- (v) any stack of hay or straw;

- (vi) any accumulation of combustible material;

- (vii) any standing cereal, oil seed or pulse crop;

- (viii) any woodland or nature reserve;

(2) Any crop residues which are -

- (a) between any object from which the area to be burned must be distanced in accordance with sub-paragraph (c) of paragraph (1) above and any fire break; and

- (b) within 5 metres of the area to be burned

shall so far as is reasonably practicable be incorporated into the soil prior to the commencement of burning.

(3) Any crop residues which are -

(a) between any object from which the area to be burned must be distanced in accordance with sub-paragraph (d) of paragraph (1) above and any fire break; and

(b) within 15 metres of the area to be burned

shall so far as is reasonably practicable be incorporated into the soil prior to the commencement of burning.

5. (1) No person who has commenced to burn or knowingly caused or permitted the commencement of burning such crop residues shall without reasonable excuse cause or permit (whether knowingly or not) a fire to cross a fire break to any area where burning has not otherwise been commenced.

(2) Without prejudice to the generality of the words "reasonable excuse" within paragraph (1) above, it shall be a reasonable excuse within that paragraph if a person shows that the construction of the fire break was such that he could not reasonably have foreseen that the fire would travel across it.

6. No person shall burn or knowingly cause or permit the burning of any area of such crop residues unless during the whole time the material is burning the operation is under the supervision of at least two responsible persons present at the burning of that area, of whom one is in charge of the operation and is experienced in the burning of such crop residues.

7. No person shall commence to burn or knowingly cause or permit the commencement of burning of such crop residues on any day unless not less than one hour's notice has been given on that day to -

the County Fire Control of the County Fire Brigade

8. No person shall, without reasonable excuse, burn or knowingly cause or permit the burning of any area of such crop residues unless during the whole of the time the material is burning the following means for fighting fire are available at the burning of that area, that is to say -

- (a) not less than 500 litres of water in one or more mobile containers together with a means of dispensing the water for firefighting purposes; and
- (b) not less than five implements suitable for use for firebeating purposes.

#### DEFENCE

9. In proceedings against any person for an offence under byelaw 3 or 6 above it shall be a defence for that person to prove that he had taken all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

#### PENALTY

10. Any person contravening any of these byelaws shall be liable on summary conviction to a fine not exceeding £100.

#### INTERPRETATION

11. In these byelaws -

"combustible material" means material capable of undergoing combustion;

"combustion" means consumption by oxidation with the production of heat, usually with incandescence or flame or both;

"council" means the Winchester City Council

"fire break" means an area of ground of which the surface consists wholly or mainly of any substance other than combustible material.

"nature reserve" has the same meaning as in section 15 of the National Parks and Access to the Countryside Act 1949;

"scheduled monument" has the same meaning as in section 1 of the Ancient Monuments and Archaeological Areas Act 1979;

The Common Seal of Winchester  
City Council was hereunto  
affixed in the presence of:-

R C Durman  
City Secretary

THIS 30TH DAY OF SEPTEMBER 1985

The foregoing byelaw(s) are hereby confirmed by the  
Secretary of State and shall come into operation on the 25  
day of December 1985.

Signed by authority of the Secretary of State

M E HEAD

An Assistant under Secretary of State

10 December 1985

Home Office  
LONDON SW1