

BYELAWS
RELATING TO
PLEASURE FAIRS

BYELAWS: PLEASURE FAIRS

Byelaws for the regulations of the hours during which pleasure fairs may be open to the public; for the securing of safe and adequate means of ingress to and egress from pleasure fairs; for the prevention and suppression of nuisances and for the preservation of sanitary conditions, cleanliness, order and public safety at pleasure fairs: for the prevention of out-breaks of fire, which might endanger stands, stalls or other structures, including caravans used or intended for use as sleeping accommodation, used in connection with any pleasure fair; made by the Havant Borough Council in pursuance of Section 75 of the Public Health Act 1961 (as amended by Section 22 of the Local Government (Miscellaneous Provisions) Act 1976).

1. These byelaws shall not apply to:-
 - a. a pleasure fair at which the only entertainment to which Section 75 of the Public Health Act 1961 applies consists of ten-pin bowling alleys or of ten-pin bowling alleys together with automatic machines intended for entertainment or amusement not exceeding in number one-third of the number of bowling alleys provided, or
 - b. any part of a pleasure fair in respect of which a licence is for the time being in force for public music or dancing or other entertainment of the like kind, or
 - c. any place which is not for the time being used wholly or mainly for providing, whether or not in combination with any other entertainment, any entertainment to which Section 75 of the Public Health Act 1961 applies.

SEE NOTE 3 FOR DEFINITION OF 'PLEASURE FAIRS'.

2. In these byelaws:-
 - a. 'manager' means the person having control of a pleasure fair, whether being the owner or lessee or some other person;
 - b. 'juvenile riding contrivance' means a riding contrivance designed, constructed and provided for use by children;
 - c. a reference to a caravan, stand, stall or structure is a reference to a caravan, stand, stall or structure used or intended to be used for the purposes of or in connection with any pleasure fair, and any additional

living quarters placed against or attached to a caravan shall be treated as part of that caravan.

3. (1) The manager shall not keep the pleasure fair open to the public between the hours of 11.00p.m. and 9.00a.m.

(2) The Council may, by resolution, fix a later hour in substitution for the hour of 11.00p.m. in this byelaw for the closing of pleasure fairs or specified classes of pleasure fairs on specified dates or during specified periods.
4. (1) The manager shall give to the proper officer of the Council at least 5 days prior notice in writing of the intention to hold a pleasure fair specifying the dates and the place at which such a pleasure fair is to be held.

SEE NOTE 1 FOR THE PROPER OFFICER.

- (2) The notice to be given under this byelaw shall be in addition to and not in substitution for any notice required to be given under any other enactment.
- (3) In this byelaw 'proper officer' means an officer appointed for the purpose by the council.
5. (1) The manager shall take any necessary steps to provide a sufficient number of entrances to and exits from a pleasure fair and he shall, while the public are at the pleasure fair, keep every exit open and free from obstruction.

(2) The exits from a pleasure fair need not be kept open:-
 - a) in any case where the doors are secured only by suitable panic bolts or other safety devices of a similar nature which enables them to be immediately opened from the inside;
 - b) in any case where an attendant is on duty at the exit.
(3) This byelaw shall not be deemed to require that any exits from a pleasure fair which are not provided for public use shall remain open while the public are at the pleasure fair.
6. The manager shall, in the distribution of booths, stalls, and other erections at a pleasure fair, secure that a sufficient number of gangways of adequate width are provided; and shall while the public are at the pleasure fair keep such gangways free from obstruction.
7. Any person having control of any booth, tent or other closed structure at a pleasure fair shall provide adequate exits there from; and shall if there are stalls or other erections or seating accommodation within the structure secure that a sufficient number of gangways of adequate width are

provided. Such persons shall while the public are within the structure keep such exits and gangways free from obstruction.

8. Any persons having control of any booth, tent, or other closed structure at a pleasure fair in which more than 30 persons can be accommodated shall cause to be exhibited over each exit from the booth, tent or closed structure a notice bearing the word 'EXIT' in letters of a sufficient size to ensure it is legible at the maximum viewing distance.
9. No person shall place or cause to be placed any obstruction in an exit or gangway provided in accordance with the foregoing byelaws while the public are at the pleasure fair or within the structure as the case may be.
10. (1) Any person having control of any part of the pleasure fair or any booth, tent or enclosure at a pleasure fair in which seating is provided for more than 30 persons shall cause all the chairs or seats provided for the use of the public to be fastened together in lengths of not less the 4 chairs or seats or to the floor.

(2) This byelaw shall not apply:
 - a) where the chairs are placed in boxes or separate enclosures providing seating for not more than 12 persons:
 - b) to any part of a pleasure fair used as a restaurant, café or similar establishment.
11. Any person having control of any booth, tent, stall, merry-go-round, round-about, switchback railway, swing or other similar structure at a pleasure fair shall take all reasonable steps to secure that the structure and any platform, seating accommodation or other structure used in connection therewith is of such material and design and so constructed and maintained that it is not liable, when used for the purpose and in the manner for which it is intended, to cause injury to any person attending the pleasure fair.
12. (1) The manager shall cause every merry-go-round, round-about, swing, switchback railway or other mechanical riding or driving contrivance at a pleasure fair :-
 - a) to be securely erected;
 - b) to be so placed that between every moving part of the contrivance which is not fenced or screened from any area to which members of the public not using the contrivance are permitted to have access and
 - i. any moving part of any other such contrivance there shall be a space of at least 6 metres.
 - ii. any other structure there shall be a space of at least 3 metres.
(2) In this byelaw:-

- a. nothing in paragraph (b) of this byelaw shall prevent the placing of a stationery platform at the side of any such contrivance against any wall or partition of a building or against any boundary wall or boundary fence not adjoining a highway;
- b. paragraph (b) of this byelaw shall not apply to the space between two or more slow moving juvenile riding contrivance or to any coin operated kiddy ride.

In this byelaw 'moving part' in relation to a contrivance means any part of the contrivance, including any vehicle or device incidental thereto used for the carriage of passengers, which moves or is capable of moving during the operation of the contrivance.

13. Any persons having control of any merry-go-round, round-about, swing, switchback railway or other mechanical riding or driving contrivance at a pleasure fair shall ensure that displayed on or near the device in question is a certificate granted by a competent engineer within the preceding 12 months to the effect that the contrivance has been inspected and found to be in a condition such as not to present a danger to the public.
14. Any person having control of any merry-go-round, round-about, swing, switchback railway or other mechanical or driving contrivance at a pleasure fair shall ensure that it is operated by a responsible person aged 18 years or over.

Provide that

- a) a slow moving juvenile riding contrivance which is not controlled by the passengers may be operated by a responsible person aged 16 years or over, and
 - b) nothing in this byelaw shall apply to coin operated juvenile riding contrivances constructed for use by not more than 4 persons.
15. Any persons having control of any merry-go-round, round-about, swing, switchback railway or other mechanical riding or driving contrivance at a pleasure fair shall ensure that it is not operated when weather conditions are such as to jeopardise the safety of persons using the contrivance.
 16. The manager shall provide and maintain in good working order, the appropriate means for fighting fire which shall, while the public are at the pleasure fair be so placed as to be readily available for use.
 17. (1) Any person having control of any part of the pleasure fair or any booth, tent or structure shall take any necessary steps to secure that the tent, booth and any scenery, drapery, artificial flowers, properties, hangings, curtains or other materials of a similar kind used therein are rendered flame-resistant and are so maintained.

- (2) Nothing in the byelaw shall require drapery, hangings or curtains made of heavy woollen or other inherently non-flammable or durably flame-proofed material to be rendered flame-resistant.
18. No person having control of any booth, tent, stall or structure at a pleasure fair shall while the pleasure fair is open to the public leave unattended in any such booth, tent, stall or structure any paraffin stove or light or any form of heating or lighting having a flame or any exposed heating element.
19. (1) The manager shall secure that any hay, straw or other like substance kept at the pleasure fair is stored either in a fire resisting receptacle or in some place at a reasonable distance from any part of the pleasure fair to which the public have access.
- (2) This byelaw shall not apply to such quantity of hay, straw or other substance as may be required for immediate use.
20. Any person having control of a caravan, stand, stall or structure shall
- a. secure that any flammable gas shall be stored in a safe place and that the quantity so stored shall be as small as practicable having regard to the purposes for which the gas is being used;
 - b. secure that any flammable gas cylinder shall be removed from the caravan, stand, stall or structure as soon as practicable after its contents have been expended;
 - c. not use or permit to be used any flammable gas for the purpose of inflating balloons.
21. The manager, and any person having control of any part of a pleasure fair, shall take steps as may be reasonably necessary to prevent a risk of electric shock or fire caused by electricity at a pleasure fair.
22. Any person having control of a shooting gallery shall provide and maintain such backstops and screening as may be reasonably necessary to protect any person attending the pleasure fair from shots fired by persons using the shooting gallery.
23. Any person, having control of any animal which, if at large, would be likely to cause danger to the public attending the pleasure fair, shall take all reasonable steps to secure or cage the animal in such manner as not to be a cause of danger while the public are at the pleasure fair.
24. The manager of a pleasure fair not being a pleasure fair the whole of which is comprised within a building or buildings shall, where adequate public sanitary accommodation is not already available within reasonable distance of all parts of such pleasure fair, take any necessary steps:-

- a. to provide in suitable situations sufficient and suitable sanitary conveniences for persons employed in or about the pleasure fair and for the public attending the pleasure fair;
- b. to label separate conveniences for men and women respectively in such proportions as may be appropriate;
- c. to maintain the conveniences in good repair and in a reasonably clean and wholesome condition; and
- d. cause the conveniences and the labels provided in accordance with this byelaw to be adequately illuminated during the hours of darkness while the public are at the pleasure fair.

25. The manager shall take any necessary steps to provide:-

- a. a sufficient supply of wholesome water for the use of persons employed in or about the pleasure fair; and
- b. where the circumstances so require, means for the disposal of any impure waste liquid.

26. Any person occupying any part of a pleasure fair shall, as respects that part, and the manager shall, as respects any part of the premises not occupied by some other person:-

- a. so far as practicable cause that part to be kept in a clean condition;
- b. as often as is reasonably necessary and practicable cause any refuse or litter within that part to be collected and deposited in a suitable receptacle.

27. The manager shall cause all refuse and litter to be collected at suitably frequent intervals from all such receptacles as are mentioned in the foregoing byelaw and to be removed from the pleasure fair.

28. On the vacation of the site on which a pleasure fair has been held or any part thereof the manager shall remove or cause to be removed any refuse or litter remaining thereon, so as to leave it in a clean and tidy condition.

29. (1) No person having control of a caravan used or intended for use as sleeping accommodation shall place such a caravan other than where there is an unobstructed space of not less than 2 metres between such caravan and

- a. any other such caravan;
- b. any window or door of any house or building which has sleeping accommodation on any upper floor;
- c. any stand, stall or structure.

- (2) For the purposes of this byelaw any steps placed against a caravan for the purpose only of giving access to that caravan shall not be treated as an obstruction.
30. (1) No person having control of any stand, stall or structure shall place such a stand, stall or structure other than where there is an unobstructed space of not less than 2 metres between such stand, stall or structure, and
- a. any caravan used or intended for use as sleeping accommodation;
 - b. any window or door of any house or building which has sleeping accommodation on any upper floor.
- (2) For the purposes of this byelaw any steps placed against a caravan for the purpose of giving access to that caravan shall not be treated as an obstruction.
31. No person shall place in any part of a pleasure fair any motor vehicle or any wood, paper, straw, cartons, boxes, packing materials, fabric, rags or similar combustible material, or any petroleum spirit, paraffin or similar substance at a distance of less than 2 metres from
- a. any caravan used or intended for use as sleeping accommodation;
 - b. any window or door of any house or building which has sleeping accommodation on any upper floor.
- (2) This byelaw shall not apply to the placing of a motor vehicle nearer than 2 metres from a caravan for so long as may be necessary for the purpose of towing the caravan.
32. Any person offending against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding £20.

SEE NOTE 2 FOR AMENDMENT OF FINE.

33. The byelaws made by the Urban District Council of Havant and Waterloo dated the 1st May 1973 and confirmed by one of Her Majesty's Secretaries of State on the 26th day of July 1973 are hereby repealed.

Dated this 1st day of March 1978.

THE COMMON SEAL of the Council of)
the Borough of Havant was hereunto)
affixed in the presence of: -)
)

(Sgd) J. Forder
Borough Secretary

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the date hereof.

(Sgd) R.F.D. Shuffrey

Signed by authority of the
Secretary of State

(R.F.D. Shuffrey)

An Assistant Under Secretary of State.

Home Office
LONDON SW1

27 April 1978

NOTE 1. The 'Proper Officer' to whom notice of intention to hold a pleasure fair within the Borough of Havant should be given in accordance with Byelaw No. 4 (1) is the Director of Housing and Environmental Health, Civic Offices, Civic Centre Road, Havant, Hants. PO9 2AX.

When calling or telephoning in connection with the pleasure fairs byelaws or on any matter appertaining to pleasure fairs enquiries should in the first instance be addressed to the Shops/Health and Safety at Work Section of the Department of Housing and Environmental Health at the above address.

Telephone Number during office hours – Havant (STD 0705) 92474174
Extension 133.

Out of office hours in case of emergency only – Emsworth (STD 02434) 2448.

NOTE 2. As from 17th July, 1978 the maximum fine is £200.00 instead of £20.00 – Byelaw No. 32.

NOTE 3. DEFINITION OF A PLEASURE FAIR.

The expression 'pleasure fair' is defined in Section 75 of the Public Health Act 1961 as any place:-

- i. which is for the time being used wholly or mainly for providing, whether or not in combination with other entertainment, any of the following entertainments:-

- a. circuses;
- b. exhibitions of human beings or of performing animals:
- c. merry-go-rounds, roundabouts, swings, switchback railways:
- d. coconut shies, hoop-las, shooting galleries, bowling alleys;
- e. dodgems or other mechanical riding or driving contrivances;
- f. automatic or other machines intended for entertainment or amusement;
- g. anything similar to any of the foregoing

and

- ii. for admission to which, or for the use of the contrivances in which, a charge is made.

ADDITIONAL CONDITIONS