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MODEL BYELAWS – SET 5

[Name of Council]

BYELAWS FOR PROMENADES

ARRANGEMENT OF BYELAWS

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Schedule

Byelaws made under section 83 of the Public Health Acts Amendment Act 1907 by the *[insert name of Council]* for the prevention of danger, obstruction, or annoyance to persons using the esplanades or promenades.

General interpretation

1. In these byelaws:

[Select from the following list only terms to be used in the model byelaws which the Council proposes to adopt]

“the Council” means *[insert name of Council]*;

“designated” in relation to a route or area means set aside for a specified purpose, the route or area and the purpose to be indicated by notices placed in a conspicuous position;

“invalid carriage” means a vehicle, whether mechanically propelled or not,

- (a) the unladen weight of which does not exceed 150 kilograms,
- (b) the width of which does not exceed 0.85 metres, and

which has been constructed or adapted for use for the carriage of a person suffering from a disability, and used solely by such a person;

“promenade” means *[name of promenade/ each of the esplanades and promenades described in the Schedule to these byelaws]*;

“motor vehicle” means a mechanically propelled vehicle other than an invalid carriage;

“self-propelled vehicle” means a vehicle other than a cycle, invalid carriage or pram which is propelled by the weight or force of one or more persons skating, sliding or riding on the vehicle or by one or more other persons pulling or pushing the vehicle.

Application

Councils should adopt ONE of model byelaws 2, 3 and 4

Byelaws apply to all promenades in the area

2. These byelaws apply to all of the promenades within the *[County/County Borough]* of *[insert name of local authority area]*.

Byelaws only apply to one promenade [or only part of a promenade]

3. These byelaws apply to *[insert name or description of promenade]* *[between describe area by reference to physical landmarks]*.

Byelaws apply to several promenades

4. These byelaws apply to the promenades and esplanades listed in the Schedule.

Cycling

5. (1) A person must not, without reasonable excuse, ride a cycle on the promenade except where there is a right of way for cycles [*or a designated route for cycles*].
(2) Where cycling is permitted on any part of the promenade by byelaw 5(1) a person must not cycle [*between the hours of insert hour and insert hour*] [*from insert dates inclusive*] indicated by notices conspicuously displayed on the promenade.

Motor vehicles

6. A person must not without reasonable excuse drive or bring a motor vehicle or trailer onto the promenade except—
 - (a) on any part of the promenade where there is a right of way for that class of vehicle; or
 - (b) for the purposes of direct access to any slipway set aside by the Council for the launching or recovery of any boat or vessel.

Trading

Nuisance or obstruction caused by sale of goods or touting

7. A person must not —
 - (a) sell or hawk any article or any food or drink;
 - (b) advertise or solicit custom for any service; or
 - (c) distribute handbills, circulars or advertisements,in such a manner as to cause obstruction or annoyance to any person on the promenade.

Skateboarding, etc.

To prohibit skateboarding [except in certain areas of the promenade]

8. A person must not skate, slide or ride on rollers, skateboards or other self-propelled vehicles on the promenade [*except in a designated area*].

To prohibit dangerous or nuisance skateboarding

9. A person must not skate, slide or ride on rollers, skateboards or other self-propelled vehicles on the promenade in such a manner as to cause danger or give reasonable grounds for annoyance to other persons using the promenade.

Kites and kite-buggies

10. A person must not on the promenade fly any kite or ride or drive any vehicle powered by a kite in such a manner as to cause danger, nuisance or annoyance to any other person on the promenade.

Protection of flower beds and planting

11. A person must not walk on or ride over—
 - (a) any flower bed, shrub or plant;
 - (b) any ground in the course of preparation as a flower bed or for the growth of any tree, shrub or plant; or
 - (c) any area of the promenade set aside by the Council for the renovation of turf or for other landscaping purposes and indicated by a notice conspicuously displayed.

Unauthorised erection of structures

12. A person must not without the consent of the Council erect any barrier, post, ride or swing, building or any other structure on the promenade.
13. A person must not, without reasonable excuse, remove from or displace any barrier, post or seat or any part of any structure or ornament or any notice or flag displayed by or on behalf of the Council or any other competent authority on the promenade.

Interference with Life-saving Appliances

14. A person must not, except in case of emergency, remove from or displace any life-saving appliance provided by or on behalf of the Council or other competent authority on the promenade.

Obstruction

15. A person must not on the promenade—
 - (a) obstruct any officer of the Council in the proper execution of his duties;
 - (b) obstruct any person carrying out an act which is necessary to the proper execution of a contract with the Council.

Savings

16. It is not an offence under these byelaws for an officer of the Council to do anything necessary to the proper execution of his duty or for any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of that contract.

Penalty

17. Every person who offends against any of these byelaws is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

18. The byelaws relating to the promenade which were made by [*insert name of council*] on [*insert date*] and confirmed by [*insert name of confirming authority*] on [*insert date of confirmation*] are revoked.

SCHEDULE

The promenades and esplanades referred to in byelaw [4] are as follows: