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MODEL BYELAWS – SET 6

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***[Name of Council]***

**BYELAWS FOR THE SEASHORE**

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Byelaws made under section 82 of the Public Health Acts Amendment Act 1907 by [insert name of Council] for the prevention of danger, obstruction, or annoyance to persons using the seashore.

### **Interpretation**

1. In these byelaws:

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

“designated area” means an area of the seashore which is set aside for a specified purpose, that area and purpose to be indicated by notices placed in a conspicuous position;

“seashore” means all that area of beach and foreshore including all steps, ramps, paths and jetties from time to time situated [above the level of low water mark of medium tides/between the level of low water mark of medium tides and the promenade];

“restricted area” means such parts of the seashore between *insert details of landmark* and *insert details of landmark* as lie above the low water mark.

### **Application**

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

*Byelaws to apply to all seashore in the area*

2. These byelaws apply to all areas of seashore that border the [County/County Borough] of *insert name of local authority area*.

*Byelaws to apply to one beach or part of a beach*

3. These byelaws apply to *insert name or description of beach*/the area of seashore lying between *describe by reference to landmarks on insert name or description of beach*.

*Byelaws to apply to several areas of seashore*

4. These byelaws apply to the areas of the seashore listed in the Schedule.

### **Fishing**

5. A person must not fish from the seashore in such a manner as to cause danger, obstruction or annoyance to any person using the seashore.

## **Sandlines**

6. Sandlines must not be laid in such a position as to be likely to cause injury to any person using the seashore, and all sandlines must be visibly marked.

## **Bait digging**

*To prohibit bait digging within a limited area*

7. A person must not dig for fishing bait within the restricted area.

*To regulate commercial bait digging*

8. A person must not dig for fishing bait for commercial purposes except with the consent of the Council.

## **Horse riding**

*To regulate breaking in, etc generally*

9. A person must not break in or ride or drive any horse or other animal on the seashore in such a manner as to cause danger or annoyance to any other person.

*To regulate times at which breaking in, etc is permitted*

10. A person must not break in or ride or drive any horse or other animal on the seashore on [*name days and*] between the hours of *insert times*.

## **Public shows and performances**

11. (1) A person must not deliver any lecture, sermon or speech or perform any music, or hold any entertainment except in a designated area for such performances.  
(2) A person must not use any designated area for performances in such a manner as to cause obstruction or annoyance to any person using it for any purpose for which it has been set apart.

## **Games**

*To regulate games or sports generally*

12. A person must not play or participate in any game or sport so as to cause danger, obstruction or annoyance to any person on the seashore

*Games or sports only permitted in designated areas*

13. (1) Where the Council has set aside a designated area for a particular sport or game, a person must not participate in that game or sport except in the designated area.  
(2) A person must not obstruct any person from using a designated area for the purpose for which it is set aside.

## **Trading**

14. 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 seashore.

## **Fires**

15. (1) A person must not light a fire, or place, throw or drop a lit match or any other thing likely to cause a fire on the seashore.
- (2) Byelaw 15(1) does not apply—
16. (i) in a designated area for barbecues, to the lighting or use in such a manner as to safeguard against damage or danger of a properly constructed camping stove or barbecue in such a manner as to safeguard against damage or danger; or
- (ii) to the lighting of a fire on the seashore with the consent of the Council.

## **Parties**

17. (1) A person must not hold a party on the seashore without the consent of the Council.
- (2) In byelaw 16(1), “party” means an event attended by 15 or more people at which music will be played.

## **Aircraft**

18. A person must not, except in cases of emergency, start, take off or land an aircraft on any part of the seashore except on such part as—
- (a) is designated by the Council for the starting, taking off or landing of aircraft; and
  - (b) is licensed by the Civil Aviation Authority as an aerodrome.

## **Kites and kite buggies**

19. A person must not fly any kite 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 seashore.

### **Unauthorised erection of structures**

20. (1) A person must not erect or place on the seashore any booths, tents, sheds, stands, stalls, shows, exhibitions, swings, roundabouts, or any other structure, whether fixed or movable, except in a designated area for such structures.
- (2) Byelaw 19(1) does not apply to the use of personal windbreaks.

### **Removal of signs and structures**

21. A person must not without reasonable excuse remove from the seashore 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.

### **Interference with life-saving appliances**

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

### **Obstruction**

23. A person must not on the seashore—
- (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**

#### *Savings for acts done by Council officers and contractors*

24. 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.

#### *Savings to protect rights of the Crown and, where relevant, the Duchy of Cornwall*

25. Nothing in or done under these byelaws is to—
- (a) operate as a grant by or on behalf of the Crown [or the Duchy of Cornwall] as owner of the foreshore below high water mark of any estate or interest in or right over the foreshore or any part of it;
  - (b) prejudice the rights and interests of the Crown [or the Duchy of Cornwall];
  - (c) prevent the exercise of any public rights; or
  - (d) affect any right, power or privilege legally exercisable by any person in, over and in respect of the foreshore.

### **Penalty**

26. Any person offending against any of these byelaws is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

### **Revocation of byelaws**

27. The byelaws for the seashore made by *insert name of Council that made previous byelaws* on *insert day, month and year* and confirmed on *insert day, month and year* by *insert name of confirming authority* are hereby revoked.

## **SCHEDULE**

### **[AREAS OF SEASHORE TO WHICH BYELAWS APPLY]**