

MCA MODEL BYELAWS SET NUMBER ONE

The *insert name* Council (*insert name of area where byelaws apply*) 20XX

Sea Side Pleasure Boats

The *insert name* Council makes these byelaws in exercise of powers conferred by section 76 of the Public Health Act 1961 for the prevention of danger, obstruction or annoyance to persons in the area or using the seashore.

Interpretation

1. (1) These byelaws may be cited as the *insert title as above*.

(2) In these byelaws-

‘the Council’ means *insert name of Council* ; and

‘navigator’ means the person who, whether as owner or otherwise, has the charge or control of a pleasure boat or, being present, is entitled to give orders to the person having charge or control of it.

Extent

2. These byelaws apply in the area[s] described in Part 1 of the Schedule and shown as shaded areas on the map[s] in Part 2 of the Schedule.

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Operation of Pleasure Boats

3. (1) The navigator of a pleasure boat must not [during the months of May to September inclusive] cause or permit it to [exceed] or [be driven by means of an engine at a speed faster than *[insert number]* nautical miles per hour through the water.

(2) Paragraph (1) does not apply to any person who is:

- (a) taking part in any event organised either by the Council or by any other person with the consent of the Council in writing;
- (b) providing safety facilities at such an event and using a vessel designated for that purpose by the person organising the event; or
- (c) acting in a rescue operation or involved in some other emergency.

Avoidance of danger

4. The navigator of a pleasure boat must not cause or permit it to be used
 - a. in a dangerous manner,
 - b. without due care and attention, or
 - c. without reasonable consideration for other persons.

Use of internal combustion engines

5. The navigator of a pleasure boat propelled by an internal combustion engine must not use the pleasure boat unless the engine is fitted with a silencer suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gasses from the engine.

Penalty

6. A person who contravenes any of these byelaws is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Saving of Crown and Other Rights

7. Nothing contained in any of the foregoing byelaws is to be deemed to be or operates as a grant by or on behalf of the Crown as owner of any part of the foreshore and seabed below high watermark of any estate or interest in or right over any such part of the foreshore and seabed, nor does anything contained in or done under any of the provisions of the foregoing byelaws in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore and seabed, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable in, over and in respect of the foreshore and seabed.

or where the byelaws are to apply to an area of seashore in which the Duchy of Cornwall has an interest, the following should be substituted:

Saving of Crown and Other Rights

Nothing contained in any of these byelaws is to be deemed to be or operates as a grant by or on behalf of the Crown, or the possessor for the time being of the Duchy of Cornwall, as a case may be, as owner of the foreshore and seabed below high water mark of any estates or interest in or right over such foreshore and seabed, or any part thereof, nor does anything contained in or done under any of the provisions of these

byelaws in any respect prejudice or injuriously affect the rights and interests of the Crown, or such possessor, as the case may be, in such foreshore and seabed, or prevent the exercise thereon of any public rights, or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in, over and in respect of the foreshore and seabed.

Insert as necessary:

Revocation

8. The byelaws relating to seaside pleasure boats which were made by *insert name of authority that made previous byelaws on insert day, month and year* and were confirmed by *insert name of confirmatory authority, e.g. Secretary of State on insert day, month and year* are hereby revoked.

The Schedule

Part 1

N.B. The drafter may use these options which are intended to cover most circumstances which might arise, or other text more appropriate to particular circumstance.

Option 1 (for a straight shoreline)

These byelaws apply to the area on the seaward side of a straight line between *insert exact description of a point on the shore and insert exact description of terminal point on seashore* extending at right angles from that line for a distance seaward of *insert number* of metres from mean low water mark which is shown shaded on the map in Part 2 of this Schedule.

Or option 2 (for a bay)

These byelaws apply to the area of the sea which is landward of an imaginary straight line extending from *insert exact description of point from which line is to be drawn* to *insert exact description of point to which line is to be drawn* which is shown shaded on the map in Part 2 of this Schedule.

Or option 3 (for an irregular shoreline)

These byelaws apply to the area of sea which lies within the following boundaries: *insert precise descriptions of all boundary lines, including as*

necessary their exact starting and finishing points, their length, their direction and their angle which is shown shaded on the map in Part 2 of this Schedule.

Or option 4 (where byelaws apply to more than one area)

These byelaws apply to the areas of the sea which insert precise boundaries, if appropriate incorporating elements of options 1-3 which are shown shaded on the map in Part 2 of this Schedule .

Describe those area[s], if any, of the sea in which the byelaw 3 speed limit does not apply. Include a suitable marking on the plan.

Part 2

Insert plan[s]