

BYELAWS
SEASIDE PLEASURE BOATS

SHEPWAY DISTRICT COUNCIL
Made: 13 December 1995
Confirmed: 29 March 1996
Operative: 15 April 1996

SHEPWAY DISTRICT COUNCIL

Byelaws made by the District Council of Shepway under section 76 of the Public Health Act 1961 for the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore.

Extent

1. These byelaws shall apply to the areas of sea which lie within the following boundaries:-
 - (i) between an imaginary straight line extending due south-south-east for a distance seaward of 200 metres from mean low water mark at Warren Point, Folkestone, and an imaginary parallel straight line extending due south-east for a distance seaward of 200 metres from mean low water mark at a point on the seashore in line with the westernmost point of West Parade, Hythe PROVIDED THAT this area shall not include the Inner Harbour or the Outer Harbour, Folkestone;
 - (ii) within a distance of 200 metres from the north, south and east sides of the pier at Folkestone Harbour;
 - (iii) between an imaginary straight line extending due south-east for a distance seaward of 200 metres from mean low water mark at the groyne opposite Sycamore Gardens, Dymchurch and an imaginary parallel straight line extending for a distance seaward of 200 metres from mean low water

mark at the point on the coast where the former Sands Motel outfall emerges;

(iv) between an imaginary straight line extending due eastwards for a distance seaward of 200 metres from mean low water mark at a point on the seashore in line with the northernmost point of the junction of Coast Road and Madeira Road, New Romney and an imaginary parallel straight line extending for a distance seaward of 200 metres from mean low water mark at a point on the seashore in line with the southernmost point of the junction of Grand Parade and Victoria Road, New Romney.

(v) between an imaginary straight line extending due eastwards for a distance seaward of 200 metres from mean low water mark at a point on the seashore in line with the southernmost point of number 9 (White House) Coast Drive, New Romney and an imaginary parallel straight line extending for a distance seaward of 200 metres from mean low water mark at a point on the seashore in line with the southernmost point of the junction of Coast Drive and Derville Road, New Romney.

Interpretation

2. In these byelaws, “navigator” means the person who, whether as owner or otherwise, has the charge or control of a pleasure boat and includes a person who, being present, is entitled to give orders to the person having charge or control.

Seaside pleasure boats

3. (1) No person, being the navigator of a pleasure boat, shall between 1 May and 30 September inclusive in any year cause or permit such vessel to exceed a speed of 8 nautical miles per hour through the water.

- (2) This byelaw shall not apply to any person who is:
 - (a) taking part in an event organised either by the District Council or by any other person with the consent of the Council in writing; or
 - (b) acting in a rescue operation or involved in some other emergency.

- (3) This byelaw shall not extend to the areas of sea defined in byelaw 1 which lie between:
 - (a) an imaginary straight line extending south-south-east from a point on the seashore opposite the entrance to Lower Sandgate Road, Folkestone, and an imaginary parallel straight line extending from a point on the seashore 100 metres to the west;
 - (b) imaginary straight lines extending south-south east from a point 50 metres either side of the slipway at Dymchurch, which is itself situated at the southern end of the public car park at Dymchurch Road, Dymchurch.

4. No person, being the navigator of a pleasure boat, shall cause or permit such vessel to be driven or sailed in a dangerous manner or without due care and attention or without reasonable consideration for other persons.
5. No person, being the navigator of a pleasure boat propelled by an internal combustion engine, shall 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 gases from the engine.

Penalty

6. Any person offending against any of these byelaws shall be 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 shall be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of any part of the foreshore and seabed below high water mark of any estate or interest in or right over any such part of the foreshore and seabed, nor shall anything contained in or done under any other 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

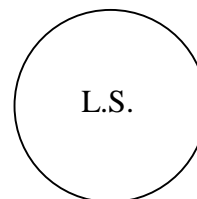
prejudice or injuriously affect any right, power or privilege legally exercisable by any person in, over and in respect of the foreshore and seabed.

Revocation

8. The following byelaws relating to seaside pleasure boats are hereby revoked

Date on which byelaws were made	Made by	Date of confirmation by the Secretary of State
3 January 1968	The Council of the Borough of Folkestone	2 May 1968
12 March 1992	The District Council of Shepway	1 September 1992

THE COMMON SEAL of the)
DISTRICT COUNCIL OF SHEPWAY)
was hereunto affixed on the 13th day of)
December 1995 in the presence of:-)



(sgd)
K S Hudson
Chairman

(sgd)
P J Wignall
Chief Assistant Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the fifteenth day of April 1996.

Signed by authority of the Secretary of State

(sgd) M E HEAD
An Assistant Under-Secretary of State

29 March 1996
Home Office
LONDON, SW1

I RONALD JAMES THOMPSON the Proper Officer of the District Council of Shepway (The Authority) hereby certify pursuant to Section 238 of the Local Government Act 1972:

- (a) these byelaws were made by the Authority
- (b) That this copy is a true copy of the byelaws
- (c) That on the 29 March 1996 the byelaws were confirmed by the Secretary of State for the Home Office Department
- (d) the date fixed by the Secretary of State for the coming into operation of the byelaws was 15 April 1996.

R J Thompson
Chief Executive