SCHEDULE 5

Regulation 34(1)

PROVISIONS RELATING TO BYELAWS

1. In this Schedule, "byelaws" means byelaws made by a statutory harbour authority for all or any of the purposes set out in regulation 34(1).

2. Byelaws shall be made under the common seal of the statutory harbour authority and shall not have effect until they are confirmed by the Department of the Environment: Provided that a byelaw which prohibits or regulates the entry of explosives into a harbour area and which has been made after consultation with any berth operator who appears to the authority to be affected by the proposed byelaw, shall come into operation when application is made for its confirmation but such a byelaw shall cease to have effect if the Department of the Environment refuses to confirm it or, if it confirms it with modifications, shall thereafter have effect as so modified.

3. At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the vicinity of the harbour area to which the byelaws are to apply.

4. For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the statutory harbour authority by whom the byelaws are made and shall at all reasonable hours be open to public inspection without payment.

5. The Department of the Environment may confirm, with or without modifications, or refuse to confirm, any byelaw submitted for confirmation, and subject to the proviso in paragraph 2 may fix the date on which the byelaw is to come into operation and subject as aforesaid if no date is fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation: Provided that, where the Department of the Environment proposes to confirm a byelaw with a modification which appears to it to be substantial, it shall inform the statutory harbour authority and require the harbour authority to take any steps it considers necessary for informing persons likely to be concerned with the modification and shall not confirm the byelaw until such period has elapsed as it thinks reasonable for consideration of, and comment upon, the proposed modification by the statutory harbour authority and by other persons who have been informed of the modification.

6. The Department of the Environment shall not under the foregoing provisions confirm, whether or not with modifications, or refuse to confirm a byelaw except after consultation with the Secretary of State.

7. A copy of the byelaws, when confirmed, shall be printed and shall be deposited at the offices of the statutory harbour authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.