



Malvern Hills Act 1995

1995 CHAPTER iii

13 Confirmation of byelaws and fines thereunder

Section 10 (Byelaws) of the Act of 1930 is hereby amended by the addition after subsection (3) of the following subsections:—

- “(4) Before making any byelaws under this section the Conservators shall give notice to and consult the Central Council of Physical Recreation.
- (5) Subsections (3) to (8) and (11) of section 236 and section 238 of the Local Government Act 1972 (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the Conservators under this section as if the Conservators were a local authority and the Clerk to the Conservators were the proper officer (within the meaning of the said Act of 1972) of that local authority but, subject to subsection (6) below, the Secretary of State may confirm the byelaws with such modifications as he thinks fit.
- (6) Where the Secretary of State proposes to make a modification which appears to him to be substantial, he shall inform the Conservators and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and shall not confirm the byelaws until such period has elapsed as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Conservators and by other persons who have been informed of it.
- (7) Byelaws made by the Conservators under this section may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and, in the case of a continuing offence, a daily fine not exceeding one-tenth of the amount which is equivalent to that level.
- (8) Nothing in subsection (5) above shall affect the continuance in effect of the byelaws of the Conservators made on 11th November 1982 and which came into force on 19th January 1983, and byelaw 36 thereof (which relates to fines for offences) shall have effect as from the passing into law of the Malvern Hills Act 1995 as if for the words “twenty pounds” there were substituted the words “level 2 on the standard scale” and for the words “two pounds” there

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were substituted the words “one-tenth of the amount which is equivalent to that level”:

Provided that the amendment so made to the said byelaw 36 shall not have effect in relation to any offence committed before the passing into law of the Malvern Hills Act 1995.”.