

SCHEDULES

SCHEDULE 25

Section 210.

BYELAW-MAKING POWERS OF THE AUTHORITY

Byelaws for regulating use of inland waters

- 1 (1) Subject to the following provisions of this paragraph but without prejudice to the powers conferred by the following provisions of this Schedule, where it appears to the Authority to be necessary or expedient to do so for the purposes of any of the functions specified in paragraphs (a), (c) and (d) of section 2(1) of this Act, the Authority may make byelaws—
- (a) prohibiting such inland waters as may be specified in the byelaws from being used for boating (whether with mechanically propelled boats or otherwise), swimming or other recreational purposes; or
 - (b) regulating the way in which any inland waters so specified may be used for any of those purposes.
- (2) Byelaws made by the Authority under this paragraph shall not apply to—
- (a) any tidal waters or any discrete waters;
 - (b) any inland waters in relation to which functions are exercisable by a navigation authority, harbour authority or conservancy authority other than the Authority; or
 - (c) any reservoir belonging to, and operated by, a water undertaker.
- (3) Byelaws made in respect of any inland waters by virtue of this paragraph may—
- (a) include provision prohibiting the use of the inland waters by boats which are not for the time being registered with the Authority in such manner as the byelaws may provide; and
 - (b) authorise the Authority to make reasonable charges in respect of the registration of boats in pursuance of the byelaws.

Byelaws for regulating the use of navigable waters etc.

- 2 (1) The Authority shall have power to make such byelaws as are mentioned in sub-paragraph (3) below with respect to any inland waters in relation to which—
- (a) there is a public right of navigation; and
 - (b) the condition specified in sub-paragraph (2) below is satisfied,
- and with respect to any land associated with such waters.
- (2) For the purposes of this paragraph the condition mentioned in sub-paragraph (1) above is satisfied in relation to any waters if navigation in those waters—
- (a) is not for the time being subject to the control of any navigation authority, harbour authority or conservancy authority; or
 - (b) is subject to the control of such a navigation authority, harbour authority or conservancy authority as is prescribed for the purposes of this paragraph by

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reason of its appearing to the Secretary of State to be unable for the time being to carry out its functions.

- (3) The byelaws referred to in sub-paragraph (1) above in relation to any inland waters or to any land associated with any such waters are byelaws for any of the following purposes, that is to say—
- (a) the preservation of order in or on any such waters or land;
 - (b) the prevention of damage to anything in or on any such waters or land or to any such land;
 - (c) securing that persons resorting to any such waters or land so behave as to avoid undue interference with the enjoyment of the waters or land by others.
- (4) Without prejudice to the generality of any of the paragraphs of sub-paragraph (3) above or to the power conferred on the Authority by virtue of paragraph 4 below, the byelaws mentioned in that sub-paragraph include byelaws—
- (a) regulating sailing, boating, bathing and fishing and other forms of recreation;
 - (b) prohibiting the use of the inland waters in question by boats which are not for the time being registered, in such manner as may be required by the byelaws, with the Authority;
 - (c) requiring the provision of such sanitary appliances as may be necessary for the purpose of preventing pollution; and
 - (d) authorising the making of reasonable charges in respect of the registration of boats for the purposes of the byelaws.
- (5) In this paragraph “boat” includes a vessel of any description, and “boating” shall be construed accordingly.

Byelaws for regulating the use of the Authority’s waterways etc.

- 3 (1) The Authority shall have power to make such byelaws as are mentioned in sub-paragraph (2) below with respect to any waterway owned or managed by the Authority and with respect to any land held or managed with the waterway.
- (2) The byelaws referred to in sub-paragraph (1) above in relation to any waterway or to any land held or managed with any such waterway are byelaws for any of the following purposes, that is to say—
- (a) the preservation of order on or in any such waterway or land;
 - (b) the prevention of damage to anything on or in any such waterway or land or to any such land;
 - (c) securing that persons resorting to any such waterway or land so behave as to avoid undue interference with the enjoyment of the waterway or land by others.
- (3) Without prejudice to the generality of any of the paragraphs of sub-paragraph (2) above or to the power conferred on the Authority by virtue of paragraph 4 below, the byelaws mentioned in that sub-paragraph include byelaws—
- (a) regulating sailing, boating, bathing and fishing and other forms of recreation;
 - (b) prohibiting the use of the waterway in question by boats which are not for the time being registered, in such manner as may be required by the byelaws, with the Authority;
 - (c) requiring the provision of such sanitary appliances as may be necessary for the purpose of preventing pollution; and

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(d) authorising the making of reasonable charges in respect of the registration of boats for the purposes of the byelaws.

(4) In this paragraph—

“boat” and “boating” have the same meanings as in paragraph 2 above; and

“waterway” has the same meaning as in the National Parks and Access to the Countryside Act 1949.

Byelaws for controlling certain forms of pollution

4 (1) The Authority may by byelaws make such provision as the Authority considers appropriate—

(a) for prohibiting or regulating the washing or cleaning in any controlled waters of things of a description specified in the byelaws;

(b) for prohibiting or regulating the keeping or use on any controlled waters of vessels of a description specified in the byelaws which are provided with water closets or other sanitary appliances.

(2) In this paragraph—

“controlled waters” has the same meaning as in Part III of this Act; and

“sanitary appliance”, in relation to a vessel, means any appliance which—

(a) not being a sink, bath or shower bath, is designed to permit polluting matter to pass into the water where the vessel is situated; and

(b) is prescribed for the purposes of this paragraph.

Byelaws for flood defence and drainage purposes

5 (1) The Authority may make such byelaws in relation to any particular locality or localities as it considers necessary for securing the efficient working of any drainage system including the proper defence of any land against sea or tidal water.

(2) Without prejudice to the generality of sub-paragraph (1) above and subject to sub-paragraph (3) below, the Authority may, in particular, make byelaws for any of the following purposes, that is to say—

(a) regulating the use and preventing the improper use of any watercourses, banks or works vested in the Authority or under its control or for preserving any such watercourses, banks or works from damage or destruction;

(b) regulating the opening of sluices and flood gates in connection with any such works as are mentioned in paragraph (a) above;

(c) preventing the obstruction of any watercourse vested in the Authority or under its control by the discharge into it of any liquid or solid matter or by reason of any such matter being allowed to flow or fall into it;

(d) compelling the persons having control of any watercourse vested in the Authority or under its control, or of any watercourse flowing into any such watercourse, to cut the vegetable growths in or on the bank of the watercourse and, when cut, to remove them.

(3) No byelaw for any purpose specified in sub-paragraph (2)(a) above shall be valid if it would prevent reasonable facilities being afforded for enabling a watercourse to be used by stock for drinking purposes.

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- (4) Notwithstanding anything in this Act, no byelaw made by the Authority under this paragraph shall conflict with or interfere with the operation of any byelaw made by a navigation authority, harbour authority or conservancy authority.
- (5) In this paragraph “banks” and “watercourse” have the same meanings as in Part IV of this Act.

Byelaws for purposes of fisheries functions

- 6 (1) The Authority shall have power, in relation to any part or parts of the area in relation to which it carries out its functions relating to fisheries under Part V of this Act, to make byelaws generally for the purposes of—
- (a) the better execution of the Salmon and Freshwater Fisheries Act 1975; and
 - (b) the better protection, preservation and improvement of any salmon fisheries, trout fisheries, freshwater fisheries and eel fisheries.
- (2) Subject to paragraph 7(1) below, the Authority shall have power, in relation to any part or parts of the area mentioned in sub-paragraph (1) above, to make byelaws for any of the following purposes, that is to say—
- (a) prohibiting the taking or removal from any water, without lawful authority, of any fish, whether alive or dead;
 - (b) prohibiting or regulating—
 - (i) the taking of trout or any freshwater fish of a size less than such as may be prescribed by the byelaw; or
 - (ii) the taking of fish by any means within such distance as is specified in the byelaw above or below any dam or any other obstruction, whether artificial or natural;
 - (c) prohibiting the use for taking salmon, trout, or freshwater fish of any instrument (not being a fixed engine) in such waters and at such times as may be prescribed by the byelaws;
 - (d) specifying the nets and other instruments (not being fixed engines) which may be used for taking salmon, trout, freshwater fish and eels, imposing requirements as to the use of such nets and other instruments and regulating the use, in connection with fishing with rod and line, of any lure or bait specified in the byelaw;
 - (e) authorising the placing and use of fixed engines at such places, at such times and in such manner as may be prescribed by the byelaws;
 - (f) imposing requirements as to the construction, design, material and dimensions of any such nets, instruments or engines as are mentioned in paragraphs (d) and (e) above, including in the case of nets the size of mesh;
 - (g) requiring and regulating the attachment to licensed nets and instruments of marks, labels or numbers, or the painting of marks or numbers or the affixing of labels or numbers to boats, coracles or other vessels used in fishing;
 - (h) prohibiting the carrying in any boat or vessel whilst being used in fishing for salmon or trout of any net which is not licensed, or which is without the mark, label or number prescribed by the byelaws; and
 - (i) prohibiting or regulating the carrying in a boat or vessel during the annual close season for salmon of a net capable of taking salmon, other than a net commonly used in the area to which the byelaw applies for sea fishing and carried in a boat or vessel commonly used for that purpose.

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- (3) Subject to the provisions of Schedule 1 to the Salmon and Freshwater Fisheries Act 1975 (duty to make byelaws about close season), the Authority shall have power, in relation to any part or parts of the area mentioned in sub-paragraph (1) above, to make byelaws for any of the following purposes, that is to say—
- (a) fixing or altering any such close season or close time as is mentioned in paragraph 3 of that Schedule;
 - (b) dispensing with a close season for freshwater fish or rainbow trout;
 - (c) determining for the purposes of the Salmon and Freshwater Fisheries Act 1975 the period of the year during which gratings need not be maintained;
 - (d) prohibiting or regulating fishing with rod and line between the end of the first hour after sunset on any day and the beginning of the last hour before sunrise on the following morning;
 - (e) determining the time during which it shall be lawful to use a gaff in connection with fishing with rod and line for salmon or migratory trout;
 - (f) authorising fishing with rod and line for eels during the annual close season for freshwater fish.
- (4) Subject to paragraph 7(2) below, the Authority shall have power, in relation to any part or parts of the area mentioned in sub-paragraph (1) above, to make byelaws for the purpose of regulating the deposit or discharge in any waters containing fish of any liquid or solid matter specified in the byelaw which is detrimental to salmon, trout or freshwater fish, or the spawn or food of fish.
- (5) The Authority shall have power, in relation to any part or parts of the area mentioned in sub-paragraph (1) above, to make byelaws for the purpose of requiring persons to send to the Authority returns, in such form, giving such particulars and at such times as may be specified in the byelaws—
- (a) of the period or periods during which they have fished for salmon, trout, freshwater fish or eels,
 - (b) of whether they have taken any; and
 - (c) if they have, of what they have taken.
- (6) Byelaws made under this paragraph may be made to apply to the whole or any part or parts of the year.
- (7) Expressions used in this paragraph and in the Salmon and Freshwater Fisheries Act 1975 have the same meanings in this paragraph as in that Act.

Restrictions on powers to make byelaws for fisheries purposes

- 7 (1) The Authority shall not make any byelaws by virtue of paragraph 6(2)(e) above in relation to any place within the sea fisheries district of a local fisheries committee except with the consent of that committee.
- (2) The Authority shall not make byelaws by virtue of paragraph 6(4) above so as to prejudice any powers of a sewerage undertaker to discharge sewage in pursuance of any power given by a public general Act, a local Act or a provisional order confirmed by Parliament.