
STATUTORY INSTRUMENTS

2022 No. 299

The Bridgwater Tidal Barrier Order 2022

PART 5

OPERATION OF SCHEDULED WORKS

Byelaws

Byelaws

51.—(1) In addition to its powers to make byelaws under any other enactment, the Agency may make byelaws in relation to the navigation and use of the river area, and for its good management in connection with such navigation and use.

(2) In particular, byelaws under paragraph (1) may be made for all or any of the following purposes—

- (a) for prohibiting or regulating recreational activities;
- (b) for regulating navigation and for the prevention of obstruction to navigation;
- (c) for regulating the speed and movement of vessels;
- (d) for securing the safety of vessels and persons using the scheduled works and of their property, and any property situated within the Order limits;
- (e) for regulating the passage of vessels, or any class of vessels, beneath a vertical lift gate or over or through other structures, works or apparatus, either generally or in circumstances prescribed by the byelaws;
- (f) for preventing swimming;
- (g) regarding the conduct of—
 - (i) all persons passing or seeking to pass over the foot and cycle bridge;
 - (ii) all vessels navigating or seeking to navigate beneath a vertical lift gate or otherwise navigating within the river area.

(3) Nothing in any byelaw made under this article applies to anything done by the Harbour Authority in the exercise of any of its statutory functions and the byelaws of the Harbour Authority are unaffected by any byelaw made under this article.

(4) Byelaws under this article may provide for it to be an offence for a person to contravene, or to fail to comply with, a provision of the byelaws and for such a person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) The byelaws contained in Schedule 7 (Bridgwater Tidal Barrier Byelaws)—

- (a) are, on the date this Order comes into force, to be treated as byelaws made by the Agency under paragraph (1) and subsequently confirmed by the Secretary of State,
- (b) take effect on the earlier of the date the foot and cycle bridge is first opened for permissive public use or the date on which the barrier first becomes operational, and

- (c) continue to have effect until such time as they are amended or revoked by further byelaws made by the Agency under paragraph (1).
- (6) The provisions of sections 236(3) to (8) and (11) and 238 of the Local Government Act 1972⁽¹⁾ (which relates to the procedure for making, and evidence of, byelaws) apply to any byelaws made by the Agency under this article.
- (7) In its application to byelaws made under this article by the Agency, section 236 of the Local Government Act 1972 has effect as if—
- (a) a reference to “the confirming authority” were a reference to the Secretary of State;
 - (b) in subsection (7), after “confirm” in the first place it occurs, “with or without modification” were inserted.
- (8) The Secretary of State may charge the Agency a reasonable fee for the purpose of defraying any administrative expenses incurred by the Secretary of State in respect of byelaws made under this article which are submitted to the Secretary of State for confirmation.
- (9) Where in relation to any byelaws submitted to the Secretary of State for confirmation the Secretary of State proposes to make a modification which appears to the Secretary of State to be substantial the Secretary of State—
- (a) must inform the Agency and require it to take any steps the Secretary of State considers necessary for informing persons likely to be concerned with the modification, and
 - (b) must not confirm the byelaws until such period has elapsed as the Secretary of State thinks reasonable for consideration of, and comment upon, the proposed modification by the Agency and by other persons who have been informed of it.
- (10) Byelaws made under this article are enforceable by the Agency or any authorised person.
- (11) In sub-paragraph (2)(a), “recreational activities” does not include navigation for recreational purposes.

(1) 1972 c. 70. Section 236 was amended by paragraph 11 of Schedule 15 to the Civil Aviation Act 1982 (c. 16), by paragraph 31(1) of Schedule 14 to the Local Government Act 1985 (c. 51), by Part 1 of Schedule 27 to the Water Act 1989 (c. 15), by section 129 of the Local Government and Public Involvement in Health Act 2007 (c. 28), and by paragraphs 10 and 34 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20). Section 238 was amended by paragraphs 10 and 36 of Schedule 6 to the Local Democracy, Economic Development and Construction Act 2009.