



# Local Government (Miscellaneous Provisions) Act 1976

## 1976 CHAPTER 57

### PART I

#### GENERAL

#### *Bathing and boating*

#### **17 Byelaws about bathing and boating.**

- (1) Where any part of the area of a local authority having power to make byelaws under both section 231 of the <sup>M1</sup>Public Health Act 1936 and section 76 of the <sup>M2</sup>Public Health Act 1961 (which authorise the making of byelaws about public bathing and pleasure boats) is bounded by or is to seaward of the low water mark, the authority may exercise that power as respects any area of the sea which is outside the area of the authority and within 1,000 metres to seaward of any place where that mark is within or on the boundary of the area of the authority.
- (2) The Secretary of State may, before he confirms any byelaws made by virtue of this section, amend the byelaws so as to reduce the area in which the byelaws have effect if it appears to him appropriate to do so with a view to ensuring that the byelaws do not have effect in an area for which another local authority has made or may make byelaws by virtue of this section.
- (3) An offence against byelaws made by an authority by virtue of the preceding provisions of this section may be inquired into and dealt with as if committed within the area of the authority.
- <sup>X1</sup>(4) In subsection (1) of the said section 231 (which specifies the matters which may be regulated by byelaws under that section about public bathing), after paragraph (a) there shall be inserted the following paragraph—

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**Changes to legislation:** There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Cross Heading: Bathing and boating. (See end of Document for details)

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- (aa) prohibit or restrict public bathing at times when and places as respects which warning is given, by the display of flags or by other means specified in the byelaws, that bathing is dangerous.
- (5) Subsection (3) of the said section 76 (which among other things provides that byelaws about pleasure boats may be made by an authority so as to have effect outside the area of the authority but within 1,000 yards of low water mark of ordinary spring tides) shall cease to have effect; but any byelaws which are in force by virtue of that subsection immediately before it ceases to have effect shall continue in force and may be revoked or varied by byelaws made in pursuance of that section.

#### Editorial Information

- X1** The text of ss. 17(4), 18(1)-(4), 19(6), 22(1)(3), 27(1)(3)(5) and Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### Marginal Citations

- M1** 1936 c. 49.  
**M2** 1961 c. 64.

## 18 Licensing of pleasure boats and boatmen.

- (1) In subsection (1) of section 94 of the <sup>M3</sup>Public Health Acts Amendment Act 1907 (which among other things relates to the licensing of boatmen and persons assisting in the charge or navigation of pleasure boats) for the words “boatmen or persons assisting in the charge or navigation of” there shall be substituted the words “persons in charge of or navigating”.
- (2) In subsection (3) of the said section 94 (which among other things prohibits the carrying of passengers for hire in a boat or vessel for which no licence is in operation) for the words from “for hire in” onwards there shall be substituted the words “for hire in any pleasure boat or vessel unless—
  - (a) the boat or vessel is so licensed and the licence is not suspended; and
  - (b) the person in charge of the boat or vessel and any other person navigating it is so licensed and his licence is not suspended and the conditions of his licence are complied with”.
- (3) At the end of subsection (4) of the said section 94 (which provides that a licence under that section is not required for a boat or vessel licensed by or under regulations of the Secretary of State) there shall be inserted the words “or for a person in charge of or navigating such a boat or vessel”.
- (4) At the end of subsection (6) of the said section 94 (which penalises contraventions of that section) there shall be inserted the words “; but a person shall not be guilty of an offence under this subsection by reason of a failure to comply with such conditions as are mentioned in subsection (3)(b) of this section if it is shown that there is a reasonable excuse for the failure”.

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**Changes to legislation:** *There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Cross Heading: Bathing and boating. (See end of Document for details)*

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**Modifications etc. (not altering text)**

- C1** The text of ss. 17(4), 18(1)-(4), 19(6), 22(1)(3), 27(1)(3)(5) and Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991
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**Marginal Citations**

- M3** [1970 c. 53.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Cross Heading: Bathing and boating.