
STATUTORY INSTRUMENTS

2007 No. 608

The Ouseburn Barrage Order 2007

PART 5

OPERATION OF SCHEDULED WORKS ETC.

Byelaws

Byelaws

44.—(1) In addition to its powers to make byelaws under any other enactment, the Council may make byelaws in relation to the navigation and use of those parts of the Ouseburn which fall within the limits of deviation, 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 limits of deviation;
- (e) for regulating the passage of vessels, or any class of vessels, through the lock gates or over or through other structures, works or apparatus, either generally or in circumstances prescribed by the byelaws; or
- (f) for preventing swimming.

(3) The Council shall not make any byelaws under this article without the consent of the Environment Agency, the Port Authority and the Port Health Authority.

(4) The Environment Agency and the Port Health Authority shall not withhold their consent to the making of any byelaw except on the ground that it conflicts with or duplicates a byelaw of that authority; and any unresolved question whether there is any such conflict or duplication shall be determined in accordance with article 54 (arbitration).

(5) Nothing in any byelaw made under this article shall apply to anything done by the Port Authority in the exercise of any of their statutory functions and the byelaws of the Port Authority shall be unaffected by any byelaw made under this article.

(6) In making any byelaws under this article the Council shall take into account matters relating to public safety and any reasonable requirements of the Environment Agency, the Port Authority and the Port Health Authority.

(7) 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.

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(8) 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) shall apply to any byelaws made by the Council under this article.

(9) In its application to byelaws made under this article by the Council, section 236 of the Local Government Act 1972 shall have effect as if in subsection (7), after the word "confirm" where it first occurs, the words "with or without modification" were inserted.

(10) The confirming authority for the purposes of section 236 of the Local Government Act 1972 in its application to byelaws made under this article shall be the Secretary of State.

(11) The Secretary of State may charge the Council a reasonable fee for the purpose of defraying any administrative expenses incurred by him in respect of byelaws made under this article which are submitted to him for confirmation.

(12) Where in relation to any byelaws submitted to him for confirmation the Secretary of State proposes to make a modification which appears to him to be substantial he shall inform the Council and require it 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 Council and by other persons who have been informed of it.

(1) 1972 c. 70.