

SCHEDULES

SCHEDULE 7

Article 51

BRIDGWATER TIDAL BARRIER BYELAWS

PART 1

PRELIMINARY

Citation and Commencement

1.—(1) These byelaws may be cited as the Bridgwater Tidal Barrier Byelaws 2022 and are deemed to be made by the Environment Agency under article 51(1) (byelaws) of the Bridgwater Tidal Barrier Order 2022 and confirmed by the Secretary of State as provided for by article 51(5) of that Order.

(2) These byelaws come into force on practical completion of the Bridgwater Tidal Barrier.

2.—(1) In these byelaws unless the context otherwise requires—

“the Agency” means the Environment Agency;

“authorised person” means—

(a) a person acting in the course of that person’s duties who—

(i) is an employee, agent, contractor or sub-contractor of the Agency; or

(ii) is authorised by the Agency;

(b) a constable, Police Community Support Officer, an officer of the Health and Safety Executive, person authorised for the purposes of section 44 of the Fire and Rescue Services Act 2004⁽¹⁾ (powers of fire-fighters etc in an emergency etc) or a person accredited by or under section 41 of the Police Reform Act 2002⁽²⁾ (accreditation under community safety accreditation schemes), acting in the execution of that person’s duties in the vicinity of the barrier;

“the barrier” means the Bridgwater Tidal Barrier;

“barrier infrastructure” means the barrier and infrastructure physically adjoining and surrounding the barrier including the platform, apron and cills;

“barrier equipment” includes plant and machinery, and any emergency, safety or communications equipment used in connection with the operation of the barrier;

“the Bridgwater Tidal Barrier” means the barrier constructed pursuant to the Bridgwater Tidal Barrier Order 2022 at a location adjacent to the western boundary of the existing business park known as Express Park situated to the north of Bridgwater, Somerset;

“the byelaws” means these byelaws;

(1) 2004 c. 21. Section 44 was amended by section 6 of the Emergency Workers (Obstruction) Act 2006 (c. 39).

(2) 2002 c. 30. Section 41 was amended by paragraph 42 of Schedule 14 to the Police and Justice Act 2006 (c. 48).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“in the vicinity of the barrier” means the area shown edged red on The Bridgwater Tidal Barrier Byelaws Plan;

“the foot and cycle bridge” means the foot and cycle bridge located immediately downstream of the barrier;

“notice” includes a sign, signal and a digital or other display, and in appropriate circumstances, an audible announcement;

“practical completion” means the date on which the construction and commissioning of the Bridgwater Tidal Barrier is complete so that the barrier can be operated for flood risk management purposes; and

“vertical lift gate” means either one of the twin vertical lift gates comprised within the barrier.

(2) The Interpretation Act 1978⁽³⁾ applies to the interpretation of these byelaws as it applies to the interpretation of an Act of Parliament.

PART 2

CONDUCT AND BEHAVIOUR

Unacceptable behaviour

3. A person must not—
- (a) climb upon, remove or damage (whether deliberately or negligently) any barrier infrastructure or barrier equipment;
 - (b) remove, move or otherwise interfere with the barrier or any machinery, apparatus, tools or other things in use or intended for use in connection with the barrier;
 - (c) post a bill, placard or notice on any barrier infrastructure or barrier equipment;
 - (d) write, print, draw or paint on or cut, mark or stamp any barrier infrastructure or barrier equipment;
 - (e) fix anything to any barrier equipment or barrier infrastructure;
 - (f) move, alter, deface or otherwise interfere with any notice belonging to the Agency which is exhibited or placed in the vicinity of the barrier and which relates to navigation or to the use or operation of the barrier; or
 - (g) without prejudice to any other requirement of the byelaws, act in any way as to cause a nuisance in the vicinity of the barrier.

PART 3

EQUIPMENT AND SAFETY

General safety

4.—(1) A person must not operate, obstruct, interfere with or stop any barrier equipment or barrier infrastructure except—

- (a) by means of any of the controls intended for use by that person, or

(3) 1978 c. 30.

- (b) in an emergency and by means of equipment on or near which is a notice indicating that it is to be used in an emergency.
- (2) A person must not place, throw, drop or trail anything which is capable of injuring or endangering any person or damaging any property in the vicinity of the barrier.
- (3) A person must not, without reasonable cause, activate, use or interfere with any emergency, safety or communications equipment within the vicinity of the barrier.

PART 4

ACTIVITIES IN THE VICINITY OF THE BARRIER

Fishing

- 5. A person must not fish by rod and line or any other means, including (but not limited to) an elver dip net, within the vicinity of the barrier.

Swimming

- 6. A person may not swim in the vicinity of the barrier when either of the vertical lift gates are closing or opening.

PART 5

ACCESSING THE BARRIER

Unauthorised access and loitering

- 7.—(1) A person must not without reasonable excuse loiter on the foot and cycle bridge if asked to leave by an authorised person.
- (2) A person must not enter or attempt to enter the access controlled area.
- (3) In sub-paragraph (2), “the access controlled area” means all parts of the barrier infrastructure which do not form part of the foot and cycle bridge.

PART 6

ENFORCEMENT, ETC.

Name and address

- 8.—(1) A person reasonably suspected by an authorised person of breaching or attempting to contravene a byelaw must immediately give that person’s name and address when requested to do so by an authorised person.
- (2) The authorised person requesting details under sub-paragraph (1) must state the nature of the suspected breach of the byelaw in general terms at the time of the request.

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Compliance with instructions and notices, etc.

9.—(1) A person in the vicinity of the barrier must carry out the reasonable instructions of an authorised person and the requirements of any notice displayed by the Agency.

(2) A person must not obstruct an authorised person acting in the course of the duties of the authorised person.

(3) A person is not liable for breach of a byelaw while acting in compliance with the express instructions of an authorised person.

(4) A person is not liable for breach of a byelaw by disobeying a notice unless it is proved to the satisfaction of the Court before whom the complaint is laid that the notice referred to in the particular byelaw was displayed.

Identification of authorised persons

10.—(1) An authorised person who is exercising any power conferred on an authorised person by any of the byelaws must produce a form of identification when requested to do so.

(2) The form of identification mentioned in sub-paragraph (1) must include the name of the authorised person's employer and a means of identifying the authorised person.

Offence and level of fines

11. Any person who contravenes or attempts to contravene a byelaw is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Contraventions by authorised persons

12. An authorised person acting in the course of the duties of the authorised person is not liable for a contravention of a byelaw.