

NORTH NORFOLK DISTRICT COUNCIL

BYE-LAWS

SEA SIDE PLEASURE BOATS

Bye-Laws for the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore, made by the Council of the District of North Norfolk in pursuance of section 76 of the Public Health Act, 1961.

1. Except where otherwise provided therein, these Bye-Laws shall apply to the seashore situated within the District of North Norfolk between a point on the seashore due north of the look-out on the north western tip of Cley Eye in the parish of Cley-next-the Sea, and a point on the seashore due east of the summit of Bramble Hill in the parish of Horsey and there from for a distance seaward of one hundred and eighty three metres from low water mark of ordinary Spring tides and the area of sea which lies within:-
 - (i) that part of Wells Harbour which lies south of an imaginary straight line extending from the lifeboat house due east to the western bank of Lodge Marsh;
 - (ii) those parts of Morston Creek, Agar Creek and Blakeney Channel which lies to the east of an imaginary straight line extending due south from the old lifeboat house on Blakeney point;
2. In these Bye-Laws, "navigator" means the person who, whether as owner or otherwise, has the charge or control of a pleasure boat and includes a person who, being present, is entitled to give orders to the person having charge or control.
3. No person, being the navigator of a pleasure boat, shall during the months of May to September inclusive cause or suffer such vessels to exceed a speed of eight nautical miles per hour through the water. Provided that this bye-law shall not apply to any person when taking part in an event organised by the North Norfolk District Council or by any other person within the areas of sea lying between lines extending seaward from the following points:-
 - a) the Danish telegraph cable marker post the concrete pillbox in the parish of Weybourne, a distance of approximately 137 metres;
 - b) groyne no. 6 and groyne no. 7 in the parish of Sheringham, a distance of approximately 117 metres;
 - c) the point of intersection between the low water mark of ordinary Spring tides and the sewage outfall pipe in the parish of West Runton and a point 46 metres due west of the aforementioned point;
 - d) the point of intersection between the low water mark of ordinary Spring tides and the sewage outfall pipe in the parish of East Runton and a point of low water mark of ordinary Spring tides seawards of the access road 30 metres east of the sewage outfall pipe in the parish of East Runton;
 - e) groyne No. 4 and groyne No.5 in the parish of Cromer, a distance of approximately 222 metres;
 - f) groyne No. P3 and groyne No. P4 in the parish of Sea Palling, a distance of approximately 137 metres;
 - g) groyne No. 29 and groyne No. 30 in the parish of Happisburgh, a distance of approximately 171 metres;
 - h) groyne No.15 and groyne No. 16 in the parish of Bacton, a distance of approximately 152 metres;such parts of the sea to be demarked by the Council by notices affixed in conspicuous positions.
4. No person, being the navigator of a pleasure boat, shall cause or suffer such vessel to be driven or sailed in a dangerous manner or without due care and attention or without reasonable consideration for other persons.
5. No person, being the navigator of a pleasure boat propelled by an internal combustion engine, shall use the pleasure boat unless the engine is fitted with a silencer suitable and sufficient for reducing as far as may be reasonable the noise caused by the escape of the exhaust gases from the engine.
6. Any person offending against any of the foregoing bye-laws shall be liable on summary conviction to a fine not exceeding twenty pounds.
7. Nothing contained in any of the foregoing bye-laws shall be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore and sea bed below high water mark of any estate or interest in or right over such foreshore and sea bed, or any part thereof, nor shall anything contained in or done under any of the provisions of the foregoing bye-laws in any respect prejudice or injuriously affect the rights and interests of the

Crown on such foreshore and sea bed, prevent the exercise thereon of any public right or prejudice or injuriously affect any right, power or privilege legally exercisable in, over and in respect of the foreshore and sea bed.

8. The bye-laws relating to Seaside Pleasure Boats which were made by the Rural District Council of Smallburgh on the twenty-fifth day of July, 1972, and were confirmed by the Secretary of State on the first day of January, 1973, and by the Rural District Council of Walsingham on the twenty third day of April, 1969, and were confirmed by the Secretary of State on the first day of August, 1969, are hereby repealed.

The Common Seal of the District Council)
of North Norfolk was hereunto affixed)
this Ninth day of September 1977)
in the presence of:)

L.S 757

ERIC HARMER Chairman

R.V. NASH Deputy District Secretary

The foregoing byelaws are hereby confirmed by the Secretary of State
and shall come into operation on the first day of February 1978.

Signed by authority of the
Secretary of State

R.F.D SHUFFREY
An Assistant Under Secretary

Home Office,
London SW 1

5 January 1978

I hereby certify that this byelaw is a true copy of the byelaw as confirmed.

P.J.Sage
District Secretary



**NORTH
NORFOLK**
DISTRICT COUNCIL

BYELAWS

made by

NORTH NORFOLK DISTRICT COUNCIL

by virtue of powers conferred on the Council
by section 235 of the Local Government Act 1972
and sections 82 and 83 of the Public Health Acts Amendment Act 1907

PROMENADES, BEACHES, AND FORESHORES

WITHIN THE DISTRICT OF NORTH NORFOLK

For regulating the use of said promenades, beaches and foreshores or
any part thereof for driving or riding.

NORTH NORFOLK DISTRICT COUNCIL BYELAWS FOR THE SEASHORE AND PROMENADES

Byelaws made by North Norfolk District Council under sections 82 and 83 of the Public Health Acts Amendment Act 1907 and under section 235 of the Local Government Act 1972, with respect to the seashore and promenades.

Extent

1. These byelaws apply to the whole of the seashore and all the promenades within the district of North Norfolk situated:-
 - (i) between a point due north of the lookout on the north western tip of Cley Eye in the parish of Cley-next-the-Sea, and a point on the seashore due east of the summit of Bramble Hill in the parish of Horsey, with the exception of the seashore and promenade which form part of the manor of Happisburgh; and
 - (ii) between a point due north of High Cape in the parish of Wells and a point due east of the lifeboat station on the Pint in the parish of Wells.

Interpretation

- 2 In these byelaws
“commercial fisherman” means a fisherman whose sole or main employment is in the fishing industry;
“the Council” means the North Norfolk District Council
“promenade” means each of the promenades adjacent to the seashore;
“seashore” means the beach and foreshore from time to time situate above the level of low water mark of medium tides, and includes any shingle banks, jetties, slipways and landing stages.

Vehicles

- 3 (i) No person shall ride or drive a cycle, or motor cycle or motor vehicle on the seashore or promenade, or bring or cause to be brought on to the seashore or promenade a motor cycle or motor vehicle.
- (ii) This byelaw shall not extend to invalid carriages.
- (iii) This byelaw shall not apply:
 - (a) to a motor cycle or motor vehicle belonging to the police, fire or ambulance service, or where entry to the seashore or promenade is required for the purpose of any emergency in connection with the saving of life;
 - (b) for the purpose of direct access to any slipway set aside by the council for the launching or recovery of any boat or vessel; or
 - (c) to a motor cycle or motor vehicle belonging to a commercial fisherman and used in connection with his business.
- (iv) In this byelaw:

“cycle” means a bicycle, a tricycle, or a cycle having four or more wheels not being in any case a motor cycle or motor vehicle;

“invalid carriage” means a vehicle, whether mechanically propelled or not, the unladen weight of which does not exceed 150 kilograms, the width of which does not exceed 0.85 metres and which has been constructed or adapted for the use for the carriage of one person, being a person suffering from some physical defect or disability and is used solely by such a person:

“motor cycle” means a mechanically propelled vehicle, not being an invalid carriage or motor cycle, not intended or adapted for use on roads

“motor vehicle” means a mechanically propelled vehicle, not being an invalid carriage or motor cycle, not intended or adapted for use on roads.

Riding

4 No person shall on the seashore or promenade break in any horse or other animal, or ride or drive any horse or other animal in a race, or so as to cause danger or annoyance to any other person using the seashore or promenade.

Revocation

5 Byelaw 7 of the Byelaws made by the Council on 4th March 1997, and confirmed by the Secretary of State for the Home Department on 15th July 1997 relating to the seashore and promenades at Cromer is hereby revoked.

Penalty

6 Any person offending against bylaws 3 or 4 shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Saving for Officers

7 An act necessary to the proper execution of his duty on the seashore or promenade by an officer of the Council, or any other act which is necessary to the proper execution of any contract with the Council, shall not be an offence under these byelaws.

Saving of the Crown and other rights

8 Nothing contained in any of these byelaws shall be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore and seabed below high water mark or any estate or interest in or right over such foreshore and seabed, or any part thereof, nor shall anything contained in or done under any of the provisions of these byelaws in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore and seabed, or prevent the exercise thereon of any public rights, or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in, over and in respect of the foreshore and seabed.

Given under the COMMON SEAL of)
NORTH NORFOLK DISTRICT COUNCIL)
this 23rd day of February 1998)

Chairman D E Russell

Chief Executive B Barrell

The foregoing bylaws are hereby confirmed by the Secretary of State and shall come into operation one calendar month after the date on which the consent of the Department of Transport is given to the bylaws.

Signed by the Secretary of State

R G EVANS
Head of Unit
Constitutional and Community Policy Directorate.

Stamped

5th August 1998
Home Office
London SW1

I confirm this printed copy of the Byelaws is a true copy of the Byelaws as confirmed

B Barrell
Chief Executive
2.9.98

Road Traffic Act 1988 (c. 52)

1988 c. 52 - continued

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An Act to consolidate certain enactments relating to road traffic with amendments to give effect to recommendations of the Law Commission and the Scottish Law Commission.

[15th November 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I

Principal Road Safety Provisions

Driving offences

Section 34 of the Road Traffic Act 1988

34.

(1) Subject to the provisions of this section, if without lawful authority a person drives a motor vehicle

(a) on to or upon any common land, moorland or land of any other description, not being land forming part of a road, or

(b) on any road being a footpath or bridleway,
he is guilty of an offence.

(2) It is not an offence under this section to drive a motor vehicle on any land within fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land.

(3) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that it was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(4) It is hereby declared that nothing in this section prejudices the operation of—

(a) section 193 of the [1925 c. 20.] Law of Property Act 1925 (rights of the public over commons and waste lands), or

(b) any byelaws applying to any land,

or affects the law of trespass to land or any right or remedy to which a person may by law be entitled in respect of any such trespass or in particular confers a right to park a vehicle on any land.

Directions to traffic and to pedestrians and traffic signs

Jet Ski – Not a Vessel in terms of the Merchant Shipping Act

Introduction

R v Goodwin [2005] EWCA Crim 3184; [2006] 1 W.L.R. 546⁽¹⁾ is something of a rarity. The Court of Appeal (Criminal Division) had to rule on the application of the Merchant Shipping Act 1995 to a personal watercraft⁽²⁾ in use for recreational purposes. Giving the judgment of the Court, Lord Phillips CJ held (at para 46) that the prosecution under the Merchant Shipping Act was “misconceived”, but in so doing adopted reasoning which may have wider unintended consequences.

***R v Goodwin* – trial and appeal**

In May 2004 Mark Goodwin was on the sea in Weymouth Bay within the Port of Weymouth riding his Yamaha Waverunner, a type of PWC. He was involved in a collision with another stationary PWC causing serious injury to its rider. In July 2005 he was indicted before Salisbury Crown Court on a single count of doing an act which caused or was likely to cause serious injury, contrary to section 58(2)(a) of the Merchant Shipping Act 1995.

The s.58 offence applies to the master of, or any seaman employed in, a United Kingdom ship, and is committed if such a person while on board his ship or in its immediate vicinity—

(a) does any act which causes or is likely to cause--

....

(iii) the death of or serious injury to any person,

The only defence offered at the trial was that the Waverunner PWC was not a “ship” for the purposes of s.58. Mr Recorder A Davies QC, sitting in the Crown Court at Salisbury ruled the Waverunner was within the statutory definition of “ship” in the Merchant Shipping Act 1995. The defendant changed his plea to guilty, and was later sentenced to six months imprisonment, but released on bail pending appeal against conviction and sentence.

In December 2005 his appeal was allowed. The Court of Appeal refused leave to appeal to the House of Lords but certified the following questions of law of general public importance were involved in its decision: (i) whether the Waverunner was a 'ship' within the meaning of s 58 of the Merchant Shipping Act 1995; (ii) whether the Waverunner craft was a 'seagoing ship' within the meaning of reg 4 of the Merchant Shipping Act 1970 (Unregistered Ships) Regulations 1991 (SI 1991/1366); and (iii) whether reg 4 applies only to masters employed in a seagoing ship. In March 2006 the prosecution's petition for leave to appeal to the House of Lords was refused.