

MATTER 1

Copies of bye-laws referred to by the North Essex Authorities in the Matter 1 examination session

During the Matter 1 examination session the North Essex Authorities (**NEA**) referred to the inclusion within the Essex Coast RAMS mitigation package of two water rangers, and the expectation that the RAMS Water Rangers could have a similar role to the current Maldon Water Bailiff whose role is to enforce bylaws on the Blackwater and Colne estuaries.

The NEA made reference to specific byelaws which are currently in force in Maldon District Council (and in the case of speed restrictions also in Colchester Borough Council). The Inspector requested that copies of the bye-laws referred to.

The NEA referred to byelaws which provide for the following:

1. Restriction on the speed of pleasure boats in tidal waters of the River Blackwater and the requirement for pleasure boats to use silencers – see Annexes 1 and 2
2. Restriction on the digging for rag worms or any form of fishing bait within parts of the River Blackwater– See Annex 3
3. Restriction on the riding of horses on specified footpaths near and adjacent to the beach– See Annex 4

The byelaws provide a useful example of controls which can be imposed via byelaws. As stated at the Matter 1 hearing session, Maldon District Council officers have suggested that these byelaws would benefit from a review to reflect current usage of the river.

Annex 1

MALDON DISTRICT COUNCIL

Byelaws for the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore made by the Maldon District Council in pursuance of Section 76 of the Public Health Act, 1961 and Section 235 of the Local Government Act 1972.

1. In these Byelaws "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 and "line " means an imaginary straight line.

2. (i) Byelaw 3 hereof shall apply to the tidal waters situated in the River Blackwater.

(a) North of the causeway to Northey Island between Fullbridge and a line drawn from Decoy Point to the easternmost point of Northey Island.

(b) in Lawling Creek Mayland Creek and Mundon Creek between a line drawn from Mundon Stone Point to a point marked by a white marker painted on the sea wall 420 metres to the north-east of the mouth of Mayland Creek (O.S. Grid ref 920 044) and the tidal limits of the said Creeks.

(c) within two hundred and fifty metres of high water mark of medium tides between the westernmost point of Osea Island and a line drawn due south from the Pill Box on the eastern end of Osea Island.

(d) within two hundred and fifty metres below the high water mark of medium tides between the mouth of Lawling Creek and Sales Point.

(e) comprising the North Channel, the South Channel, Old Hall Creek, Woodrolfe Creek and Salcot Channel, which lie west of a line drawn from the easternmost point of Shinglehead Point to the easternmost point of the saltings at Quarters Spit and thence as far as the boundary of the Maldon District Council with the Colchester Borough Council.

(ii) Byelaws 4 and 5 hereof shall apply in the tidal waters listed in (i) above and in the (remainder of the) Several Fishery.

3. No person being the navigator of a pleasure boat, shall cause or suffer such vessel to exceed a speed of eight nautical miles per hour through the water provided that this Byelaw shall not apply to any person when:-

(i) taking part in an event organised by the Maldon District Council or by any other person with the consent of the Council in writing, or

(ii) acting in a rescue operation or involved in some other emergency.

4. No person being the navigator of a pleasure boat, shall cause or suffer such vessel to be driven or sailed:-

(a) in a dangerous manner
or

(b) without due care and attention
or

(c) without reasonable consideration for other persons
or

(d) in any such manner as may be likely to cause danger to life or damage to or injury of other boats or vessels or moorings or the banks of the River or other property.

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 Byelaws shall be liable on summary conviction to a fine not exceeding £200.

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

8. The Byelaws made by the Council of the Rural District of Maldon in pursuance of Section 76 of the Public Health Act 1961, on the 6th day of December 1973 and confirmed by the Secretary of State on 27th March 1974 and the Byelaws made by the Mayor Aldermen and Burgesses of the Borough of Maldon in pursuance of Section 76 of the Public Health Act 1961, on the 16th day of June 1970 and confirmed by the Secretary of State on the 17th day of November 1970 and the Byelaw made by the Mayor Aldermen and Burgesses of the Borough of Maldon in pursuance of Section 249 of the Local Government Act 1933, on the 24th day of May 1960 and confirmed by the Secretary of State on 13th September 1960 are hereby revoked.

THE COMMON SEAL OF THE
MALDON DISTRICT COUNCIL

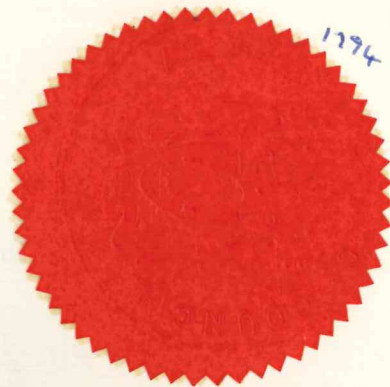
was hereunto affixed
this 6th day of January
1983

in pursuance of a
Resolution passed at a
meeting of the Council of
the said District duly
convened and held on
the 24th day of June
1982

in the presence of:-

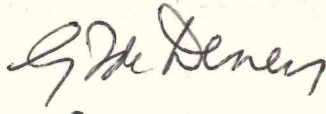
Fabrizia Hermann
Chairman

J. L. L. L.
Chief Executive



The foregoing byelaw(s) ~~is~~ are hereby confirmed by the Secretary of State
and shall come into operation on the 11th day of May 1983.

Signed by authority of the Secretary of State



G. I. de DENEY

An Assistant Under-Secretary of State

28 APR 1983

Home Office
LONDON, SW1.

Annex 2

MALDON DISTRICT COUNCIL

and

COLCHESTER BOROUGH COUNCIL

BYELAWS FOR THE PREVENTION OF DANGER, OBSTRUCTION OR ANNOYANCE TO PERSONS BATHING IN THE SEA OR USING THE SEASHORE MADE BY THE MALDON DISTRICT COUNCIL AND COLCHESTER BOROUGH COUNCIL IN PURSUANCE OF SECTION 76 OF THE PUBLIC HEALTH ACT 1961

AND FOR THE PREVENTION OF DAMAGE OR INJURY TO BOATS, VESSELS, MOORINGS, OYSTER BEDS, THE BANKS OF THE RIVER, THE SALTINGS ADJOINING THE RIVER AND OTHER PROPERTY IN PURSUANCE OF SECTION 235 OF THE LOCAL GOVERNMENT ACT 1972.

1. In these byelaws "navigator" means the person who, whether as owner or otherwise, has the charge or control of a pleasure boat or being present, is entitled to give orders to the person having charge or control.

2. (i) Byelaw 3 hereof shall apply to the tidal waters situated in the River Blackwater from Fullbridge to a line from Decoy Point to the most eastern point of Northey Island and thence within 250 metres below High Water Mark of medium tides.
 - (a) From Decoy Point to Quarters Spit (along the north shore).
 - (b) Around all of the coast of Northey Island.
 - (c) Southey Creek and between Southey Creek and Sales Point (along the south shore).
 - (d) Lawling Creek, Mayland Creek and Mundon to the tidal limits of the said Creeks.
 - (e) Around all the coast of Osea Island.
 - (f) Around all the coast of Pewet Island (off Bradwell Waterside).

- (g) The North Channel, the South Channel, Tollesbury Fleet, Old Hall Creek, Woodrolfe Creek, Salcott Channel and Little Ditch, Thorn Fleet, Ray Channel and Sampson's Fleet or Sampson's Creek to the tidal limits of them.
- (h) Around the south and west coasts of Mersea Island extending along the south coast to Mersea Stone and along the full width of the Strood Channel along the west coast to a point one mile west of the Strood Bridge and around all the coast of Cobmarsh Island except that Byelaw 3 shall not apply to:-
- (1) A channel from the launch ramp at Waldergrave Caravan Park, West Mersea direct to the nearest point of the outer boundary of the speed limit area extending 10 metres on either side of the launch ramp at the shoreline but widening to 20 metres either side of the said nearest point at the outer boundary of the speed limit area.
 - (2) A channel from the launch ramp at Seaview Caravan Park, West Mersea direct to the nearest point of the outer boundary of the speed limit area extending 10 metres on either side of the launch ramp at the shoreline but widening to 20 metres either side of the said nearest point at the outer boundary of the speed limit area.
 - (3) A channel from the launch ramp at Coopers Beach Holiday Park, West Mersea to the nearest point of the outer

boundary of the speed limit area extending 10 metres on either side of the launch ramp at the shoreline but widening to 20 metres either side of the said nearest point at the outer boundary of the speed limit area.

- (ii) Byelaws 4 and 5 hereof shall apply to the waters listed in (i) above and also in the remainder of the River Blackwater within the District of Maldon (That is west of a line from Wade Creek on the south shore to Rebank 200 yards east of Goldhanger Spit and thence to the Gore Saltings at $0^{\circ} 47' 45''$ east).

3. No person being the navigator of a pleasure boat shall cause or permit such vessel to exceed a speed of eight nautical miles per hour through the water provided that this Byelaw shall not apply to any person when:

- (i) taking part in an event organised by the Maldon District Council or by the Colchester Borough Council or by any other person with the consent of either Council in writing, or
- (ii) acting in a rescue operation or involved in some other emergency.

4. No person being the navigator of a pleasure boat shall cause or permit the same to be driven or sailed:-

- (a) in a dangerous manner, or
- (b) without due care and attention, or
- (c) without reasonable consideration for other persons, or
- (d) in any such manner as may be likely to cause danger to life or damage to or injury of other boats or vessels or moorings or oyster beds or the banks of the River or the saltings adjoining the River or other property.

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 byelaws shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
7. Nothing contained in any of the foregoing byelaws shall be deemed to be or shall operate as a grant by or on behalf of the Crown or the Maldon District Council as owner of any part of the foreshore and seabed below high water mark of any estate or interest in or right over any such part of the foreshore and seabed, nor shall anything contained in or done under any of the provisions of the foregoing byelaws in any respect prejudice or injuriously affect the rights and interests of the Crown or the Maldon District Council in any such part of the foreshore and seabed, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable in, over and in respect of the foreshore and seabed.
8. The byelaws made by the Maldon District Council in pursuance of Section 76 of the Public Health Act 1961 and of Section 235 of the Local Government Act 1972 on the 25th day of May 1984 and confirmed by the Secretary of State for the Home Department on 31 July 1984 are hereby revoked.

9. The byelaws made by the Council of the Rural District of Lexden and Winstree in pursuance of Section 76 of the Public Health Act 1961 on 27 June 1973 and confirmed by the Secretary of State for the Home Department on 19 November 1973 are hereby revoked.

10. The byelaws made by the West Mersea Urban District Council in pursuance of Section 76 of the Public Health Act 1961 on 23 March 1972 and confirmed by the Secretary of State for the Home Department on 25 July 1972 are hereby revoked.

The Common Seal of the
 MALDON DISTRICT COUNCIL
 was hereunto affixed this
 2nd day of June
 1999, in pursuance of a Resolution
 passed at a Meeting of the Council
 of the said District duly convened and
 held on the 20th day of May 1999



Chairman of the Council

L.R.

Chief Executive

[Signature]

The Common Seal of the
 COLCHESTER BOROUGH COUNCIL
 was hereunto affixed this
 2nd day of June
 1999, in pursuance of a Resolution
 passed at a Meeting of the Council
 of the said Borough duly convened and
 held on the 6th day of June 1999



~~Chairman of the Council~~ Mayor


Neil Clark

~~Chief Executive~~

*A.C. Weaver
 Proper officer*

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into operation on the twenty-first day of August 1999

Signed by authority of the Secretary of State



R. G. EVANS
Head Of Unit

Constitutional and Community Policy Directorate

21 JUL 1999

Home Office
LONDON, SW1.

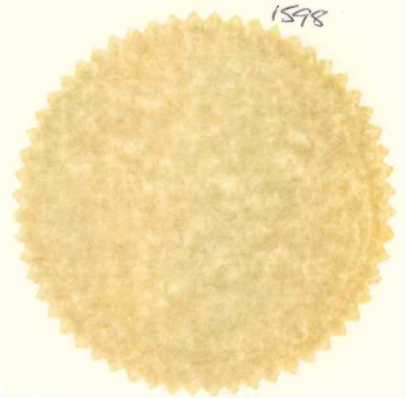
Annex 3

MALDON DISTRICT COUNCIL

Byelaws made under Section 82 of the Public Health Act 1907 for the prevention of danger, obstruction or annoyance to persons using the seashore.

1. Without lawful right or authority no person shall in any part of the restricted area dig for rag worms or for any form of fishing bait.
2. In these byelaws the expression "restricted area" means such parts of the Maldon District Council's Several Fishery, as lie above the low water line.
3. Any person offending against any of the foregoing byelaws shall be liable on summary conviction to a fine not exceeding £50.

THE COMMON SEAL OF THE
MALDON DISTRICT COUNCIL
was hereunto affixed this 27th
day of April
1982 pursuant to a
resolution of the Council
made the 18th day of February
1982 in the presence of:-



Fabrizia Hermann
Chairman.

E. Robinson
Chief Executive.

The foregoing byelaw(s) is/~~are~~ hereby confirmed by the Secretary of State
and shall come into operation on the 6th day of December 1982.

Signed by authority of the Secretary of State

G. I. de DENEY

G. I. de DENEY
An Assistant Under-Secretary of State

Home Office
LONDON, SW1.
14 OCT 1982

The Secretary of State for Trade hereby
consents to the foregoing byelaws.

J A BATTERSBY
J A BATTERSBY

MALDON DISTRICT COUNCIL

Byelaws made by Maldon District Council under section 82 of the Public Health Acts Amendment Act 1907, with respect to the seashore.

Interpretation

1. In these byelaws:

"the Council" means Maldon District Council

"restricted area" means such parts of the Council's Several Fishery of the River Blackwater as lie below the mean high water mark.

Bait digging

2. No person shall, without lawful right or authority, dig for or take any form of fishing bait within the restricted area.

Penalty

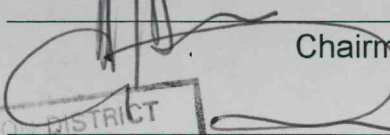
3. Any person offending against byelaw 2 shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revocation

4. The byelaws made by the Council on 22 July 1986 and confirmed by the Secretary of State for the Home Department on 5 November 1986 relating to bait digging are hereby revoked.

THE COMMON SEAL OF THE
MALDON DISTRICT COUNCIL
was hereunto affixed this *19th*
day of *December* 1995


Chairman

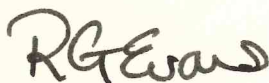

Chief Executive

THE MALDON DISTRICT COUNCIL	
COMMUNITY DEVELOPMENT DIRECTORATE	
Received	29 JUL 1996
Pa	
Ac	
En	



The foregoing byelaws 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 byelaws.

Signed by authority of the Secretary of State



R. G. EVANS

Head of Unit

Constitutional and Community Policy Directorate

25 JUL 1996

Home Office
LONDON, SW1.

Signed by the authority of the
Secretary of State for Transport



Dated *24th* July 1996 An Under Secretary
in the Department of Transport

Annex 4

THE LOCAL GOVERNMENT ACT 1971, SECTION 235

MALDON DISTRICT COUNCIL

Byelaw for good rule and government prohibiting the riding of horses on certain public footpaths.

BYELAW

1. In so far as the Maldon District Council may indicate by notices conspicuously exhibited alongside any of the footpaths described in the Schedule hereto that the riding of horses on such footpath is prohibited, no person shall ride a horse upon such footpath.

Provided that this byelaw shall not apply to any person riding a horse otherwise than to the obstruction or danger of any other person lawfully using such footpath if the person so riding has lawful authority so to do.

2. Any person offending against this byelaw shall be liable on summary conviction to a fine not exceeding £50.

THE SCHEDULE

Description of the footpath and part of the footpath in the District of Maldon in the County of Essex referred to in the foregoing byelaw:-

No. of footpath on definitive Map

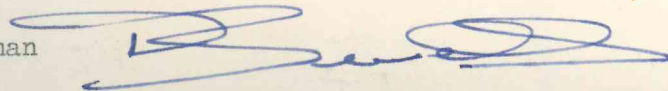
No. 3 (Part)	Between the western end of the Esplanade and the Maylandsea Bay Yacht Club
No. 8 (Part)	Between North Drive and Nipsells Chase
No. 19	The Maylandsea Bay Yacht Club to North Drive

and the four footpaths connecting the above footpaths to the Esplanade and Sea View Parade as shown on the attached plan.

The Common Seal of the MALDON DISTRICT COUNCIL was hereunto affixed this 16th day of December 1980, in pursuance of a resolution of the Council of the said District duly convened and held on the 13th day of November 1980.

1313

Chairman


B. Broadfield
District Secretary