

CANTERBURY CITY COUNCIL

BYELAWS

WITH RESPECT TO

SEASIDE PLEASURE BOATS

Made the 14th January 2021 under Sections 235 and 236 of the Local Government Act 1972 and under Section 76 of the Public Health Act 1961, pursuant to a resolution of the Council dated 8th January 2020

SEASIDE PLEASURE BOATS

Byelaws made by the CANTERBURY CITY COUNCIL under section 76 of the Public Health Act 1961 for the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore.

Extent

1. These byelaws shall apply to the seashore between the western boundary of the Canterbury district, being a point 590 metres to the west of the Sportsman Inn, and the eastern boundary of the Canterbury district, being a point 1,720 metres to the east of Reculver Towers, and therefrom for a distance seaward of 300 metres from high water mark.

Interpretation

2. In these byelaws:

“the Council” means the Canterbury City Council;

“high water mark” means the high water mark of medium tides;

“Line means an imaginary straight line which may (but need not necessarily) be partly indicated by navigational aids (including buoys)”

“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.

Seaside pleasure boats

3. (1) 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.
- (2) No person, being the navigator of a pleasure boat, shall cause or permit such vessel to enter the parts of sea defined in the following areas as shown on the plans attached to these byelaws and indicated by signs on the Foreshore.
 - (a) The Tankerton Swim Area
 - (i) An area defined by a line extending through the coordinates (Latitude 51.36588 Longitude 1.04019), (Latitude 51.36688 Longitude 1.04044), (Latitude 51.36671 Longitude 1.04203), and (Latitude 51.36572 Longitude 1.04177)
 - (b) The Herne Bay Swim Area
 - (i) An area defined by a line extending through the coordinates (Latitude 51.37215 Longitude 1.11698), (Latitude 51.37309 Longitude 1.11688), (Latitude 51.37327 Longitude 1.11864) and (Latitude 51.37218 Longitude 1.11877)

- (3) In the areas as shown on the plans attached to these byelaws and indicated by signs on the foreshore, pleasure craft are to keep as near to the outer limit of the channel or lane which lies on her starboard side as is safe and practicable:
- (a) **the Alberta Lane at Seasalter between:**
 - (i) a line extending due north from a point at high water mark at Latitude 51.34678 Longitude 0.98914 ; and
 - (ii) a line parallel to and 100 metres west of the line described in sub-paragraph (a)(i) above.
 - (b) **the lane at Beach Walk at Whitstable between:**
 - (i) a line perpendicular to the sea wall from a point at high water mark at Latitude 51.36462 Longitude 1.03129 ; and
 - (ii) a line parallel to and 100 metres west of the line described in sub-paragraph (b)(i) above.
 - (c) **the Bay View lane at Swalecliffe between:**
 - (i) a line extending due north from a point at high water mark at Latitude 51.36826 Longitude 1.08211 ; and
 - (ii) a line parallel to and 100 metres west of the line described in sub-paragraph (c)(i) above.
 - (d) **the lane at Studd Hill at Hampton, Herne Bay between:**
 - (i) a line extending north-west from a point at high water mark at Latitude 51.36927 Longitude 1.09711 ; and
 - (ii) a line parallel to and 200 metres west of the line described in sub-paragraph (d)(i) above. .
 - (e) **the lane at Neptune Jetty, Herne Bay between:**
 - (i) a line extending due north from a point at high water mark at Latitude 51.3733 Longitude 1.1301 ; and
 - (ii) a line parallel to and 100 metres West of the line described in sub-paragraph (e)(i).
- (4) This byelaw shall not apply:
- (a) to any person who is taking part in an event organised either by the Council or by any other person with the consent of the Council in writing; or

- (b) to any person who is 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 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 or use in such manner as to cause any excessive noise which could have been avoided by the exercise of reasonable care.

Penalty

- 6. Any person offending against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Saving of Crown and other rights

- 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 the owner or any part of the foreshore 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 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.

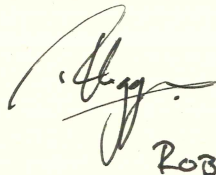
Revocation

- 8. The following byelaws for the prevention of danger, obstruction or annoyance to persons bathing in the sea or using the seashore are hereby revoked:
 - (a) the byelaws made by the Urban District Council of Whitstable on 13 September 1968 and confirmed by the Secretary of State for the Home Department on 19 December 1968;
 - (b) the byelaws made by the Urban District Council of Herne Bay on 11 November 1970 and confirmed by the Secretary of State for the Home Department on 14 January 1971; and
 - (c) the byelaws made by the Council on 9 March 1984 and confirmed by the Secretary of State or the Home Department on 22 November 1984.
 - (d) the byelaws made by the Council on 30 November 1995 and confirmed by the Secretary of State or the Home Department on 22 January 1996.

Given under the Common Seal of Canterbury City Council this 14th day of January 2021

EXECUTED by affixing the COMMON SEAL of CANTERBURY
CITY COUNCIL in the presence of:

Authorised Signatory



ROBBIE HIGGINS
PRINCIPAL SOLICITOR .



7/21/PK