



# Cardiff Bay Barrage Act 1993

## 1993 CHAPTER 42

### PART III

#### OPERATION AND MANAGEMENT

##### *Management of inland bay and outer harbour*

#### 16 Byelaws.

- (1) The Development Corporation may make byelaws for the good rule and government of the inland bay and the outer harbour and, in particular, may make byelaws applicable in, or in any part of, the inland bay or outer harbour for—
- (a) regulating use of the inland bay and the outer harbour and of any facilities provided there by the Development Corporation,
  - (b) preventing damage to property and injury to persons,
  - (c) preventing and removing obstructions,
  - (d) regulating the provision, maintenance and use of moorings and berths,
  - (e) regulating matters relating to vessels including, in particular—
    - (i) the use of vessels for particular purposes,
    - (ii) the speed and manner of navigation,
    - (iii) noise on board vessels or caused by their navigation,
    - (iv) the use of lights and signals,
    - (v) the launching and recovery of vessels,
    - (vi) the entry of vessels into, and their departure from, the inland bay, and
    - (vii) the embarkation and disembarkation of passengers,
  - (f) prohibiting or regulating discharges into water,
  - (g) regulating fishing (including prohibiting it at specified times or in specified areas),
  - (h) regulating water sports and other recreational activities (including prohibiting them at specified times or in specified areas),
  - (i) regulating or prohibiting the use of vehicles, and

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- (j) otherwise regulating the conduct of persons.
- (2) Byelaws made under this section may provide that a person who contravenes or fails to comply with a byelaw shall be guilty of an offence.
- (3) A person guilty of any such offence shall be liable on summary conviction—
  - (a) to a fine not exceeding level 3 on the standard scale, and
  - (b) in the case of a continuing offence, to a fine not exceeding £40 for each day on which the offence continues after conviction.
- (4) Before making any byelaw under this section the Development Corporation shall consult—
  - (a) any harbour authority (within the meaning of the <sup>M1</sup>Harbours Act 1964) which may be affected by the proposed byelaw,
  - <sup>F1</sup>(b) the South Glamorgan County Council,]
  - (c) to the extent that the proposed byelaw would apply in the City of Cardiff, the Cardiff City Council, and
  - (d) to the extent that it would apply in the Borough of the Vale of Glamorgan, the Vale of Glamorgan Borough Council.
- (5) Before making any byelaw under this section relating to discharges into water, fishing or water sports or other recreational activities, the Development Corporation shall consult [<sup>F2</sup>the Natural Resources Body for Wales].
- (6) In making a byelaw under this section the Development Corporation shall take account of the navigation requirements of pleasure craft and other vessels in, or passing to or from, the inland bay or the area seaward of the barrage.
- (7) Byelaws under this section may make different provision for different cases.
- (8) [<sup>F3</sup>Sections 236(3) to (8) and (11) and 238 of the <sup>M2</sup>Local Government Act 1972 (procedure for making, and confirmation and evidence of, byelaws) shall apply to byelaws under this section as if—
  - (a) the Development Corporation were a local authority, and
  - (b) the Chief Executive of the Development Corporation were the proper officer of that local authority.]
- (9) [<sup>F4</sup>The Secretary of State may by virtue of subsection (8) above (instead of confirming or refusing to confirm a byelaw under this section) confirm a byelaw under this section with such modifications as he thinks fit; and where the Secretary of State proposes to make a modification which appears to him to be material—
  - (a) he shall inform the Development Corporation and require them to take any steps he considers necessary for informing persons likely to be concerned with the modification, and
  - (b) he shall not confirm the byelaw until the end of such period as he thinks reasonable for consideration of, and comment on, the proposed modification by the Development Corporation and other persons who have been informed of it.]
- (10) [<sup>F5</sup>The Secretary of State may cause an inquiry to be held in connection with the confirmation of byelaws under this section; and subsections (2) to (5) of section 250 of the <sup>M3</sup>Local Government Act 1972 shall apply to such an inquiry as if—
  - (a) it were an inquiry held under that section, and
  - (b) the Development Corporation were a local authority.]

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#### **Textual Amendments**

- F1** S. 16(4)(b) omitted (E.W.)(1.4.1996) by virtue of S.I. 1996/525, art. 3, **Sch. Pt I para. 4(1)**
- F2** Words in s. 16(5) substituted (1.4.2013) by **The Natural Resources Body for Wales (Functions) Order 2013 (No. 755), art. 1(2), Sch. 2 para. 354** (with Sch. 7)
- F3** S. 16(8) omitted (E.W.) (31.3.2015) by virtue of **Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), Sch. 2 para. 15; S.I. 2015/1025, art. 2(r)** (with art. 3)
- F4** S. 16(9) omitted (E.W.) (31.3.2015) by virtue of **Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), Sch. 2 para. 15; S.I. 2015/1025, art. 2(r)** (with art. 3)
- F5** S. 16(10) omitted (E.W.) (31.3.2015) by virtue of **Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), Sch. 2 para. 15; S.I. 2015/1025, art. 2(r)** (with art. 3)

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#### **Marginal Citations**

- M1** 1964 c. 40.
- M2** 1972 c. 70.
- M3** 1972 c. 70.

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**Changes to legislation:**

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