

SCHEDULE 4

Regulation 25

Provisions Relating to Byelaws

1. In this Schedule, “byelaws” means byelaws made by a statutory harbour authority for all or any of the purposes set out in regulation 25(1).

2. Byelaws are to be made under the common seal of the statutory harbour authority.

3. Byelaws will not have effect until they are confirmed by the Secretary of State.

4. However, where a byelaw which prohibits or regulates the entry of dangerous goods into a harbour area has been made after consultation with any berth operator who will be affected by the proposed byelaw, it will come into force when application is made for its confirmation; where the Secretary of State refuses such confirmation the byelaw will cease to have effect or, if confirmed with modifications, it will have effect as modified.

5. At least one month before an application for confirmation of the byelaws is made, notice of the intention to apply for confirmation is to be given in one or more local newspapers circulating in the vicinity of the harbour area to which the byelaws are to apply.

6. For at least one month before application for confirmation is made, a copy of the byelaws is to be made available at all reasonable hours and open to public inspection without payment at the offices of the statutory harbour authority by whom the byelaws are made.

7. The Secretary of State may confirm, with or without modifications, or refuse to confirm, any byelaw submitted for confirmation, and subject to paragraph 2 above may fix the date on which the byelaw is to come into operation. If no date is fixed the byelaw shall come into operation one month from the date of its confirmation.

8. Where the Secretary of State proposes to confirm a byelaw with a modification which appears to the Secretary of State to be substantial, the Secretary of State must inform the statutory harbour authority and require it to take any steps the Secretary of State considers necessary for informing persons likely to be concerned with the modification. The Secretary of State must not confirm the byelaw until a 28 day period for consultation with informed persons and with the statutory harbour authority has passed.

9. The Secretary of State must consult the Health and Safety Executive, or where appropriate the Office for Nuclear Regulation, before confirming any byelaws.

10. A copy of the byelaws, when confirmed, is to be printed and deposited at the offices of the statutory harbour authority that made the byelaws and is to be open to public inspection without payment at all reasonable times.