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STATUTORY INSTRUMENTS

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**2023 No. 470**

**The Dee Estuary Conservancy Harbour Revision Order 2023**

**PART 2**

**ESTUARY REGULATION**

**General byelaws**

**12.**—(1) The conservancy authority may from time to time make byelaws for the efficient management and regulation of the estuary.

(2) Without prejudice to the generality of paragraph (1), the conservancy authority may make byelaws under this article for any of the purposes set out in Schedule 1.

(3) Byelaws made under this article may—

- (a) provide for imposing upon persons offending against them, or against any condition, requirement or direction imposed, made or given under them, on summary conviction, fines not exceeding level 4 on the standard scale;
- (b) relate to the whole of the estuary or to any part of it;
- (c) make different provisions for different parts of the estuary or in relation to different classes of vessels or vehicles; and
- (d) otherwise make different provision for different circumstances.

(4) Where a person is charged with an offence against a byelaw in force under this article it is a defence—

- (a) that the offence was not caused or facilitated by any act or neglect on the part of that person or on the part of any other person engaged or employed by that person, and
- (b) if that person was at the material time the owner or master of a vessel, that all reasonable steps were taken to prevent the commission of the offence.

(5) The provisions of—

- (a) section 236(3), with the exception of the words “Subject to subsection (3A) below, the”,
- (b) section 236(4) to (8) and (11), and
- (c) section 238,

of the Local Government Act 1972(1) (“the 1972 Act”) (which relate to the procedure for making, and evidence of, byelaws) apply to any byelaws made by the conservancy authority under this article as if the authority was a local authority for the purposes of the 1972 Act, other than a council for a principal area in Wales.

(6) The provisions referred to in paragraph (5), in their application to any byelaws made under this article, have effect subject to the modification that for the references to a local authority there are substituted references to the conservancy authority.

(7) Section 236(7) of the 1972 Act, in its application to any byelaws made under this article is, subject to sub-paragraph (8), to be read as if it were modified by the insertion of the words “with or without modifications” after the word “confirm” in the second place where that word occurs.

(8) Where the confirming authority proposes to make a modification which appears to it to be substantial, then—

- (a) it must inform the conservancy authority and require it to take any steps it thinks necessary for informing persons likely to be concerned with the modification; and
- (b) it must not confirm the byelaws until there has elapsed such period as it thinks reasonable for the conservancy authority and other persons who have been informed of the proposed modification to consider it and comment upon it.

(9) The confirming authority for the purposes of this article and of section 236 (procedure for byelaws) of the 1972 Act in its application to the conservancy authority is the Secretary of State.

(10) Schedule 2 to this Order (which contains provisions for the general management and regulation of the estuary)—

- (a) has effect from the date of this Order coming into force as if its provisions were byelaws made by the conservancy authority under this article and subsequently confirmed by the Secretary of State; and
- (b) ceases to have effect upon the confirmation of byelaws made under this article.