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STATUTORY INSTRUMENTS

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**2023 No. 675**

**The Cornwall Harbours Harbour Revision Order 2023**

**PART 4**

**HARBOURS REGULATION**

**Power to make byelaws**

**29.**—(1) The Council may make such byelaws as it thinks fit for the efficient management and regulation of the harbours.

(2) Without limitation to the scope of paragraph (1), the Council may make byelaws under this article for any of the purposes set out in Schedule 3 (purposes for which byelaws may be made) but such byelaws shall not come into operation until the same have received the confirmation of the Secretary of State which shall be sufficient for all purposes.

(3) In this article “signals” includes sound signals.

(4) Byelaws made under this article may—

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

(5) Where a person is charged with an offence against a byelaw in force under this article, it shall be a defence for the person to prove that—

- (a) they took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence;
- (b) they had a reasonable excuse for their act or failure to act;
- (c) the offence was not caused or facilitated by any act or neglect on their part or on the part of any person engaged or employed by them and that all reasonable steps were taken to prevent the commission of the offence.

(6) The powers in the article are in addition to the powers conferred by section 83 of the Act of 1847 (byelaws may be made for all or any of the purposes herein named).