

NORTH DEVON DISTRICT COUNCIL

ILFRACOMBE HARBOUR

SWIMMING BYELAW

The Ilfracombe Harbour Authority in exercise of the powers conferred by "the Harbours, Docks and Piers Clauses Act 1847" (10 and 11 Vic., C.27); "The General Pier and Harbour Act 1861" (24 and 25 Vic., C. 45), "The General Pier and Harbour Act 1861, Amendment Act" (25 and 26 Vic., C19); "The Pier and Harbour Orders Confirmation Act, 1870 (No. 1)" (33 and 34 Vic., C.1xxxii); "The Pier and Harbour Orders Confirmation (No. 1) Act 1900" (63 and 64 Vic., Ch. 1x); and of all other powers them enabling, hereby make the following byelaws.

PART I - PRELIMINARY

Title and Commencement

1. This Byelaw may be cited as the "Supplemental Ilfracombe Harbour Byelaw 1994" and shall come into operation on the expiration of 28 days from the date of confirmation thereof by the Secretary of State.

Application

2. This Byelaw shall apply to all parts of the Harbour the limits of jurisdiction of which are more particularly described in the Schedule to the Ilfracombe Harbour Byelaws, 1992 (hereinafter called "the 1992 Byelaws").

Interpretation

3. In this Byelaw, unless the context otherwise requires, the following words or expressions shall have the same meanings as those attributed to them in the 1992 Byelaws :

"the Act;
"the Authority";
"the Harbour Master";
"Harbour"

PART II - SWIMMING

4. No person shall without the previous permission of the Harbour Master jump or dive into or swim within the Harbour.

PART III - PENALTIES

5. (i) Any person who contravenes or otherwise fails to comply with this Byelaw or any condition, requirements or prohibition imposed by the Harbour Master in exercise of the power conferred upon him by this Byelaw shall be guilty of an offence and be liable, on summary conviction to a fine not exceeding Level 3 on the standard scale.
- (ii) Where the commission by any person of an offence under this Byelaw is due to the actual default of some other person, that other person shall be guilty of an offence, and that other person may be charged with, and convicted of, the offence by virtue of this Byelaw whether or not proceedings for the offence are taken against any other person.
- (iii) In any proceedings for an offence under this Byelaw, it shall be a defence for the person charged to prove :

(a) That he had a reasonable excuse for his act

(b) That he took all reasonable precautions in exercising all due diligence to avoid the commission of such an offence.

(iv) If in any case the defence provided by paragraph (iii) (b) of this Byelaw involves the allegation that commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the Court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information identifying or assisting in the identification of that person as was then in his possession.

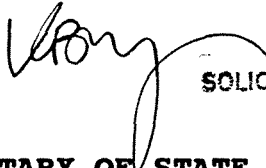
PART IV - GENERAL

Crown Estate

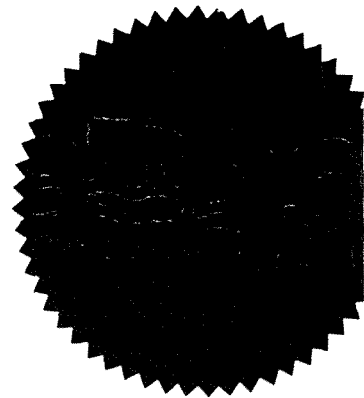
5. Nothing contained in the foregoing Byelaw shall be deemed to be or shall operate as a grant by or on behalf of the Crown as owner of the foreshore below high water mark of any estate or interest in or right over such foreshore, or any part thereof, nor shall anything contained in or done under any of the provisions of the foregoing Byelaw in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore, or prevent the exercise thereof 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 seashore.

**GIVEN under the COMMON SEAL)
of the NORTH DEVON DISTRICT)
COUNCIL**

This 29th day of March 1994

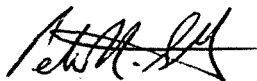


SOLICITOR TO THE COUNCIL



**THE SECRETARY OF STATE HEREBY
CONFIRMS THE FOREGOING BYELAWS**

Signed by Authority of the
Secretary of State



An Assistant Secretary in the
Department of Transport

on the 25th day of May 1994

RFL68