

EAST DEVON DISTRICT COUNCIL

B Y E L A W S

RELATING TO

SEASHORES AND PROMENADES

Throughout the District of East Devon

EAST DEVON DISTRICT COUNCIL

BYELAWS

Made by the Council of the District of East Devon by virtue of the powers conferred on the Council by Sections 82 and 83 of the Public Health Acts Amendment Act, 1907.

1. Through these Byelaws, the following expressions shall have the meanings hereby assigned to them:-
 - (a) 'the Council' means the Council of the District of East Devon.
 - (b) 'the Esplanade' includes each of the following:-
 - (i) 'the West Walk' being the portion of the promenade at Seaton extending from Marine Place in the east to the Chine in the west and the cliff paths above the same;
 - (ii) 'the East Walk' being that portion of the promenade at Seaton extending from Marine Place in the west to Trevelyan Road in the east, and the sea wall abutting the same;
 - (iii) 'the Promenade' being the cliff path at Budleigh Salterton from its junction with the south end of Cliff Road to the west end of Marine Parade, the pedestrian walkway abutting on the south side of Marine Parade and the path from the east end of that pedestrian walkway to the mouth of the River Otter;
 - (iv) the pedestrian walkway abutting on the beach at Sidmouth extending from Clifton Place in the west to the mouth of the River Sid in the east, and the wall abutting on the same, and the Marine Walk abutting the beach below Connaught Gardens and Jacobs Ladder at Sidmouth;
 - (v) the pedestrian walkway abutting on to Queens Drive and Marine Drive at Exmouth and all land between the said pedestrian walkway and the foreshore to the south thereof not laid out as pleasure gardens;
 - (vi) the pedestrian walkways and areas know as 'Charlies Yard' and 'Cliff Walk' respectively situate at each side of Sea Hill, Beer.
 - (c) in Part 1 of the Byelaws, 'the Seashore' means any part of the seashore within the District of East Devon. In any other part of these Byelaws the expression 'the Seashore' has the meaning assigned to it in that part of the Byelaws;
 - (d) 'invalid carriage' means a vehicle which is an invalid carriage complying with the requirements and used in accordance with the conditions prescribed by regulations under Section 20 of the Chronically Sick and Disabled Persons Act 1970.

PART I SEASHORE

2. NOISY INSTRUMENTS

No persons shall, on any part of the Seashore, by operating or causing to be operated, any wireless set, gramophone, amplifier, tape recorder or similar instrument, make cause or suffer to be made, any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to any person using the Seashore.

3. DOGS BARKING

No person shall on the Seashore after being required to desist by any Constable or by an Officer of the Council, incite any dog to bark to the annoyance of any person using the Seashore.

4. RIDING AND DRIVING OF ANIMALS

No person shall on the Seashore break in any horse or other animal or ride or drive any horse or other animal in a race or so as to cause danger or annoyance to any person using the Seashore.

5. VEHICLES

No person shall on the Seashore, ride or drive or cause to be ridden or driven any vehicle of any description whether drawn or propelled by animals, persons or any mechanical power or wind power or ride any bicycle tricycle or similar machines so as to cause danger or annoyance to any person using the Seashore.

6. BEGGING, TOUTING, ETC

No person shall on the Seashore, to the annoyance or obstruction of any person, beg or solicit aims, or for the purpose of selling or advertising any article or of obtaining custom, tout or importune, either verbally or by the distribution of handbills, circulars or advertisements: Provided that this Byelaw shall not apply to any collection of money or sale of any article in accordance with any Regulation made under Section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916, for the time being in force in the District of East Devon.

7. INTENTIONAL OBSTRUCTION OF OFFICERS ETC

No person shall on the Seashore intentionally obstruct or disturb any Officer of the Council in the proper discharge of his duties or any person employed by the Council in the proper execution of any work connected with the improvement maintenance or regulation of the Seashore.

PART II

8 (a) In Part II of these Byelaws, the expression 'the Seashore' means any and each of the following parts of the Seashore within the District of East Devon;

- (a) the Seashore within the area of the former Urban District of Budleigh Salterton;
- (b) the foreshore and all beach sands rock and any seawall or bank adjoining the same within the area of the former Urban District of Exmouth and for the time being vested in or leased to the Council;
- (c) all the portion of the Seashore from the White Cliff, Seaton in the west to the mouth of the River Exe in the east'
- (d) the Seashore within the area of the former Urban District of Sidmouth.

(b) 'the foreshore' means that part of the sands foreshore of the sea and beach between high water and low water mark of ordinary tides extending from Rodney Point, Exmouth on the east to the pier situate on the eastern side of the entrance to the Exmouth Docks on the west.

9. BOOTHS, TENTS, ETC

Where any part of the Seashore has, by notices affixed in conspicuous positions on the Seashore, been set apart by the Council for the delivery of such lectures, sermons, speeches, or performances of music, or for the holding of such entertainments as may be indicated in the notices:-

- (i) no person shall deliver any lecture, sermon, or speech, or perform any music, or hold any entertainment so indicated as the case may be, on any other part of the Seashore;
- (ii) no person shall use or attempt to use any such part in such manner as to interfere with or hinder any person already using it for any purpose for which it has been set apart.

10. PERFORMANCES ETC

Where any part of the Seashore, has, by notices affixed in conspicuous positions on the Seashore; been set apart by the Council for the delivery of such lectures, sermons, speeches, or performance of music, or for the holding of such entertainments as may be indicated in the notices:-

- (i) no person shall deliver any lecture, sermon, or speech, or perform any music, or hold any entertainment so indicated as the case may be, on any other part of the Seashore;
- (ii) no person shall use or attempt to use any such part in such manner as to interfere with or hinder any person already using it for any purpose for which it has been set apart.

11. GAMES

Where any part of the Seashore has, by notices affixed in conspicuous positions on the Seashore, been set apart by the Council for the playing of such games (involving the exclusive use of any space by the players) as may be specified in the notices:-

- (i) no person shall play any game so specified on any other part of the Seashore;
- (ii) no person shall use or attempt to use any such part so as to interfere with or cause annoyance to any person already using such part for any purpose for which it has been set apart.

PART III ESPLANADES

12. NOISY INSTRUMENTS

No person shall, on any Esplanade, by operating or causing to be operated, any wireless set, gramophone, amplifier, tape recorder or similar instrument, make, cause or suffer to be made, any noise which is so loud or so continuous or repeated as to give reasonable cause for annoyance to any person using the Esplanade.

13. DRIVING OF VEHICLES ETC

No person shall ride, drive or park any vehicle drawn or propelled by any mechanical power or ride any bicycle, tricycle, skate board or similar machine on any part of any Esplanade. Provided that this Byelaw shall not apply to any person riding, driving or parking any vehicle or machine otherwise than to the obstruction or danger to any other person lawfully using that Esplanade if the person so riding, driving or parking has lawful authority so to do:

PROVIDED also that this Byelaw shall not apply:-

- (a) to any person in the service of the local authority for the purpose of collecting refuse, litter or sweeping or for any purpose connected with the maintenance, repair, reconstruction or improvement of the Esplanade or of any ornamental or other gardens abutting the Esplanade.

- (b) for the purpose of transporting goods and equipment to any premises on the Esplanade or the delivery of beach huts to any authorised site on the Esplanade, between the hours of 6 am and 7.45 am and where such riding, driving or parking is carried out without obstruction or danger to any other person lawfully using the Esplanade.
- (c) for the purpose of any emergency in connection with the saving of life.
- (d) for the purpose of access at all times for the emergency service vehicles of the police, fire, ambulance and coastguard services.
- (e) to any person bona fide riding, driving or parking an invalid carriage, whether manually or mechanically propelled, where not ridden, driven, or parked to the obstruction or danger of any other person lawfully using the Esplanade.

14. BEGGING, TOUTING ETC

No person shall on any Promenade beg or solicit alms, or for the purpose of selling or advertising alms, or for the purpose of selling or advertising any article of obtaining custom, tout or importune, either verbally or by the distribution of handbills, circulars or advertisements: Provided that this Byelaw shall not apply to any collection of money or sale of any article in accordance with any Regulation made under Section 5 of the Police, Factories etc (Miscellaneous Provisions) Act 1916 for the time being in force in the District of East Devon.

15. INTENTIONAL OBSTRUCTION OF OFFICERS ETC

No person shall on any Esplanade intentionally obstruct or disturb any Officer of the Council in the proper discharge of his duties or any person employed by the Council in the proper execution of any works connected with the improvement, maintenance or regulation of the Esplanade.

PART IV

16. PENALTY

Every person who shall offend against any of the foregoing Byelaws shall be liable on summary conviction to a fine not exceeding Fifty Pounds (£50.00).

17. SAVING OF CROWN AND OTHER RIGHTS

Nothing contained in any of the foregoing Byelaws 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 Byelaws, in any respect, prejudice or injuriously affect the rights and interests of the Crown in such foreshore, or prevent the exercise thereon of any rights or prejudice or injuriously affect any right, power or privilege legally exercisable by any person in over and in respect of the Seashore.

REPEAL

The following Byelaws and other Byelaws made under sections 82 and 83 of the Public Health Acts Amendment Act 1907 relating to foreshores, seashores and promenades insofar as they apply within the District of East Devon or any part thereof immediately before the coming into operation of these Byelaws are hereby repealed:-

Date made	By whom made	Date confirmed	By whom confirmed
2 May 1923	Exmouth Urban District Council	13 July 1923	Secretary of State
20 November 1923	Budleigh Salterton Urban District Council	4 January 1924	Secretary of State
29 June 1927	Sidmouth Urban District Council	29 November 1927	Secretary of State Home Office
18 May 1927	Seaton Urban District Council	16 June 1927	Secretary of State
3 September 1953	Seaton Urban District Council	15 February 1954	Secretary of State
30 April 1962	Exmouth Urban District Council	2 July 1962	Secretary of State Home Office

THE COMMON SEAL of EAST DEVON)
DISTRICT COUNCIL was hereunto affixed)
this day of)
2006 in the presence of:-)

Chief Executive/Assistant Chief Executive/Head of Legal & Member Services

The foregoing Byelaws are hereby confirmed by the Secretary of State and shall come into operation on the _____ day of _____ 2006.

Signed by authority of the Secretary of State

An Assistant Under-Secretary of State