STATUTORY INSTRUMENTS

1973 No. 1465

CANALS AND INLAND WATERWAYS

The Great Yarmouth Port and Haven (Byelaws) Order 1973

Made - - - -	17*th August* 1973
Coming into Operation	17*th September* 1973

The Secretary of State for the Environment on the application of the Great Yarmouth Port and Haven Commissioners and after consultation with the authorities specified in Schedule 1 to this order, being authorities in whose area the waterways to which this order applies are wholly or partly situated, makes this order in exercise of the powers conferred by section 113 of the Transport Act 1968(a) and now vested in him (b) and of all other enabling powers:—

Commencement, citation and interpretation

1.—(1) This order may be cited as the Great Yarmouth Port and Haven (Byelaws) Order 1973 and shall come into operation on 17th September 1973.

(2) In this order, except where the context otherwise requires—

"the inland waterways" means the part or parts of the various rivers and navigable waters referred to in Schedule 2 to this order;

"the Commissioners" means the Great Yarmouth Port and Haven Commissioners.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.

Conferment of power to make byelaws

2.—(1) The Commissioners are hereby empowered to make byelaws in relation to the inland waterways or to any of them for the purpose specified in Schedule 3 to this order.

(2) Any such byelaws shall be made by instrument under the common seal of the Commissioners.

(3) A byelaw made by the Commissioners in exercise of the power hereby conferred upon them may revoke or vary a byelaw previously made by them in exercise of that power.

Procedure for confirmation of byelaws

3.—(1) At least 28 days before application is made to the Secretary of State by the Commissioners for confirmation of any byelaw the Commissioners shall give notice of their intention to apply for such confirmation in the London Gazette and in one or more local newspapers circulating in the area or areas through which the inland waterways or such part or parts thereof as will be affected by the byelaw, runs.

(a) 1968 c. 73.
(b) S.I. 1970/1681 (1970 III, p. 5551).
(c) 1889 c. 63.

(2) The said notice shall state the place or places at which, and the time during which, a copy of the byelaw shall be available for public inspection and such time shall not be shorter than the period during which representations may be made as hereinafter provided.

(3) Any person who may be affected by the byelaw shall be entitled to make representations in writing to the Secretary of State at the address stated in the said notice and within a period (not less than 28 days from the date of the first publication of the said notice in the local paper under paragraph (1) above) specified in the said notice, such representations stating, in cases where they amount to an objection to the byelaw, the grounds of the objection.

Confirmation of byelaws by the Secretary of State

4.—(1) The Secretary of State may confirm any byelaw submitted to him for confirmation either with or without modification, or may refuse to confirm such byelaw, but where the Secretary of State proposes to confirm a byelaw with a modification which appears to him to affect the substance of the byelaw he shall not do so without taking steps to inform the Commissioners, any persons who have made representations in relation to the byelaw and any other persons appearing to him to be likely to be affected by the modification, of his proposed modification, and without giving them an opportunity to make representations thereon to him.

(2) A byelaw confirmed by the Secretary of State shall come into operation on such date as may be fixed by the Secretary of State when confirming the byelaw or, if no such date is fixed, at the expiration of 28 days from the date of confirmation.

Procedure after confirmation

5.—(1) As soon as may be after confirmation, the Commissioners shall publish notice of the confirmation of the byelaw in the manner indicated in Article 3(1) of this order for the publication of the notice mentioned in that Article.

(2) The Commissioners shall keep a printed copy of the byelaw, as confirmed, at the address specified in the said notice of confirmation or at such other address as is for the time being the principal office of the Commissioners and such copy shall be open to public inspection at all reasonable hours so long as the byelaw remains in force.

Signed by authority of the Secretary of State

17th August 1973.

J. E. Beddoe,
An Under Secretary in the
Department of the Environment.

SCHEDULE 1

AUTHORITIES CONSULTED

Norfolk County Council
East Suffolk County Council

Great Yarmouth County Borough Council
Norwich City Council
Beccles Borough Council
Lowestoft Borough Council

Smallburgh Rural District Council
St. Faith's and Aylsham Rural District Council
Loddon Rural District Council
Blofield and Flegg Rural District Council
Forehoe and Henstead Rural District Council
Lothingland Rural District Council
Wainford Rural District Council

East Suffolk and Norfolk River Authority

SCHEDULE 2

THE INLAND WATERWAYS

All the waterways described in sections 4 and 5 of the Great Yarmouth Port and Haven Act 1866(a) as amended by section 21 of the Great Yarmouth Port and Haven Act 1948(b).

SCHEDULE 3

PURPOSE FOR WHICH BYELAWS MAY BE MADE

(In this Schedule "the waterway" means the inland waterways as defined in Article 1(2) of this order or any part or parts thereof.)

For regulating or restricting the use of the waterway by vessels having a beam exceeding a prescribed measurement.

(a) 1866 c. ccxlvii. (b) 1948 c. xlvi.

EXPLANATORY NOTE

(This Note is not part of the order.)

This order will enable the Great Yarmouth Port and Haven Commissioners to make byelaws for regulating or restricting the use of certain waterways by vessels having a beam exceeding a prescribed measurement. Byelaws made under this order will be subject to confirmation by the Secretary of State.

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