

# **GOSPORT BOROUGH COUNCIL**

## **BYELAWS FOR THE SEASHORE**

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SCHEDULE 1 - areas of seashore to which byelaws apply

Byelaws made under section 82 of the Public Health Acts Amendment Act 1907 by Gosport Borough Council for the prevention of danger, obstruction, or annoyance to persons using the seashore.

## **1. INTERPRETATION**

In these byelaws:

**"the Council"** means Gosport Borough Council;

**"designated area"** means an area of the seashore which is set aside for a specified purpose, that area and purpose to be indicated by notices placed in a conspicuous position;

**"seashore"** means all that area of beach and foreshore shown coloured pink on the plan attached to these byelaws as Schedule 1 including all steps, ramps, paths and jetties from time to time situated either above the level of low water mark of medium tides or between the level of low water mark of medium tides and the promenade (as the case may be);

**"restricted area"** means such parts of the seashore as lie above the low water mark

**"personal water craft / jet ski (PWC)"** means any jet-propelled vehicle that skims across the surface of water and typically is ridden like a motorcycle.

**"motor vehicle"** means a vehicle used on the road.

## **2. APPLICATION**

These byelaws apply to all areas of seashore that border the Borough of Gosport as defined in Schedule 1

## **3. FISHING**

No person shall fish from the seashore in such a manner as to cause danger, obstruction or annoyance to any person using the seashore.

## **4. SANDLINES**

No sandlines shall be laid in such a position as to be likely to cause injury to any person using the seashore, and all sandlines shall be visibly marked.

## **5. BAIT DIGGING**

- (1) No person shall dig for fishing bait within the restricted area.
- (2) No person shall dig for fishing bait for commercial purposes except with the consent of the Council.

## **6. HORSE RIDING**

No person shall break in or ride or drive any horse or other animal on the seashore.

## **7. CYCLING**

- (1) No person shall without reasonable excuse ride a cycle on the seashore except where there is a right of way for cycles or a designated route for cycles.
- (2) Where cycling is permitted on any part of the seashore by byelaw no person shall cycle between the hours of dusk to dawn without adequate lights enabling them to see and be seen indicated by notices conspicuously displayed on the seashore.
- (3) Outside the designated areas, no person shall cycle on the seashore.

## **8. MOTOR VEHICLES**

- (1) No person shall without reasonable excuse propel or drive any motor car or motor vehicle, moped or motorcycle or electric scooter on the seashore
- (2) No person shall without reasonable excuse park for any period of time any vehicle, including cars, campervans, motorhomes unless parking in designated areas suitable for those vehicles.

## **9. PUBLIC SHOWS AND PERFORMANCES**

- (1) No person shall deliver any lecture, sermon or speech or perform any music, or hold any entertainment without the consent of the Council except in a designated area for such performances.
- (2) No person shall use any designated area for performances in such a manner as to cause obstruction or annoyance to any person using it for any purpose for which it has been set apart.

## **10. GAMES**

- (1) No person shall on the seashore play or participate in any game or sport so as to cause danger, obstruction or annoyance to any person.
- (2) Where the Council has set aside a designated area for a particular sport or game, no person shall participate in that game or sport except in the designated area.
- (3) No person shall obstruct any person from using a designated area for the purpose for which it is set aside.

## **11. BEGGING, TOUTING, TRADING ETC**

- (1) No person shall—
  - (a) sell or hawk any article or any food or drink;
  - (b) advertise or solicit custom for any service; or
  - (c) distribute handbills, circulars or advertisements; or
  - (d) beg
- (2) in such a manner as to cause obstruction or annoyance to any person on the seashore.

## **12. FIRES**

- (1) No person shall:
  - (a) light a fire; or
  - (b) place, throw or drop a lighted match or any other thing likely to cause a fire; or
  - (c) release a lighted sky lantern into the atmosphere.
  - (d) light a BBQ unless in a designated area and subject to byelaw 12(2)(b)
- (2) Byelaw 12(1) shall not apply to:
  - (a) the lighting of a fire at any event for which the Council has given permission that fires may be lit; or
  - (b) the lighting or use, in such a manner as to safeguard against damage or danger to any person, of a properly constructed camping stove, in a designated area for camping, or of a

properly constructed barbecue, in a designated area for barbecues

### **13. PARTIES**

- (1) No person shall hold a party on the seashore without the consent of the Council.
- (2) In byelaw 13(1), "party" means an event attended by 15 or more people at which music will be played.

### **14. AIRCRAFT**

- (1) No person shall except in cases of emergency start, take, off or land an aircraft on any part of the seashore except on such part as—
  - (a) is designated by the Council for the starting, taking off or landing of aircraft; and
  - (b) is licensed by the Civil Aviation Authority as an aerodrome.

### **15. PERSONAL WATER CRAFT / JET SKIS (PWC)**

- (1) No person shall launch a PWC from the seashore except in the designated areas marked.
- (2) Where launching a PWC is permitted on any part of the seashore by byelaw 15(1), no person shall do so between Sunset and 8am as indicated by notices conspicuously displayed on the seashore
- (3) In any event no person shall launch a PWC in such a manner as to cause danger, nuisance or annoyance to any other person on the seashore.

### **16. KITES AND KITE BUGGIES**

No person shall on the seashore fly any kite, set up kitesurfing equipment, practice kitesurfing or drive any vehicle powered by a kite in such a manner as to cause danger, nuisance or annoyance to any other person on the seashore.

### **17. UNAUTHORISED ERECTION OF STRUCTURES**

- (1) No person shall erect or place on the seashore any booths, tents, sheds,

stands, stalls, shows, exhibitions, swings, roundabouts, or any other structure, whether fixed or movable without the consent of the Council, except in a designated area for such structures.

(2) Byelaw 17(1) shall not apply to the use of personal windbreaks.

#### **18. REMOVAL OF SIGNS AND STRUCTURES**

No person shall without reasonable excuse remove from the seashore or displace any barrier, post or seat or any part of any structure or ornament or any notice or flag displayed by or on behalf of the Council or any other competent authority.

#### **19. INTERFERENCE WITH LIFE-SAVING APPLIANCES**

No person shall except in case of emergency remove from the seashore or displace any life-saving appliance provided by or on behalf of the Council or any other competent authority.

#### **20. OBSTRUCTION**

No person shall on the seashore—

- (1) obstruct any officer of the Council in the proper execution of his duties,
- (2) obstruct any person carrying out an act which is necessary to the proper execution of a contract with the Council.

#### **21. TRESPASS**

No person shall encamp or reside on the seashore.

#### **22. SAVINGS**

(1) It shall not be an offence under these byelaws for an officer of the Council to do anything necessary to the proper execution of his duty or for any person acting in accordance with a contract with the Council to do anything necessary to the proper execution of that contract.

(2) Nothing in or done under these byelaws shall—

- (a) 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 the foreshore or any part of it;

- (b) prejudice the rights and interests of the Crown;
- (c) prevent the exercise of any public rights; or
- (d) affect any right, power or privilege legally exercisable by any person in, over and in respect of the Seashore.

### **23. PENALTY**

Any person offending against any of these byelaws shall be liable to an on the spot fine and or removal of their possessions and on summary conviction to a fine not exceeding level 2 on the standard scale.

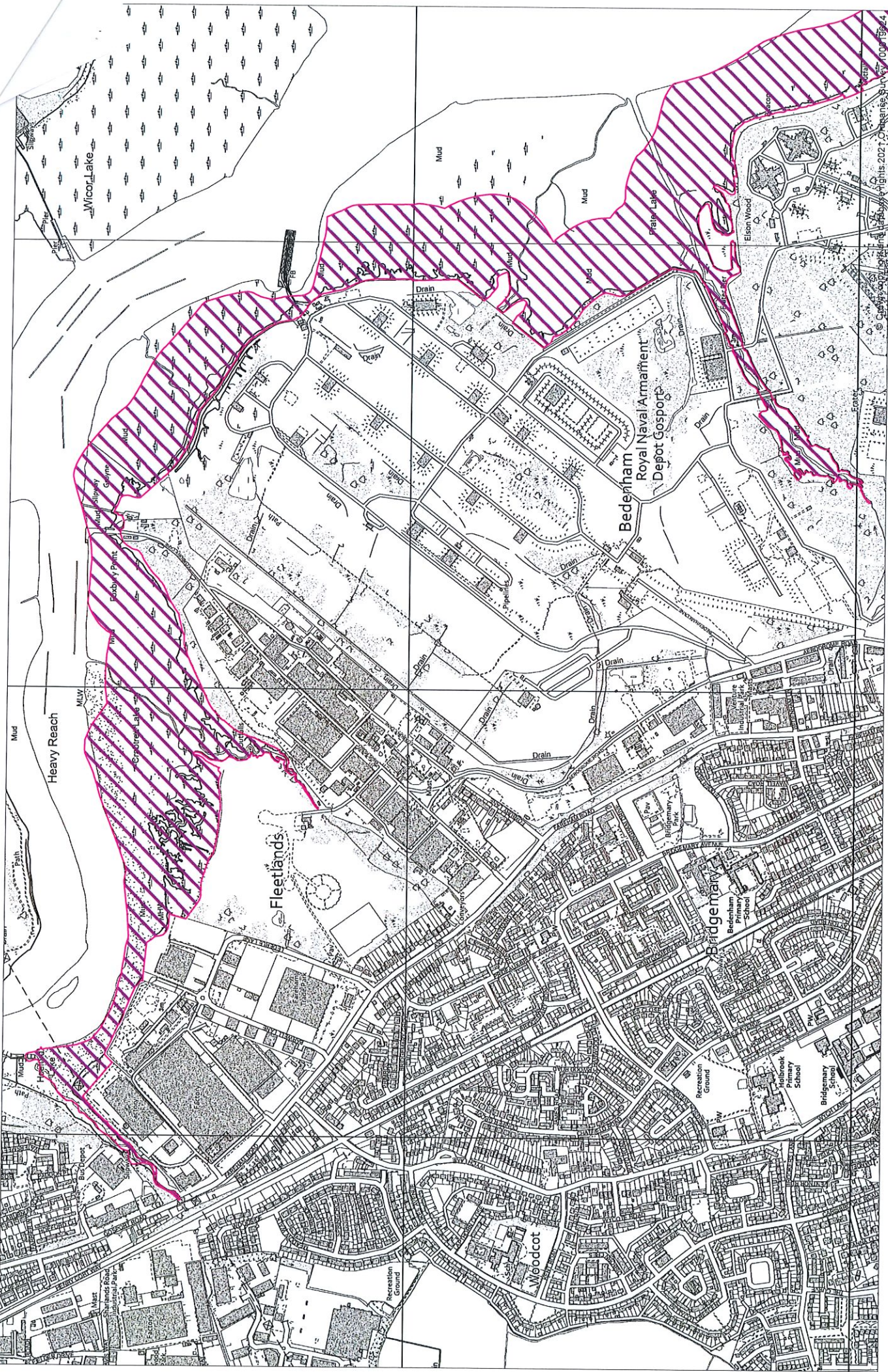
### **24. REVOCATION**

The byelaws made by the Mayor, Alderman and Burgess of the Borough of Gosport acting by the Council by virtue of the powers conferred on the Council by Section 82 of the Public Health Acts Amendments Act 1907 on 22 January 1958 with the consent of the Minister of Transport and Civil Aviation are hereby revoked.

SCHEDULE 1 -  
AREAS OF SEASHORE TO WHICH BYELAWS APPLY

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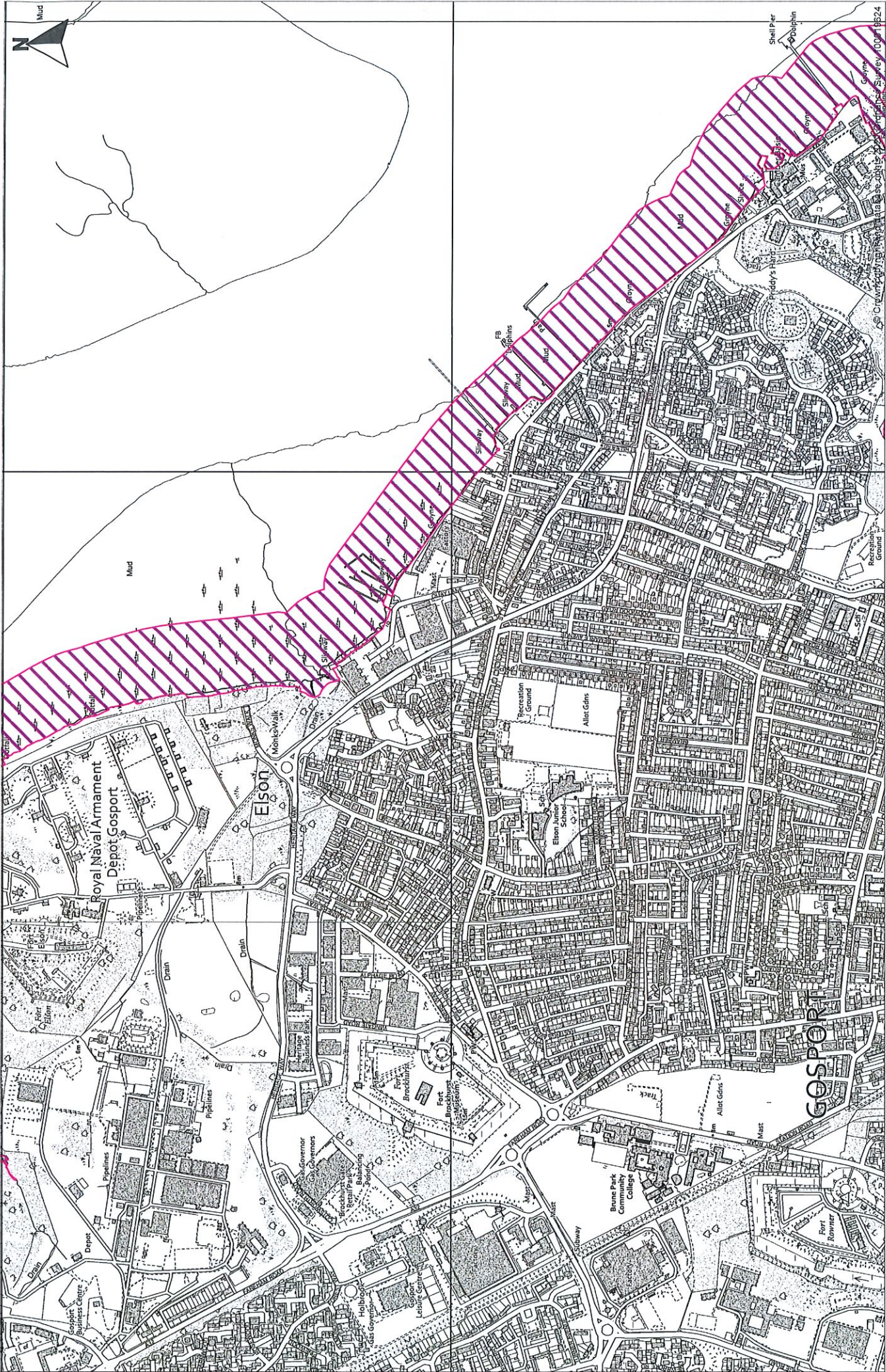




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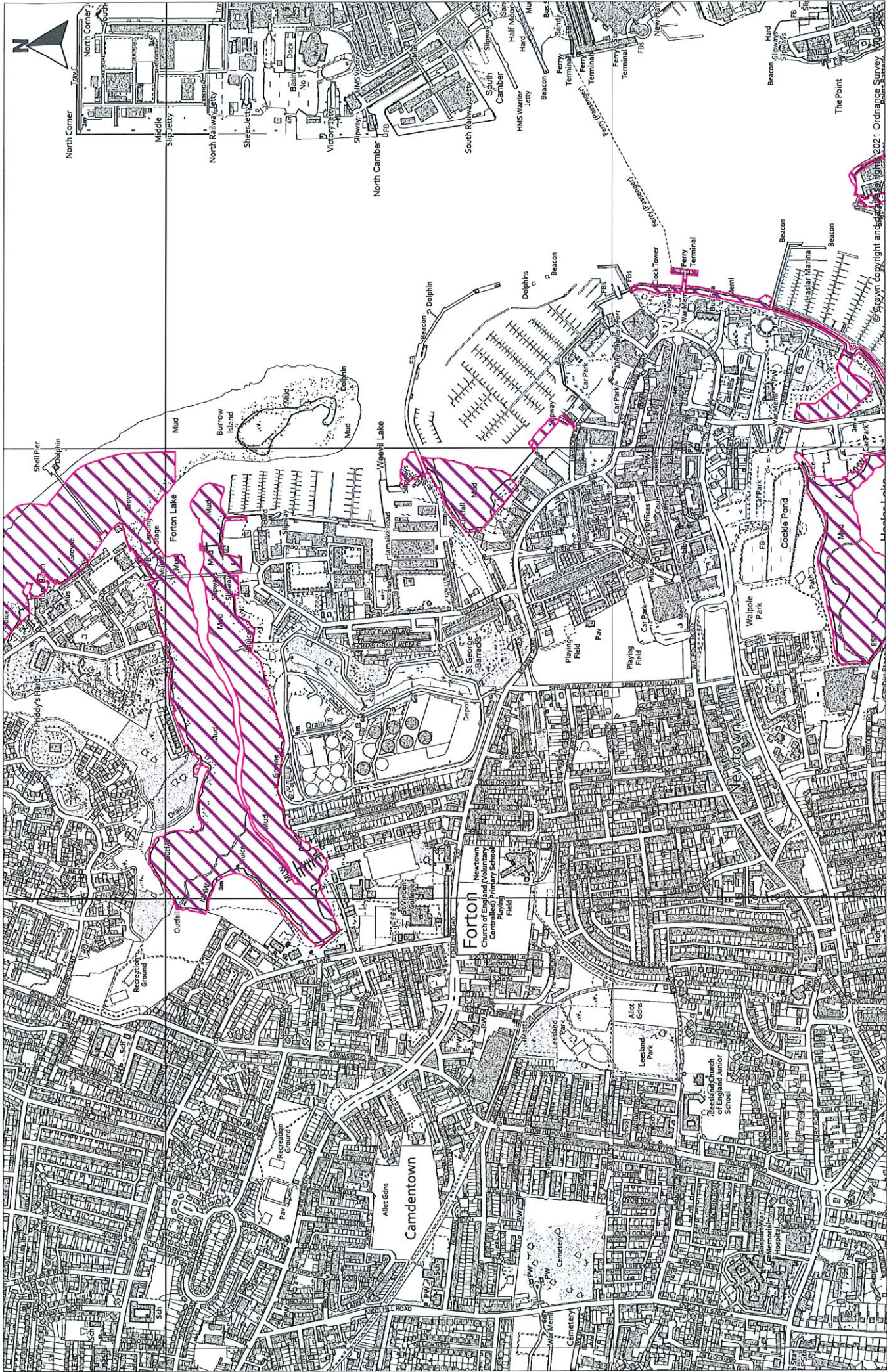
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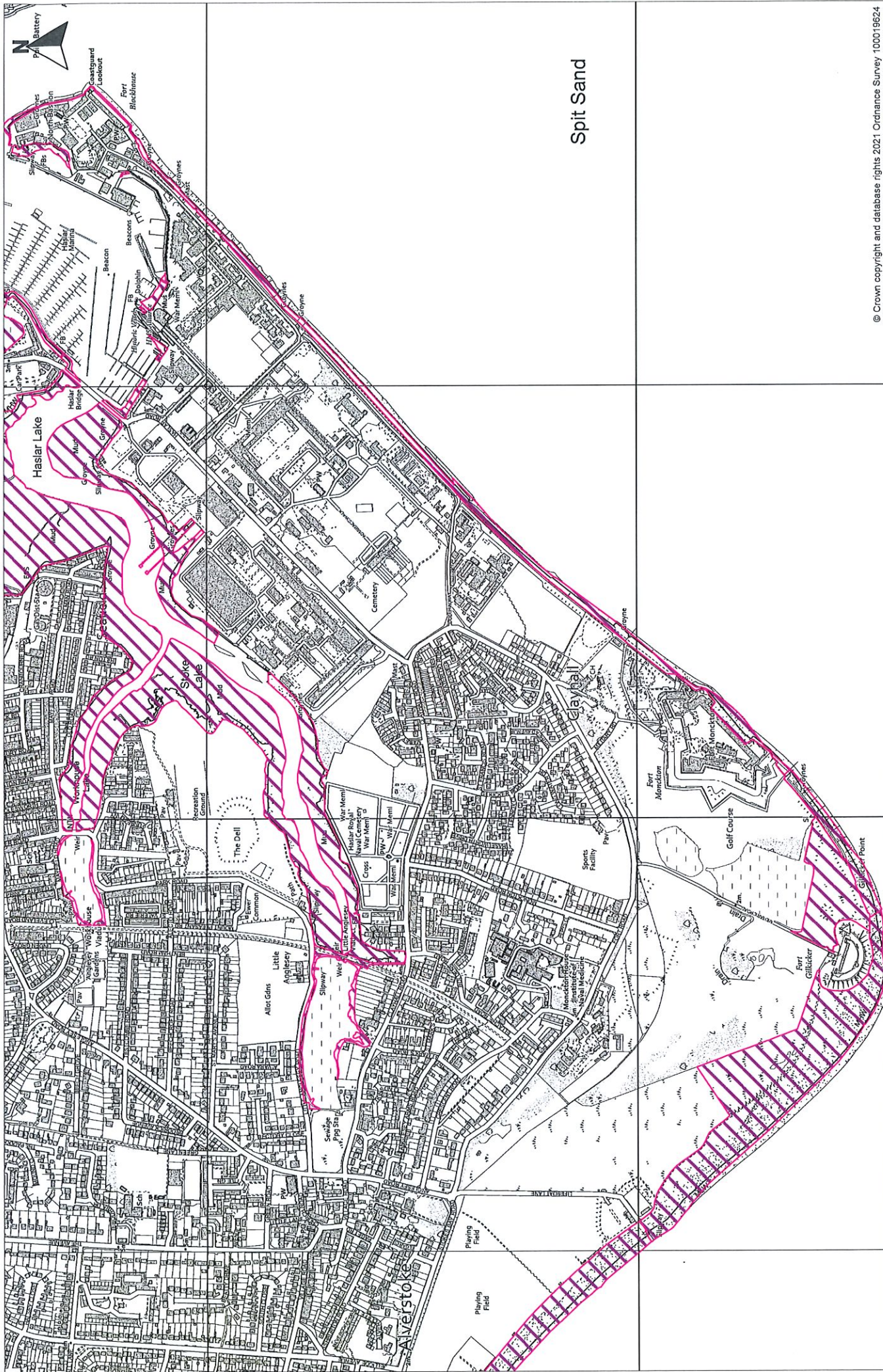


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**SCHEDULE 1 - AREAS OF SEASHORE TO WHICH BYELAWS APPLY**



Spit Sand

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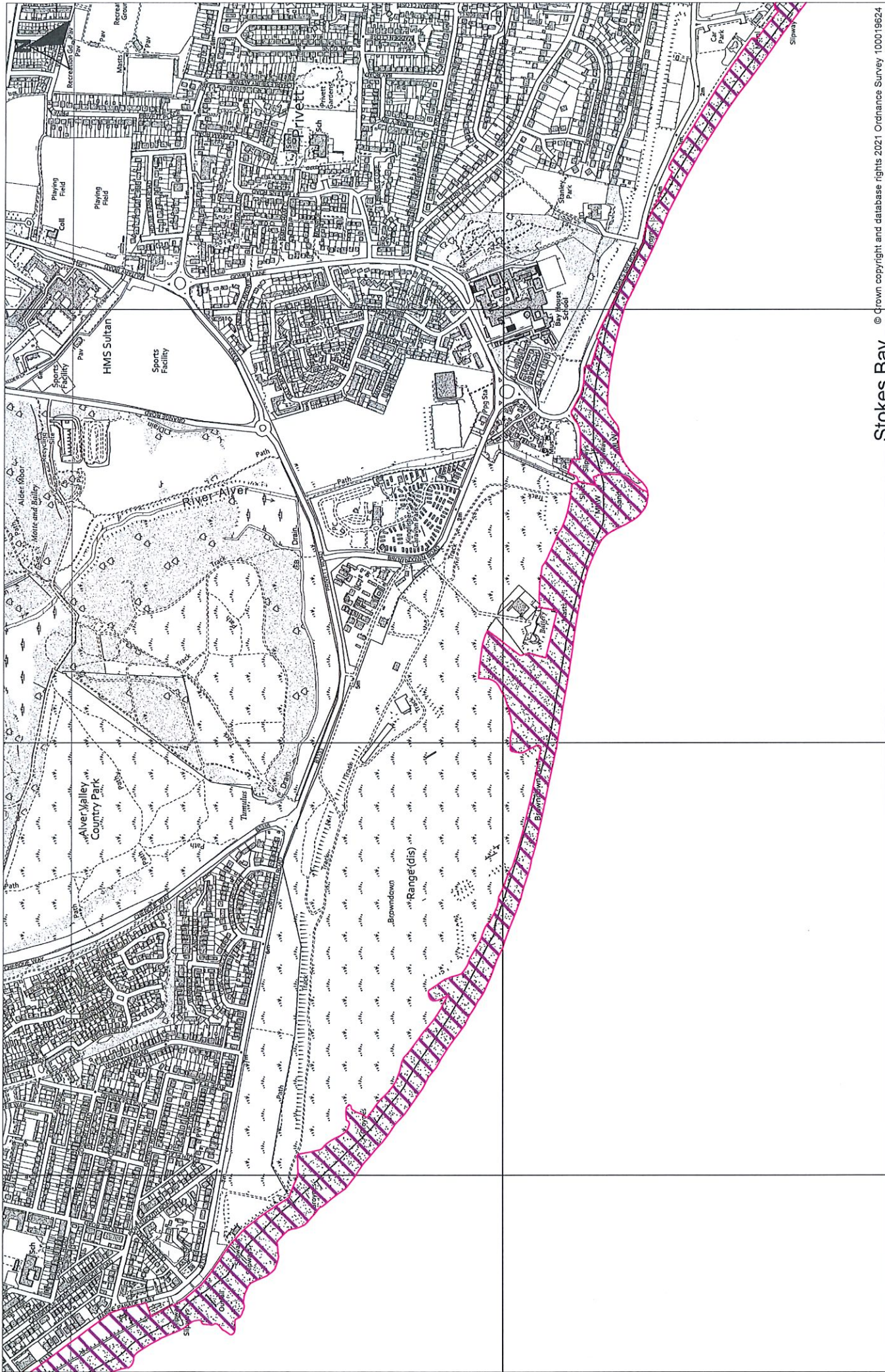
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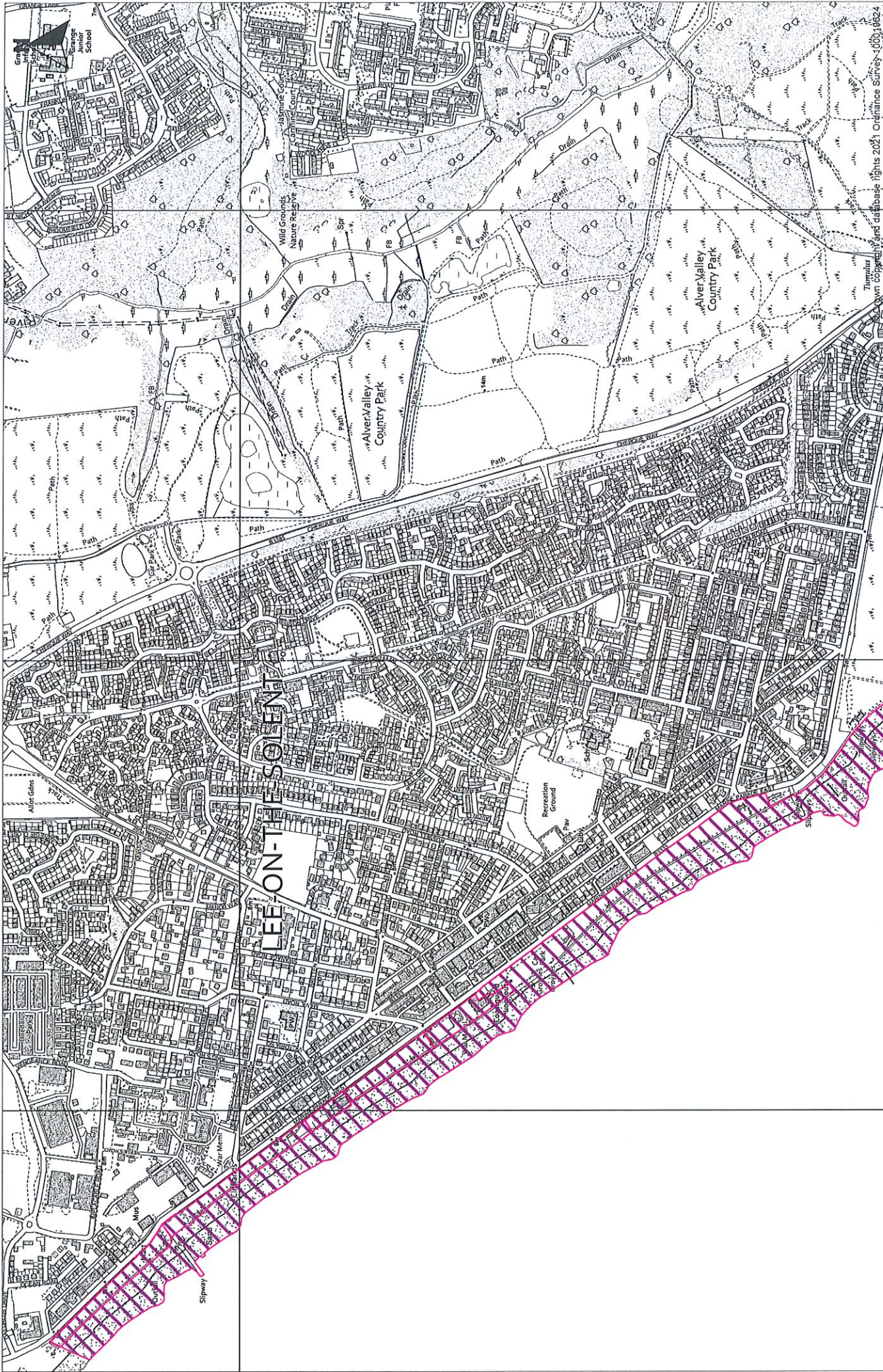
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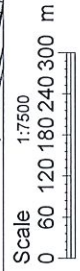


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**SCHEDULE 1 - AREAS OF SEASHORE TO WHICH BYELAWS APPLY**



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**SCHEDULE 1 - AREAS OF SEASHORE TO WHICH BYELAWS APPLY**

These Byelaws are made pursuant to The Byelaws (Alternative Procedures) Regulations 2016, having been approved by the Secretary of State on 05<sup>th</sup> May 2022 and will come into effect on 22<sup>nd</sup> July 2022.

Having been authorised to seal these byelaws in accordance with the decision of Gosport Borough Council at the Extraordinary Council meeting on the 22<sup>nd</sup> June 2022 the Common Seal of The Borough Council of Gosport was hereunto affixed on the

Date ..... 6 July 2022 ..... 

In the presence of .....  
Paul Grant  
Borough Solicitor & Monitoring Officer



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