

BYELAWS

-relating to-

The Regulation of the Upstream River
of the River Tawe as defined in
the Swansea City Council (Tawe Barrage)
Act 1986

CITY SOLICITOR,
SWANSEA CITY COUNCIL,
THE GUILDHALL,
SWANSEA.

In exercise of the powers conferred by Section 53 of the Swansea City Council (Tawe Barrage) Act 1986 and of all other powers them enabling, the Council of the City of Swansea hereby makes the following Byelaws:-

1. These Byelaws may be cited as the Swansea City Council (Tawe Barrage) Act 1986 Upstream River Byelaws and they apply within the areas of land and waters comprising the Upstream River and Associated Water Areas as defined by Byelaw 3.
2. These Byelaws shall come into operation on the expiration of one month from the date of the confirmation thereof by the Secretary of State.
3. The following words and expressions shall have the meanings hereinafter assigned to them namely:-

'the Council' means the Council of the City of Swansea and shall include its Officers and authorised agents;

'daily fine' means a fine for each day on which an offence is continued after conviction thereof;

'master' means, in relation to any vessel, the person (whether or not the owner) for the time being having command or charge of the vessel;

'mooring' includes any buoy, pile, post, chain, pillar or like apparatus or convenience used for the mooring of vessels;

'power driven pleasure boat' means any vessel propelled by an internal combustion engine;

'the upstream river and associated water areas' means so much of the River Tawe and its tributaries as is tidal and as lies downstream of Beaufort Weir (formerly known as Forest Weir) in the City of Swansea and upstream of an imaginary straight line drawn across the river downstream of work No. 1 between grid reference SS6659 9251 and grid reference SS6656 9230; together with the Lower Swansea Valley lakes namely the Enterprise Park Lake, Pluck Lane and Half Round Pond; but for the purposes of this Byelaw shall exclude the boat Marina at the former South Dock with the outer basin and approach thereto.

'vessel' includes every description of water craft including non-displacement craft and seaplanes used or capable of being used as a means of transportation on water.

- 4(a) No person shall intentionally obstruct any duly appointed officer or employee of the Council in the execution of their duties in respect of the enforcement of these Byelaws.

- (b) Any owner or person in charge of a vessel who shall without reasonable excuse fail to obey and comply with all reasonable instructions by those placed in charge by the Council relating to the safe and efficient running of the upstream river and associated water areas shall be guilty of an offence and shall be liable upon conviction to the penalty hereinafter provided.

BYELAWS REGULATING THE USE OF THE UPSTREAM RIVER AND ASSOCIATED WATER AREAS

5. No person shall engage in swimming or diving in the upstream river and associated water areas except with the consent of the Council. This byelaw shall not prohibit public bodies as defined in the Local Authorities (Goods and Services) Act 1970 or Dwr Cymru Limited or the National Rivers Authority or their successors in title in the exercise of their duties from authorising appropriate personnel to dive into the upstream river nor shall this Byelaw be breached if action is taken to save lives.
6. No person shall engage in water skiing or similar activity or in the use of motorised personal watercraft (otherwise known as a jet ski) in the upstream river and associated water areas except with the written consent of the Council.
7. No boat race, rally, regatta or other organised event or occasion shall take place except with the written consent of the Council.

REGULATION AND REGISTRATION OF POWER DRIVEN VESSELS

- 8(a) No person shall use or knowingly cause or permit to be used any power driven pleasure boat past the first river crossing known as New Cut Bridge unless such vessel is registered with the Council and such registration is still in force.
- (b) Notice of the effect of this Byelaw shall be given by signs placed in such positions as the Council may consider adequate to inform persons using the upstream river and associated water areas.
9. The use of a power driven pleasure boat in circumstances necessary for the proper execution of his duty by any of the following persons shall not be deemed an offence against these Byelaws:-
- (a) an Officer of the Council or any person or servant of any person employed by or acting with the authority of the Council;
- (b) a Police Officer;
- (c) an Officer of the Welsh Water Authority or any person or servant of any person employed by or acting with the authority of the Welsh Water Authority;

- (d) an Officer of the National Rivers Authority or any person or servant or any person employed by or acting with the Authority of the National Rivers Authority; or
 - (e) any person taking part in rescue operations or in securing the safety of persons in the upstream river.
10. Every person who shall apply to the Council in accordance with Byelaw 8 hereof for the registration of a power driven pleasure boat or for the renewal of registration in respect of any such power driven pleasure boat shall in connection with such an application -
- (a) furnish the Council on the form provided by it for that purpose a true statement of the particulars concerning such power driven pleasure boat therein required to be specified together with proof of third party insurance and
 - (b) permit any Officer duly authorised by the Council or any Police Officer to inspect the vessel at any reasonable time.

BYELAW RELATING TO THE SPEED OF VESSELS

11. The master of any power driven vessel shall not, subject to the requirement of maintaining adequate steerage way and control, suffer or cause her to be navigated or driven on the upstream river and associated water areas at a speed exceeding 4 knots through, on or over the water, provided that this Byelaw shall not apply to any vessel on any occasion when it is being used for conservancy, police, fire fighting or rescue operations in circumstances where such speed limits would be likely to hinder the use of the vessel for the purpose for which it was being used on that occasion.

BYELAWS RELATING TO FISHING

- 12(a) No person shall fish or catch fish in the upstream river and associated water areas except with the rod and line
- (b) No person shall fish with rod and line within 100 metres of the barrage fish pass.
13. The master of a vessel shall not use or permit her to be used for drift, trawl or other net fishing in any part of the upstream river and associated water areas.

MISCELLANEOUS

14. No person shall sound or use or cause or suffer to be sounded or used in the upstream river and associated water areas a siren, steam hooter, trumpet, distress rocket, or other instrument or appliance for producing alarm signals on any occasion or for any purpose other than in connection with navigation or distress.

15. No person shall walk on the lock gate when it is in operation, nor ignore warnings given prior to a lock gate being opened.
16. No person shall climb or scale any swing bridge or lock gate in the upstream river.
17. (a) Any person who contravenes or otherwise fails to comply with any of these Byelaws or any condition or requirement imposed by the Council in the exercise of the powers conferred upon them by these Byelaws shall be guilty of an offence and be liable upon conviction before a Court of Summary Jurisdiction to a fine not exceeding level 3 of the standard scale.
- (b) Where the commission by any person of an offence under these Byelaws is due to the act or 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.

THE COMMON SEAL of THE)
 COUNCIL OF THE CITY OF)
 SWANSEA was hereunto)
 affixed this 27th)
 day of July one)
 thousand nine hundred)
 and ninety-five in the)
 presence of:-)

B. H. Owe



95/391

Authorised Signatory

The Secretary of State for Transport hereby confirms the foregoing byelaws.

Signed by authority of the Secretary of State for Transport
 this 3rd day of October 1995.

W. Worsman

Under Secretary

in the Department of Transport