



BYE LAWS

DOWN DISTRICT COUNCIL

For Regulation of Minerstown Beach



INVESTOR IN PEOPLE

DOWN DISTRICT COUNCIL
BYE-LAWS FOR REGULATION OF MINERSTOWN BEACH

Bye-laws made the day of 2008 by **DOWN DISTRICT COUNCIL** in pursuance of the provision of Article 30(3) of the Tourism (Northern Ireland) Order 1992 and Section 90 and 91(1) of the Local Government Act (Northern Ireland) 1972.

Interpretation

1 In these bye-laws:-

‘authorised officer of the Council’ means any employee of the Council and includes any person employed by a company providing services to the Council in the management or security of the Beach.

‘the Beach’ means the beach at Minerstown Beach and for the purposes of these bye-laws a beach shall include:-

- (i) any strand and/or dunes between the mean high water mark and mean low water mark;
- (ii) any sea for a distance from the strand to 200 metres (seaward) from the mean low water mark;
- (iii) any walls, railings, barriers, fence, roadway, seats, footpaths, ramps, alleyways, access, walkways, step, sewer, drain or gully thereon;
- (iv) any post, sign, notice, sign board, life saving apparatus or equipment, toilet, litter receptacle, lamp, lamp post, appliance, flag pole, flag, water pipe, gas pipe, hut, shelter, ornament, building or other structure forming part thereof or erected by the Council or by the authority of the Council either on the Beach or for the benefit of users of the Beach;
- (v) any tree, shrub, bush, hedge, flower, flower bed, turf, grass or other plant growing thereon or placed thereon by the Council;
- (vi) any implement, barrow, article, tractor, trailer or thing thereon belonging to the Council or placed thereon by the authority of the Council.

‘controlled drug’ means any substance, product or preparation which is specified in the Schedule to the Misuse of Drugs Act 1971 or any amending act or regulation.

‘the Council’ means Down District Council and shall include its employees and agents.

‘intoxicating liquor’ has the same meaning as in Article 2(2) of the Licensing (Northern Ireland) Order 1996.

‘offence’ means an offence under these bye-laws and relating to an act committed at or on the Beach.

2 These bye-laws shall have effect with regard to the Beach.

- 3 Nothing in these bye-laws shall –
- (a) interfere with or prevent the carrying on of any work in, or supervision and management of, the Beach by officers of the Council or any other person authorised by the Council;
 - (b) prevent the Council from entering into an agreement in respect of the use of the Beach or any part thereof and pursuant to which an act is permitted which would otherwise be prohibited.

Protection of Property

- 4 It shall be an offence for any person to wilfully or negligently:-
- (a) damage the dune system on the Beach;
 - (b) damage, deface by the writing of graffiti or otherwise, or displace any wall, gate, fence or any shed or other structure on the Beach;
 - (c) affix any unauthorised notice or bill to, or climb any wall, fence, gate, hedge, tree, or any shed or other structure;
 - (d) damage, deface or displace any seat, or ornament, barrier, or any machine or implement provided for the purposes of the Beach;
 - (e) light any fire (except in the case of a permitted barbeque where a facility for that purpose is provided by the Council) or drop any lighted match, cigarette, cigar or other lighted object in circumstances likely to cause a fire.

Protection of Environmental Amenity

- 5 It shall be an offence for any person to wilfully or negligently:-
- (a) damage, remove, cut or interfere with any turf, or any flower, shrub, tree or other plant;
 - (b) remove any sand, gravel, shingle, stone or any seaweed, unless in the exercise of a lawful right or privilege;
 - (c) foul or pollute any water;
 - (d) disturb, injure, take, snare or destroy any animal or bird;
 - (e) take, disturb, or destroy the breeding ground, nest or egg of any animal or bird.

Protection of the Public

- 6 It shall be an offence for any person to:-
- (a) throw or discharge any missile or throw any ball or other object, or fly any kite to the danger of other persons so as to give reasonable cause for annoyance to other persons;

- (b) use abusive, indecent, or obscene language likely to give reasonable cause for annoyance to other persons;
- (c) play any radio, cassette player or similar device, or any musical instrument in a manner likely to disturb or give reasonable cause for annoyance to other persons;
- (d) consume any intoxicating liquor or controlled drug;
- (e) beg from or importune any other person resorting to the Beach;
- (f) enter a lavatory facility provided for members of the opposite sex, or use any such facility in an improper manner;
- (g) wilfully obstruct, disturb or annoy any member of the public resorting to the Beach;
- (h) act in a disorderly, menacing, threatening or offensive manner to other persons;
- (i) sell, consume, inject, inhale or otherwise absorb controlled drugs or solvents on the Beach.
- (j) bring on to the Beach any boat, sand yacht, jet ski, sail board, canoe or similar vessel, except with the prior written consent of the Council or in the case of an emergency;
- (k) interfere with or cause damage to any life saving apparatus or equipment provided at the Beach;
- (l) leave or abandon on the Beach any metal or glass article (whether broken or not) or any other article likely to cause injury or danger to other persons;
- (m) use a metal detector, without the prior written consent of the Council.

General Management

- 7 It shall be an offence for any person to:-
- (a) erect any tent or any stall, stand, post or other structure without the prior written consent of the Council;
 - (b) offer or expose for sale or hire any article, commodity or service or organize for gain any entertainment or other activity without the prior written consent of the Council;
 - (c) obstruct any officer of the Council or Constable in the proper execution of his/her duty;
 - (d) refuse or neglect to observe the reasonable instructions of any officer of the Council employed in the management of the Beach, or any other officer of the Council with authority to give such instructions.

Public Meetings

- 8 Except with the prior written consent of the Council and in accordance with any conditions imposed by it in respect thereof, it shall be an offence for any person to:-
- (a) preach, lecture, or take part in any meeting for political, religious, or any other purpose, or take part in any public show, performance or demonstration;
 - (b) solicit or collect money in connection with any meeting, show, performance, or demonstration;
 - (c) use any loudspeaker or similar device;
 - (d) organise swimming events including triathlons or gala swimming days;
 - (e) Make any movie or film on a commercial basis.

Vehicles

- 9
- (a) It shall be an offence for any person to bring any motorcar, motorcycle, motorized buggy (including quads) or any other vehicle, cart or caravan, or bicycle onto the Beach.
 - (b) Bye-law 9 (a) does not extend to any car parking area and access thereto provided by the Council at the Beach, or to emergency or rescue vehicles brought onto the Beach for police, ambulance, fire-brigade or security purposes.

Sports and Games

- 10 It shall be an offence for any person to:-
- (a) organise or indulge or take part in any sporting activity in a manner likely to cause injury to, or disturb or to give reasonable cause for annoyance to other persons resorting to the Beach;
 - (b) to organise or take part in any play (including practice golf), game, sport or rally except in such part of the Beach as may be set aside by the Council for that purpose or as may otherwise be permitted by the Council;
 - (c) use for the purposes of play or sport any part of the Beach so set aside or permitted to be used without first having duly paid or agreed to pay any lawful charge made or fixed by the Council for the use thereof.

Dogs and Other Animals

- 11
- (a) A person bringing a dog, horse or pony onto the beach shall keep the animal under proper control and restrained from giving reasonable cause for annoyance to other persons.
 - (b) A person shall not bring any animal, other than a dog, horse or pony, onto the Beach where the presence of such an animal is likely to give reasonable cause for alarm to other persons, animals or birds.
 - (c) A person shall not bring a dog onto the beach between 1st April and 30th October (both dates inclusive).
 - (d) A person shall not bring any horse or pony onto the beach between 1st April and 30th October (both dates inclusive).

Saving of Crown and Public Rights

- 12 Nothing contained in the Bye-Laws herein 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 Bye-Laws herein in any respect prejudice or injuriously affect the rights and interests of the Crown in such foreshore, or prevent the exercise thereon of any public rights or prejudice or injuriously affect any right, power or privilege legally exercisable by a person in over and in respect of the seashore.

Enforcement

- 13 An authorised officer of the Council or a constable may, after due warning, remove or exclude from the Beach any person who commits, or is reasonably suspected of committing, on the Beach an offence against these bye-laws.

Citation

- 14 These Bye-laws may be cited as the Down District Council (Minerstown Beach) Bye-laws 2008.

PRESENT when the Official Seal)
of DOWN DISTRICT COUNCIL)
was affixed hereto:-)

_____)
Chairman)
)
)
)
)
)
)
)
_____)
Clerk and Chief Executive)
)
)

The foregoing bye-laws are hereby confirmed by the Department of Economic Development for Northern Ireland this _____ day of _____ 2008.

The Official Seal of the)
NORTHERN IRELAND)
DEPARTMENT OF ECONOMIC)
DEVELOPMENT)
was affixed hereto in the)
presence of:-)
)
)
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)
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)
_____)
Assistant Secretary)

NOTES:

Under Section 92(1) of the Local Government Act (Northern Ireland) 1972 as amended by Article 6(5) of the Fines and Penalties (Northern Ireland) Order 1984, Article 2(4) and Schedule 4 to the Criminal Penalties etc. (Increase) Order (Northern Ireland) 1984 and Article 3 (2) of the Criminal Justice (Northern Ireland) Order 1994 any person who contravenes a Bye-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 of the standard Scale (£500).