



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART IX

#### MISCELLANEOUS AND GENERAL

##### *The seashore etc.*

#### **121 Control of the seashore, adjacent waters and inland waters**

- (1) Insofar as it is necessary to do so for the purpose of preventing nuisance or danger at, or preserving or improving the amenity of, or conserving the natural beauty of, the seashore, a district or islands council may, in accordance with this section, make byelaws—
  - (a) regulating or prohibiting any activity by way of trade or business with, or in expectation of personal reward from, members of the public on the seashore ;
  - (b) regulating the use of vehicles on the seashore;
  - (c) regulating the exercise of sporting and recreational activities on the seashore.
- (2) Byelaws under subsection (1) above may confine the exercise of any activity (including the use of vehicles or kinds of vehicles) specified in the byelaws to a part of the seashore specified in the byelaws and prohibit the exercise in that part of the seashore of any other activity (including such use) so specified.
- (3) A district or islands council may, in accordance with this section, make byelaws relating to the adjacent waters for the purpose of—
  - (a) regulating the speed of pleasure boats in these waters ;
  - (b) regulating the use of pleasure boats in these waters so as to prevent their navigation in a dangerous manner or without due care and attention or without reasonable consideration for other persons ;
  - (c) requiring the use of effective silencers on pleasure boats in these waters;
  - (d) regulating the activities in these waters of divers, surfers, water skiers and persons engaged in similar recreational pursuits.

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*Status: This is the original version (as it was originally enacted).*

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- (4) A district or islands council may make, in relation to inland waters, byelaws for the same purposes as they may, under subsections (1) and (3) above, make byelaws in relation to the seashore and adjacent waters.
- (5) Byelaws may be made under this section only if—
- (a) the district or islands council have complied with subsection (6) below and made such other inquiries as may be reasonably necessary to ascertain the existence and identity of each person having—
    - (i) in the case of byelaws under subsection (1) above, a proprietary interest in the seashore ;
    - (ii) in the case of byelaws under subsection (3) above, a proprietary interest in relation to the adjacent waters;
    - (iii) in the case of byelaws under subsection (4) above, a proprietary interest in or in relation to the inland waters ; and
    - (iv) in any case, a proprietary interest in any salmon fishings; being a proprietary interest which may be affected by the byelaws;
  - (b) subject to subsection (7) below, every person having a proprietary interest such as is mentioned, in relation to the byelaws, in paragraph (a) above has consented to their being made ; and
  - (c) the district or islands council have, in connection with their proposal to make the byelaws, consulted such person or body, if any, as appears to them to be representative of persons who engage in each sporting or recreational activity which may be affected by the byelaws,
- (6) The district or islands council shall give public notice of their proposal to make byelaws. under this section and of the effect of subsection (5) (b) above in relation to that proposal in a newspaper circulating in the area where the byelaws are proposed to have effect.
- (7) If a district or islands council have complied with subsections (5)(a) and (6) above, but the consent of a person whose consent is required under this section cannot be obtained because his existence or identity is unknown, or he cannot be found or fails to respond in any way to a request for his consent, the council may nevertheless proceed to make the byelaws but shall not proceed earlier than one month after the date of the advertisement under subsection (6) above or, if there were more than one advertisement, the later or last of those dates.
- (8) Byelaws made under this section may provide that persons contravening such provisions of the byelaws as may be therein specified as provisions contravention of which is an offence shall be liable, on summary conviction thereof, to a fine not exceeding, £50 or such lesser sum as the byelaws may specify; and any offence against any such provision of such byelaws committed within adjacent waters may be inquired into and dealt with as if it had been committed within the area of the district or islands council concerned.
- (9) A district or islands council may on the seashore or in or on adjacent waters place notices or other indications advising the public as to any danger or health hazard connected with the seashore or those waters.
- (10) A district or islands council may provide staff for life saving and any boats or equipment which are appropriate for life saving.

- (11) A district or islands council, when exercising their powers under this section, shall have regard to the need to protect and maintain any public rights under the guardianship of the Crown to use the foreshore, adjacent waters or, as the case may be, inland waters.
- (12) In subsection (1) above, the reference to conserving natural beauty shall be construed in accordance with section 78(2) of the Countryside (Scotland) Act 1967.