



# Local Government Act 1972

## 1972 CHAPTER 70

### PART XI

#### GENERAL PROVISIONS AS TO LOCAL AUTHORITIES

##### *Byelaws*

#### **235 Power of councils to make byelaws for good rule and government and suppression of nuisances.**

- (1) The council of a district <sup>F1</sup>... and the council of a London borough may make byelaws for the good rule and government of the whole or any part of the district <sup>F2</sup>... or borough, as the case may be, and for the prevention and suppression of nuisances therein.
- (2) The confirming authority in relation to byelaws made under this section shall be the Secretary of State.

[<sup>F3</sup>(2A) Subsection (2) does not apply to byelaws of a class prescribed by regulations under section 236A(1).]

- (3) Byelaws shall not be made under this section for any purpose as respects any area if provision for that purpose as respects that area is made by, or is or may be made under, any other enactment.

#### **Textual Amendments**

- F1** Words in s. 235(1) omitted (31.3.2015) by virtue of [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), s. 22(2), [Sch. 2 para. 9\(2\)\(a\)](#); S.I. 2015/1025, art. 2(r) (with art. 3)
- F2** Words in s. 235(1) omitted (31.3.2015) by virtue of [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), s. 22(2), [Sch. 2 para. 9\(2\)\(b\)](#); S.I. 2015/1025, art. 2(r) (with art. 3)
- F3** S. 235(2A) inserted (E.) (3.3.2016) by [The Byelaws \(Alternative Procedure\) \(England\) Regulations 2016](#) (S.I. 2016/165), reg. 1(1), [Sch. 2 para. 5\(2\)](#)

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**Modifications etc. (not altering text)**

- C1** S. 235 amended by [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 43** (which s. 43 is repealed (18.2.1993) by [Environmental Protection Act 1990 \(c. 43, SIF 46:4\)](#), ss. 162(1)(2), 164(3), [Sch. 15 para. 21, Sch. 16 Pt. IX](#)); [S.I. 1993/264](#)
- C2** S. 235 functions made exercisable concurrently (22.7.2004) by [The Cotswolds Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I 2004/1777\)](#), {art. 25(2)(xii)}  
 S. 235 functions made exercisable concurrently (22.7.2004) by [The Chilterns Area of Outstanding Natural Beauty \(Establishment of Conservation Board\) Order 2004 \(S.I 2004/1778\)](#), {art. 25(2)(xii)}

**236 Procedure etc., for byelaws.**

- (1) Subject to subsection (2) below, the following provisions of this section shall apply to byelaws to be made by a local authority [<sup>F4</sup>in England] under this Act [<sup>F5</sup>and to byelaws made by a local authority [<sup>F4</sup>in England], [<sup>F6</sup>the Greater London Authority][<sup>F7</sup>, Transport for London][<sup>F8</sup>, an Integrated Transport Authority for an integrated transport area in England [<sup>F9</sup>, a combined authority or a combined county authority]] under any other enactment and conferring on the authority] a power to make byelaws and for which specific provision is not otherwise made.
- (2) This section shall not apply to
- <sup>F10</sup>(a) byelaws of a class prescribed by regulations under section 236A, or
- (b) byelaws made <sup>F11</sup>... by the Civil Aviation Authority under [<sup>F12</sup>section 29 of the Civil Aviation Act 1982].
- (3) [<sup>F13</sup>Subject to subsection (3A) below, the] byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish <sup>F14</sup>... council not having a seal, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority.
- <sup>F15</sup>(3A) Byelaws made by the Greater London Authority shall be made under the hand of the Mayor and shall not have effect until they are confirmed by the confirming authority.]
- (4) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws are to apply.
- (5) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.
- (6) The authority by whom the byelaws are made shall, on application, furnish to any person a copy of the byelaws, or of any part thereof, on payment of such sum, not exceeding 10p for every hundred words contained in the copy, as the authority may determine.
- (7) The confirming authority may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which the byelaw is to come into operation and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.
- (8) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application,

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be furnished to any person on payment of such sum, not exceeding 20p for every copy, as the authority may determine.

- (9) The proper officer of a district council <sup>F16</sup>... shall send a copy of every byelaw made by the council, and confirmed, to the proper officer of the council, whether separate or common, of every parish <sup>F17</sup>... to which they apply or, in the case of a parish not having a council, to the chairman of the parish meeting, and the proper officer of the parish <sup>F17</sup>... council or chairman of the parish meeting, as the case may be, shall cause a copy to be deposited with the public documents of the parish <sup>F17</sup>....

A copy so deposited shall at all reasonable hours be open to public inspection without payment.

- (10) The proper officer of a county council shall send a copy of every byelaw made by the council, and confirmed, to the council of every district in the county, and the proper officer of the council of a district shall send a copy of every byelaw made by the council, and confirmed, to the council of the county.

<sup>F18</sup>(10A) .....

[<sup>F19</sup>(10B) The Greater London Authority shall send a copy of every byelaw made by the Authority, and confirmed, to each London borough council and the Common Council.]

[<sup>F20</sup>(10C) Transport for London shall send a copy of every byelaw made by it, and confirmed, to—

- (a) the Mayor of London;
- (b) each London Borough Council; and
- (c) the Common Council.]

- (11) In this section the expression “the confirming authority” means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, or if no authority or person is so specified means the Secretary of State.

#### Textual Amendments

- F4** Words in s. 236(1) inserted (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(3)(a)**; S.I. 2015/1025, art. 2(r) (with art. 3)
- F5** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), s. 84, **Sch. 14 para. 31(1)**
- F6** Words in s. 236(1) inserted (3.7.2000) by 1999 c. 29, s. 76(2) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F7** Words in s. 236(1) inserted (3.7.2000) by 1999 c. 29, s. 166(2) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F8** Words in s. 236(1) substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), **Sch. 6 para. 34**; S.I. 2009/3318, **art. 2(e)**
- F9** Words in s. 236(1) substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 47** (with s. 247)
- F10** Words in s. 236(2) inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 129(2), 245(5); S.I. 2010/112, **art. 2(a)**
- F11** Words repealed by Water Act 1989 (c. 15, SIF 130), ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58, **Sch. 27 Pt. I**
- F12** Words substituted by Civil Aviation Act 1982 (c. 16, SIF 9), **Sch. 15 para. 11**
- F13** Words in s. 236(3) substituted (20.11.2001) by S.I. 2001/3719, art. 2, **Sch. para. 3(2)**

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- F14** Words in s. 236(3) omitted (31.3.2015) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(3)(b)**; S.I. 2015/1025, art. 2(r) (with art. 3)
- F15** S. 236(3A) inserted (20.11.2001) by S.I. 2001/3719, art. 2, **Sch. para. 3(3)**
- F16** Words in s. 236(9) omitted (31.3.2015) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(3)(c)(i)**; S.I. 2015/1025, art. 2(r) (with art. 3)
- F17** Words in s. 236(9) omitted (31.3.2015) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(3)(c)(ii)**; S.I. 2015/1025, art. 2(r) (with art. 3)
- F18** S. 236(10A) omitted (31.3.2015) by virtue of Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), **Sch. 2 para. 9(3)(d)**; S.I. 2015/1025, art. 2(r) (with art. 3)
- F19** S. 236(10B) inserted (3.7.2000) by 1999 c. 29, s. **76(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**
- F20** S. 236(10C) inserted (3.7.2000) by 1999 c. 29, s. **166(3)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

#### Modifications etc. (not altering text)

- C3** S. 236 applied by Land Drainage Act 1976 (c. 70, SIF 73:1), s. **98(2)**  
S. 236 applied (1.12.1991) by Land Drainage Act 1991 (c. 59, SIF 73:1), s. **66(5)** (with ss. 67(3)(5)(8), 72(6)(8), 74(3)(4))  
Ss. 236-238 applied (12.3.1991) by S.I. 1991/993, **art. 3(3)**  
Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23).  
S. 236 applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 3(4)**  
S. 236 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**  
S. 236 applied (with modifications) (19.8.1996) by S.I. 1996/2103, **art. 3(9)**  
S. 236 applied (with modifications) (1.8.2000) by S.I. 2000/2103, **art. 3(4)**  
S. 236 applied (with modifications) (4.9.2000) by S.I. 2000/2251, **art. 3(4)**  
S. 236 applied (30.1.2001) by 2000 c. 37, ss. **17(5)**, 103(2) (with s. 43)  
S. 236 applied by Greenham and Crookham Commons Act 2002 (c. i), ss. **15(5)**, 24(1) (with ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)
- C4** S. 236 modified by S.I. 1986/143, **regs. 2(1)**, 3(1)
- C5** S. 236 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C6** S. 236 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 21(2)(f)**  
S. 236 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 21(2)(f)**
- C7** Ss. 236-238 applied (prosp.) by Commons Act 1899 (c. 30), s. 10 (as substituted (prosp.) by Commons Act 2006 (c. 26), ss. **50(7)**, 56 (with s. 60)
- C8** S. 236 modified (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(9)** (arts. 45-48 Sch. 6 para. 23)
- C9** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)
- C10** S. 236 continues to apply (3.3.2016) by The Byelaws (Alternative Procedure) (England) Regulations 2016 (S.I. 2016/165), regs. 1(1), **19**
- C11** Ss. 236-237 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), **33(2)**
- C12** S. 236 applied (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **52(9)** (with arts. 55-57, Sch. 8 para. 13)
- C13** S. 236 applied (29.11.2018) by Middle Level Act 2018 (c. ii), ss. 1, **11(9)**
- C14** S. 236 applied (with modifications) (25.3.2022) by The Bridgwater Tidal Barrier Order 2022 (S.I. 2022/299), arts. 1, **51(6)(7)** (with art. 55)
- C15** S. 236 applied (21.4.2022) by Highgate Cemetery Act 2022 (c. i), ss. 1, **8(5)**
- C16** S. 236 applied in part (with modifications) (coming into force in accordance with s. 13 of the amending Act) by Monken Hadley Common Act 2022 (c. ii), s. **11** (with s. 8(3))

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- C17** S. 236(3)-(8) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**
- C18** S. 236(3)-(8) applied (with modifications) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1); ss. 6(5), 10, 23(2), 27(2), Sch. 5 para. 7(1)  
S. 236(3)-(8) applied (with modifications) (17.3.1993) by S.I. 1993/1313, **art. 30(1)(a)** (with art. 39)  
S. 236(3)-(8) applied (30.8.1994) by S.I. 1994/2298, **art. 30**  
S. 236(3)-(8) applied (8.7.1996) by S.I. 1996/1627, **art. 23(4)**  
S. 236(3)-(8) applied (20.5.1998) by S.I. 1998/1209, **art. 12(1)**  
S. 236(3)-(8) applied (25.8.2000) by S.I. 2000/2152, **art. 27(4)**
- C19** S. 236(3)-(8) modified (7.8.1991) by S.I. 1991/1773, art. 8(2), **Sch. 2**  
S. 236(3)-(8) modified (10.1.1992) by S.I. 1991/2913, art. 8(2), **Sch. 2**  
S. 236(3)-(8) modified (28.5.1994) by S.I. 1994/1440, **art. 11(1)(a)**
- C20** S. 236(3)-(8): certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**  
S. 236(3)-(8): certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**
- C21** S. 236(3)-(8)(11) applied (with modifications) (5.11.1993) by 1993 c. 42, **s. 16(8)** (with s. 30(1), Sch. 2 para. 9)  
S. 236(3)-(8)(11) applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9)  
S. 236(3)-(8)(11) applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**  
S. 236(3)-(8)(11) applied (21.7.1994) by 1994 c. xiii, **s. 10(1)**  
S. 236(3)-(8)(11) applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**  
S. 236(3)-(8)(11) applied (with modifications) (1.1.1998) by S.I. 1997/2949, **art. 15(6)(a)-(e)**  
S. 236(3)-(8)(11) applied (18.7.2000) by S.I. 2000/1884, **art. 28(1)**
- C22** S. 236(3)-(8)(11) applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), **arts. 39(5)(6)(8)**, 46(2) (with art. 40, Sch. 7 para. 12)
- C23** S. 236(3)-(8) applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)
- C24** S. 236(3)-(8) applied (with modifications) (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)
- C25** S. 236(3)-(8) applied (with modifications) (18.9.2009) by The Penzance Harbour Revision Order 2009 (S.I. 2009/2325), **art. 24** (with arts. 39, 40)
- C26** S. 236(3)-(8) applied (10.8.2010) by The Ryde Pier Harbour Revision Order 2010 (S.I. 2010/1900), arts. 1, **3(3)** (with arts. 4-6)
- C27** S. 236(3)-(8) applied (1.7.2011) by The Saundersfoot Harbour Empowerment Order 2011 (S.I. 2011/1565), arts. 1(2), **30(4)**
- C28** S. 236(3)-(8) applied (with modifications) (13.3.2012) by The London Cable Car Order 2012 (S.I. 2012/472), arts. 1, **6(3)**
- C29** S. 236(3)-(8) applied (22.5.2012) by The Bridgewater Canal (Transfer of Undertaking) Order 2012 (S.I. 2012/1266), arts. 1(1), **4(9)**
- C30** S. 236(3)-(8) applied (with modifications) (23.7.2012) by The Poole Harbour Revision Order 2012 (S.I. 2012/1777), arts. 1(2), **28(1)** (with arts. 58, 59)
- C31** S. 236(3)-(8) applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), arts. 1, **42(7)-(9)** (with arts. 46-48, Sch. 8 para. 18)
- C32** S. 236(3)-(8) applied (with modifications) (7.3.2016) by The Newhaven Harbour Revision Order 2016 (S.I. 2016/151), arts. 1(1), **11(6)** (with arts. 29, 30)
- C33** S. 236(3)-(8) applied (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **52(7)** (with arts. 55-57, Sch. 8 para. 13)
- C34** S. 236(3)-(8) applied (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **48(3)** (with art. 48(4))
- C35** S. 236(3)-(8) applied (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **46(8)** (with arts. 46(9), 51, 56)
- C36** S. 236(3)-(8) applied (with modifications) (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **51(7)**

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- C37** S. 236(3)-(8) applied (17.2.2021) by The Weymouth Harbour Revision Order 2021 (S.I. 2021/43), arts. 1, **20(6)** (with arts. 42, 44)
- C38** S. 236(3) applied in part (with modifications) (12.7.2023) by The Dee Estuary Conservancy Harbour Revision (No. 2) Order 2023 (S.I. 2023/690), arts. 1(1), **12(5)(a)(6)** (with arts. 40, 41, 43)
- C39** S. 236(3)-(8) applied (with modifications) (14.7.2023) by The Cornwall Harbours Harbour Revision Order 2023 (S.I. 2023/675), arts. 1(1), **30** (with arts. 65, 66)
- C40** S. 236(3)-(8)(11) applied (4.8.2023) by The A303 (Amesbury to Berwick Down) Development Consent Order 2023 (S.I. 2023/834), arts. 1, **44(3)** (with arts. 6(2), 18, Sch. 11 paras. 5, 30)
- C41** S. 236(4)-(8) applied (with modifications) (12.7.2023) by The Dee Estuary Conservancy Harbour Revision (No. 2) Order 2023 (S.I. 2023/690), arts. 1(1), **12(5)(b)(6)(7)** (with arts. 40, 41, 43)
- C42** S. 236(7) applied (with modifications) (21.7.1994) by 1994 c. xiii, s. **10(2)**  
 S. 236(7) applied (with modifications) (30.8.1994) by S.I. 1994/2298, art. **30**  
 S. 236(7) applied (with modifications) (8.7.1996) by S.I. 1996/1627, art. **23(5)**
- C43** S. 236(7) modified (28.5.1994) by S.I. 1994/1440, art. **11(1)(b)**  
 S. 236(7) modified (20.5.1998) by S.I. 1998/1209, art. **12(2)**
- C44** S. 236(7) modified (10.8.2010) by The Ryde Pier Harbour Revision Order 2010 (S.I. 2010/1900), arts. 1, **3(4)** (with arts. 4-6)
- C45** S. 236(7) applied (with modifications) (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **52(8)** (with arts. 55-57, Sch. 8 para. 13)
- C46** S. 236(8) extended (with modifications) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. **65(7)**
- C47** S. 236(9) excluded by Civil Aviation Act 1982 (c. 16, SIF 9), s. **32(4)** and by Airports Act 1986 (c. 31, SIF 9), Pt. **VI**, s. 63(8)
- C48** S. 236(10C)(11) applied (with modifications) (13.3.2012) by The London Cable Car Order 2012 (S.I. 2012/472), arts. 1, **6(3)**
- C49** S. 236(10C) applied (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **48(3)** (with art. 48(4))
- C50** S. 236(11) applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), art. **5**
- C51** S. 236(11) applied (with modifications) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 6(5), 10, 23(2), 27(2), Sch. 5 para. **7(1)**
- C52** S. 236(11) applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), art. **44(8)** (arts. 45-48 Sch. 6 para. 23)
- C53** S. 236(11) applied (22.5.2012) by The Bridgewater Canal (Transfer of Undertaking) Order 2012 (S.I. 2012/1266), arts. 1(1), **4(9)**
- C54** S. 236(11) applied (with modifications) (23.7.2012) by The Poole Harbour Revision Order 2012 (S.I. 2012/1777), arts. 1(2), **28(1)** (with arts. 58, 59)
- C55** S. 236(11) applied (with modifications) (7.8.2012) by The Ipswich Barrier Order 2012 (S.I. 2012/1867), arts. 1, **42(7)-(9)** (with arts. 46-48, Sch. 8 para. 18)
- C56** S. 236(11) applied (with modifications) (7.3.2016) by The Newhaven Harbour Revision Order 2016 (S.I. 2016/151), arts. 1(1), **11(6)** (with arts. 29, 30)
- C57** S. 236(11) applied (2.1.2018) by The Boston Barrier Order 2017 (S.I. 2017/1329), arts. 1, **52(7)** (with arts. 55-57, Sch. 8 para. 13)
- C58** S. 236(11) applied (31.5.2018) by The Silvertown Tunnel Order 2018 (S.I. 2018/574), arts. 1(2), **48(3)** (with art. 48(4))
- C59** S. 236(11) applied (21.5.2020) by The Lake Lothing (Lowestoft) Third Crossing Order 2020 (S.I. 2020/474), arts. 1, **46(8)** (with arts. 46(9), 51, 56)
- C60** S. 236(11) applied (with modifications) (15.10.2020) by The Great Yarmouth Third River Crossing Development Consent Order 2020 (S.I. 2020/1075), arts. 1, **51(7)**
- C61** S. 236(11) applied (with modifications) (12.7.2023) by The Dee Estuary Conservancy Harbour Revision (No. 2) Order 2023 (S.I. 2023/690), arts. 1(1), **12(5)(b)(6)** (with arts. 40, 41, 43)

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## [<sup>F21</sup>236A Alternative procedure for certain byelaws

- (1) The Secretary of State may, in relation to England, by regulations—
  - (a) prescribe classes of byelaws to which section 236 does not apply, and
  - (b) make provision about the procedure for the making and coming into force of such byelaws.
- (2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
  - (a) the enactment under which byelaws are made,
  - (b) the subject-matter of byelaws,
  - (c) the authority by whom byelaws are made,
  - (d) the authority or person by whom byelaws are confirmed.
- (3) The regulations may, in particular, include provision about—
  - (a) consultation to be undertaken before a byelaw is made,
  - (b) publicising a byelaw after it is made.
- (4) The regulations may make—
  - (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
  - (b) different provision for different areas, including different provision for different localities and for different authorities.
- (5) Regulations may not be made under subsection (1) unless a draft of the instrument containing the regulations has been laid before, and approved by a resolution of, each House of Parliament.]

### Textual Amendments

**F21** S. 236A inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 129(3)**, 245(5); S.I. 2010/112, **art. 2(a)**

### Modifications etc. (not altering text)

**C11** Ss. 236-237 applied (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), **regs. 1(2)**, **33(2)**

**C62** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), **regs. 1(2)**, **31(2)** (with **reg. 125**)

## [<sup>F22</sup>236B Revocation of byelaws

- (1) This section applies to—
  - (a) a local authority [<sup>F23</sup>in England];
  - (b) the Greater London Authority;
  - (c) Transport for London;
  - [<sup>F24</sup>(d) an Integrated Transport Authority for an integrated transport area in England][<sup>F25</sup>;
  - (e) a combined authority];
  - [<sup>F26</sup>(f) a combined county authority.]

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- (2) Such an authority may make a byelaw under this section to revoke a byelaw made by the authority.
- (3) The power under subsection (2) may be exercised only where the authority has no other power to revoke the byelaw.
- (4) The confirming authority in relation to a byelaw made under this section shall be—
- <sup>F27</sup>(a) .....
- (b) <sup>F28</sup>... the Secretary of State.
- <sup>F29</sup>[ Subsection (4)(b) does not apply to byelaws of a class prescribed by regulations under (4A) section 236A(1).]
- (5) The Secretary of State may, in relation to England, by order revoke any byelaw which appears to him to have become spent, obsolete or unnecessary.
- <sup>F30</sup>(6) .....
- (7) An order under this section may make—
- (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the person making the order considers appropriate, and
- (b) different provision for different areas, including different provision for different localities and for different authorities.
- (8) A statutory instrument containing an order under this section which amends or repeals any provision of an Act may not be made by the Secretary of State unless a draft of the instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.
- (9) Otherwise, a statutory instrument containing an order made by the Secretary of State under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- <sup>F31</sup>(10) .....
- <sup>F32</sup>(11) .....]

#### Textual Amendments

- F22** S. 236B inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 134, 245(5)**; [S.I. 2010/112](#), **art. 2(f)**
- F23** Words in s. 236B(1)(a) inserted (8.5.2018) by [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), s. 22(2), **Sch. 2 para. 9(4)(a)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); [S.I. 2018/550](#), art. 2
- F24** S. 236B(1)(d) substituted (9.2.2009) by [Local Transport Act 2008](#) (c. 26), ss. 77, 134, **Sch. 4 para. 48(3)**; [S.I. 2009/107](#), **art. 2(1)**; Sch. 1 Pt. 1
- F25** S. 236B(1)(e) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009](#) (c. 20), ss. 119, 148(6), **Sch. 6 para. 35**; [S.I. 2009/3318](#), **art. 2(c)**
- F26** S. 236B(1)(f) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023](#) (c. 55), s. 255(2)(c), **Sch. 4 para. 48** (with s. 247)
- F27** S. 236B(4)(a) omitted (8.5.2018) by virtue of [Local Government Byelaws \(Wales\) Act 2012](#) (anaw 2), s. 22(2), **Sch. 2 para. 9(4)(b)(i)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); [S.I. 2018/550](#), art. 2



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- F28** Words in s. 236B(4)(b) omitted (8.5.2018) by virtue of [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), s. 22(2), **Sch. 2 para. 9(4)(b)(ii)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); S.I. 2018/550, art. 2
- F29** S. 236B(4A) inserted (E.) (3.3.2016) by [The Byelaws \(Alternative Procedure\) \(England\) Regulations 2016 \(S.I. 2016/165\)](#), reg. 1(1), **Sch. 2 para. 5(3)**
- F30** S. 236B(6) omitted (8.5.2018) by virtue of [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), s. 22(2), **Sch. 2 para. 9(4)(c)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); S.I. 2018/550, art. 2
- F31** S. 236B(10) omitted (8.5.2018) by virtue of [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), s. 22(2), **Sch. 2 para. 9(4)(c)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); S.I. 2018/550, art. 2
- F32** S. 236B(11) omitted (8.5.2018) by virtue of [Local Government Byelaws \(Wales\) Act 2012 \(anaw 2\)](#), s. 22(2), **Sch. 2 para. 9(4)(c)** (as amended by 2013 anaw 4, s. 75(2)(d), Sch. 1 para. 6); S.I. 2018/550, art. 2

#### Modifications etc. (not altering text)

- C11** Ss. 236-237 applied (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), regs. 1(2), **33(2)**
- C63** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2), **31(2)** (with reg. 125)

## 237 Offences against byelaws.

Byelaws to which section 236 above applies [<sup>F33</sup>and byelaws of a class prescribed by regulations under section 236A] may provide that persons contravening the byelaws shall be liable on summary conviction to a fine not exceeding such sum as may be fixed by the enactment conferring the power to make the byelaws, or, if no sum is so fixed, the sum of £20, and in the case of a continuing offence a further fine not exceeding such sum as may be fixed as aforesaid, or, if no sum is so fixed, the sum of £5 for each day during which the offence continues after conviction thereof.

#### Textual Amendments

- F33** Words in s. 237 inserted (27.1.2010) by [Local Government and Public Involvement in Health Act 2007 \(c. 28\)](#), **ss. 129(4)**, 245(5); S.I. 2010/112, **art. 2(a)**

#### Modifications etc. (not altering text)

- C11** Ss. 236-237 applied (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), regs. 1(2), **33(2)**
- C64** S. 237 excluded by [Civil Aviation Act 1982 \(c. 16, SIF 9\)](#), **s. 32(4)** and by [Airports Act 1986 \(c. 31, SIF 9\)](#), **Pt. VI**, s. 63(8)
- C65** S. 237 amended by [Criminal Law Act 1977 \(c. 45, SIF 39:1\)](#), **s. 31** and [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38**, 40, 46
- C66** S. 237 modified by S.I. 1986/143, **regs. 2(1)**, 3(1)
- C67** S.237:ss.236-238 applied (12.3.1991) by S.I.1991/993, **art.3(3)**  
Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23).
- C68** S. 237 modified (07.08.1991) by S.I.1991/1773 art.8(2), Sch. 2.  
S. 237: certain functions transferred (07.08.1991) by S.I.1991/1773, art. 8, **Sch.2**.
- C69** S. 237 modified (10.01.1992) by S.I.1991/2913, art.8(2), **Sch.2**.  
S. 237: certain functions transferred (10.01.1992) by S.I.1991/2913, art.8, **Sch.2**.  
S. 237 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**  
S. 237 applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 3(4)**

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- S. 237 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), **Sch. 7 para. 17(2)(e)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- S. 237 applied (with modifications) (19.8.1996) by S.I. 1996/2103, **art. 3(9)**
- S. 237 applied (with modifications) (1.8.2000) by S.I. 2000/2103, **art. 3(4)**
- S. 237 applied (with modifications) (4.9.2000) by S.I. 2000/2251, **art. 3(4)**
- S. 237 applied (30.1.2001) by 2000 c. 37, **ss. 17(5)**, 103(2) (with s. 43)
- C70** S. 237 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 21(2)(f)**
- S. 237 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 21(2)(f)**
- C71** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)
- C72** S. 237 applied (10.8.2010) by The Ryde Pier Harbour Revision Order 2010 (S.I. 2010/1900), arts. 1, **3(3)** (with arts. 4-6)

### [<sup>F34</sup>237Z Section 235 byelaws: powers of seizure etc

- A byelaw made under section 235 may include provision for or in connection with—
- (a) the seizure and retention of any property in connection with any contravention of the byelaw, and
  - (b) the forfeiture of any such property on a person's conviction of an offence of contravention of the byelaw.]

#### Textual Amendments

- F34** S. 237ZA inserted (19.12.2011 for E.) by Police Reform and Social Responsibility Act 2011 (c. 13), **ss. 150(2)**, 157(1)(4); S.I. 2011/2834, art. 2(k)

### [<sup>F35</sup>237A Fixed penalty notices

- (1) The Secretary of State may, in relation to England, by regulations prescribe classes of byelaws to which this section applies.
- (2) The regulations may prescribe a class of byelaws by reference, in particular, to one or more of the following—
  - (a) the enactment under which byelaws are made,
  - (b) the subject-matter of byelaws,
  - (c) the authority by whom byelaws are made,
  - (d) the authority or person by whom byelaws are confirmed.
- (3) Where—
  - (a) an authorised officer of an authority which has made a byelaw to which this section applies has reason to believe that a person has committed an offence against the byelaw, or
  - (b) an authorised officer of a parish council has reason to believe that a person has in its area committed an offence against a byelaw to which this section applies made by an authority other than the parish council,
 the officer may give that person a notice offering him the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty.

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- (4) A fixed penalty notice under this section is payable to the authority whose officer gave the notice.
- (5) Where a person is given a notice under this section in respect of an offence—
  - (a) no proceedings may be instituted for the offence before the end of the period of fourteen days following the date of the notice, and
  - (b) he may not be convicted of the offence if he pays the fixed penalty before the end of that period.
- (6) A notice under this section must give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information about the offence.
- (7) A notice under this section must also state—
  - (a) the period during which, by virtue of subsection (5), proceedings will not be taken for the offence,
  - (b) the amount of the fixed penalty, and
  - (c) the person to whom and the address at which the fixed penalty may be paid.
- (8) Without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting a letter containing the amount of the penalty (in cash or otherwise) to the person mentioned in subsection (7)(c) at the address so mentioned.
- (9) Where a letter is sent in accordance with subsection (8) payment is to be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (10) The form of a notice under this section may be specified in regulations under subsection (1).
- (11) In any proceedings a certificate which—
  - (a) purports to be signed on behalf of the chief finance officer of an authority, and
  - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,is evidence of the facts stated.
- (12) In this section—

“authorised officer”, in relation to an authority, means—

  - (a) an employee of the authority who is authorised in writing by the authority for the purpose of giving notices under this section,
  - (b) any person who, in pursuance of arrangements made with the authority, has the function of giving such notices and is authorised in writing by the authority to perform the function, and
  - (c) any employee of such a person who is authorised in writing by the authority for the purpose of giving such notices,

“chief finance officer”, in relation to an authority, means the person having responsibility for the financial affairs of the authority.
- (13) Regulations under subsection (1) may prescribe conditions to be satisfied by a person before a parish council may authorise him in writing for the purpose of giving notices under this section.

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#### Textual Amendments

**F35** Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 130(1)**, 245(5); S.I. 2010/112, **art. 2(b)**

#### Modifications etc. (not altering text)

**C73** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), **regs. 1(2)**, **31(2)** (with **reg. 125**)

**C74** Ss. 237A-237E applied (with modifications) (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014](#) (S.I. 2014/865), **arts. 1**, **11(2)** (with **arts. 8(4)**, **12**)

**C75** Ss. 237A-238 applied (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), **regs. 1(2)**, **33(2)**

### 237B Amount of fixed penalty

- (1) The amount of a fixed penalty payable in pursuance of a notice under section 237A is—
  - (a) the amount specified by the authority which made the byelaw, or
  - (b) if no amount is so specified, £75.
- (2) An authority may specify different amounts in relation to different byelaws.
- (3) The Secretary of State may by regulations make provision in connection with the powers under subsections (1)(a) and (2).
- (4) Regulations under subsection (3) may, in particular—
  - (a) require an amount specified under subsection (1)(a) to fall within a range prescribed in the regulations,
  - (b) restrict the extent to which, and the circumstances in which, an authority can make provision under subsection (2).
- (5) The Secretary of State may by order substitute a different amount for the amount for the time being specified in subsection (1)(b).

#### Textual Amendments

**F35** Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 130(1)**, 245(5); S.I. 2010/112, **art. 2(b)**

#### Modifications etc. (not altering text)

**C74** Ss. 237A-237E applied (with modifications) (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014](#) (S.I. 2014/865), **arts. 1**, **11(2)** (with **arts. 8(4)**, **12**)

**C75** Ss. 237A-238 applied (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), **regs. 1(2)**, **33(2)**

**C76** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), **regs. 1(2)**, **31(2)** (with **reg. 125**)

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### 237C Power to require name and address in connection with fixed penalty

- (1) If an authorised officer proposes to give a person a notice under section 237A, the officer may require the person to give him his name and address.
- (2) A person commits an offence if—
  - (a) he fails to give his name and address when required to do so under subsection (1), or
  - (b) he gives a false or inaccurate name or address in response to a requirement under that subsection.
- (3) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (4) In this section, “authorised officer” has the same meaning as in section 237A.]

#### Textual Amendments

**F35** Ss. 237A-237C inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 130(1)**, 245(5); S.I. 2010/112, **art. 2(b)**

#### Modifications etc. (not altering text)

- C74** Ss. 237A-237E applied (with modifications) (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014](#) (S.I. 2014/865), arts. 1, **11(2)** (with arts. 8(4), 12)
- C75** Ss. 237A-238 applied (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), regs. 1(2), **33(2)**
- C77** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010](#) (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)

### [<sup>F36</sup>237D] Use of fixed penalty receipts

- (1) “Fixed penalty receipts” means amounts paid to an authority in pursuance of notices under section 237A.
- (2) The authority shall have regard to the desirability of using its fixed penalty receipts for the purpose of combating any relevant nuisance.
- (3) A “relevant nuisance” is a nuisance in the authority's area for the prevention of which any byelaw to which section 237A applies was made.]

#### Textual Amendments

**F36** S. 237D inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007](#) (c. 28), **ss. 131**, 245(5); S.I. 2010/112, **art. 2(c)**

#### Modifications etc. (not altering text)

- C74** Ss. 237A-237E applied (with modifications) (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014](#) (S.I. 2014/865), arts. 1, **11(2)** (with arts. 8(4), 12)
- C75** Ss. 237A-238 applied (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017](#) (S.I. 2017/1012), regs. 1(2), **33(2)**

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**C78** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2), **31(2)** (with reg. 125)

[<sup>F37</sup>**237E Guidance relating to sections 236A and 237A to 237D**

An authority which makes byelaws of a class prescribed by regulations under section 236A or 237A must have regard to any guidance issued by the Secretary of State about—

- (a) procedure for which provision is made by regulations under section 236A(1);
- (b) fixed penalties;
- (c) anything related to the matters mentioned in paragraph (a) or (b).]

**Textual Amendments**

**F37** S. 237E inserted (27.1.2010) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), ss. **132**, 245(5); S.I. 2010/112, art. **2(d)**

**Modifications etc. (not altering text)**

- C74** Ss. 237A-237E applied (with modifications) (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 \(S.I. 2014/865\)](#), arts. 1, **11(2)** (with arts. 8(4), 12)
- C75** Ss. 237A-238 applied (30.11.2017) by [The Conservation of Habitats and Species Regulations 2017 \(S.I. 2017/1012\)](#), regs. 1(2), **33(2)**
- C79** Ss. 236-238 applied (with modifications) (1.4.2010) by [The Conservation of Habitats and Species Regulations 2010 \(S.I. 2010/490\)](#), regs. 1(2), **31(2)** (with reg. 125)

[<sup>F38</sup>**237F Further provision about regulations and orders under section 237A or 237B**

- (1) Regulations under section 237A or 237B, and an order under section 237B, may make—
  - (a) such incidental, consequential, transitional or supplemental provision (including provision amending, repealing or revoking enactments) as the Secretary of State considers appropriate, and
  - (b) different provision for different areas, including different provision for different localities and for different authorities.
- (2) A statutory instrument containing—
  - (a) regulations under section 237A or 237B which amend or repeal any provision of an Act, or
  - (b) an order under section 237B which amends or repeals any provision of an Act, may not be made unless a draft of the instrument containing the regulations or order has been laid before, and approved by a resolution of, each House of Parliament.
- (3) Otherwise, a statutory instrument containing regulations under section 237A or 237B, or an order under section 237B, shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

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#### Textual Amendments

**F38** S. 237F inserted (27.1.2010) by Local Government and Public Involvement in Health Act 2007 (c. 28), ss. 130(2), 245(5); S.I. 2010/112, art. 2(b)

#### Modifications etc. (not altering text)

**C75** Ss. 237A-238 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), 33(2)

**C80** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), 31(2) (with reg. 125)

### 238 Evidence of byelaws.

The production of a printed copy of a byelaw purporting to be made by a local authority [<sup>F39</sup>in England][<sup>F40</sup>, the Greater London Authority][<sup>F41</sup>, an Integrated Transport Authority for an integrated transport area in England [<sup>F42</sup>, a combined authority or a combined county authority]] upon which is endorsed a certificate purporting to be signed by the proper officer of the authority stating—

- (a) that the byelaw was made by the authority;
- (b) that the copy is a true copy of the byelaw;
- (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;
- (d) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign the certificate.

#### Textual Amendments

**F39** Words in s. 238 inserted (31.3.2015) by Local Government Byelaws (Wales) Act 2012 (anaw 2), s. 22(2), Sch. 2 para. 9(5); S.I. 2015/1025, art. 2(r) (with art. 3)

**F40** Words in s. 238 inserted (20.11.2001) by S.I. 2001/3719, art. 2, Sch. para. 4

**F41** Words in s. 238 substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), ss. 119, 148(6), Sch. 6 para. 36; S.I. 2009/3318, art. 2(c)

**F42** Words in s. 238 substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2) (c), Sch. 4 para. 49 (with s. 247)

#### Modifications etc. (not altering text)

**C75** Ss. 237A-238 applied (30.11.2017) by The Conservation of Habitats and Species Regulations 2017 (S.I. 2017/1012), regs. 1(2), 33(2)

**C81** S. 238 extended (with modifications) by Local Government (Miscellaneous Provisions) Act 1976 (c. 57, SIF 81:1), s. 65(7)

S. 238 extended (19.9.1995) by 1995 c. 25, ss. 63(5), 125(2), Sch. 7 para. 17(2)(e) (with ss. 7(6), 115, 117, Sch. 8 para. 7)

**C82** S. 238 modified by S.I. 1986/143, regs. 2(1), 3(1)

S. 238 modified (7.8.1991) by S.I. 1991/1773 art. 8(2), Sch. 2

S. 238 modified (10.1.1992) by S.I. 1991/2913, art. 8(2), Sch. 2

S. 238 modified (28.5.1994) by S.I. 1994/1440, art. 11(1)

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- C83** S. 238 applied (with modifications) by Norfolk and Suffolk Broads Act 1988 (c. 4, SIF 81:1), ss. 6(5), 10, 23(2), 27(2), **Sch. 5 para. 7(1)**  
 Ss. 236-238 applied (12.3.1991) by S.I. 1991/993, **art. 3(3)**  
 S. 238 applied (with modifications) (17.3.1993) by S.I. 1993/1313, **art. 30(1)(a)** (with art. 39)  
 S. 238 applied (with modifications) (5.11.1993) by 1993 c. 42, **s. 16(8)** (with s. 30(1), Sch. 2 para. 9)  
 Ss. 236-238 applied (with modifications) (5.11.1993) by S.I. 1993/2733, **art. 3(4)** (with arts. 22, 23)  
 S. 238 applied (with modifications) (3.12.1993) by S.I. 1993/2974, **art. 5(2)** (with arts. 7, 9)  
 S. 238 applied (1.7.1994) by S.I. 1994/1647, **art. 6(4)**  
 S. 238 applied (21.7.1994) by 1994 c. xiii, **s. 10(1)**  
 S. 238 applied (30.8.1994) by S.I. 1994/2298, **art. 30**  
 S. 238 applied (30.10.1994) by S.I. 1994/2716, **reg. 94(1)**  
 S. 238 applied (with modifications) (1.11.1994) by S.I. 1994/2733, **art. 3(4)**  
 S. 238 applied (with modifications) (23.12.1994) by S.I. 1994/3162, **art. 16(4)**  
 S. 238 applied (8.7.1996) by S.I. 1996/1627, **art. 23(4)**  
 S. 238 applied (with modifications) (19.8.1996) by S.I. 1996/2103, **art. 3(9)**  
 S. 238 applied (20.5.1998) by S.I. 1998/1209, **art. 12(1)**  
 S. 238 applied (18.7.2000) by S.I. 2000/1884, **art. 28(1)**  
 S. 238 applied (with modifications) (1.8.2000) by S.I. 2000/2103, **art. 3(4)**  
 S. 238 applied (25.8.2000) by S.I. 2000/2152, **art. 27(4)**  
 S. 238 applied (with modifications) (4.9.2000) by S.I. 2000/2251, **art. 3(4)**  
 S. 238 applied (30.1.2001) by 2000 c. 37, **ss. 17(5), 103(2)** (with s. 43)  
 S. 238 applied by Greenham and Crookham Commons Act 2002 (c. i), **ss. 15(5), 24(1)** (with ss. 38, 39) (the amendment coming into force in accordance with s. 1(2)-(4) of the amending Act)
- C84** S. 238: certain functions transferred (7.8.1991) by S.I. 1991/1773, art. 8, **Sch. 2**  
 S. 238: certain functions transferred (10.1.1992) by S.I. 1991/2913, art. 8, **Sch. 2**
- C85** S. 238 amended (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
- C86** S. 238 applied (with modifications) (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), **art. 21(2)(f)**  
 S. 238 applied (with modifications) (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), **art. 21(2)(f)**
- C87** Ss. 236-238 applied (prosp.) by Commons Act 1899 (c. 30), s. 10 (as substituted (prosp.) by Commons Act 2006 (c. 26), **ss. 50(7), 56** (with s. 60)
- C88** S. 238 applied (with modifications) (14.9.2006) by The Borough of Poole (Poole Harbour Opening Bridges) Order 2006 (S.I. 2006/2310), **arts. 39(5)(6)(8), 46(2)** (with art. 40, Sch. 7 para. 12)
- C89** S. 238 applied (E.) (19.3.2007) by The Ouseburn Barrage Order 2007 (S.I. 2007/608), **art. 44(8)** (arts. 45-48 Sch. 6 para. 23)
- C90** S. 238 applied (with modifications) (16.5.2008) by The London Gateway Port Harbour Empowerment Order 2008 (S.I. 2008/1261), **art. 5**
- C91** S. 238 applied (30.5.2007) by The Brighton West Pier Harbour Revision Order 2007 (S.I. 2007/1423), **art. 5(3)(4)** (with arts. 6-8)
- C92** S. 238 applied (with modifications) (18.9.2009) by The Penzance Harbour Revision Order 2009 (S.I. 2009/2325), **art. 24** (with arts. 39, 40)
- C93** Ss. 236-238 applied (with modifications) (1.4.2010) by The Conservation of Habitats and Species Regulations 2010 (S.I. 2010/490), regs. 1(2), **31(2)** (with reg. 125)
- C94** S. 238 applied (10.8.2010) by The Ryde Pier Harbour Revision Order 2010 (S.I. 2010/1900), arts. 1, **3(3)** (with arts. 4-6)
- C95** S. 238 applied (1.7.2011) by The Saundersfoot Harbour Empowerment Order 2011 (S.I. 2011/1565), arts. 1(2), **30(4)**
- C96** S. 238 applied (22.5.2012) by The Bridgewater Canal (Transfer of Undertaking) Order 2012 (S.I. 2012/1266), arts. 1(1), **4(9)**
- C97** S. 238 applied (with modifications) (23.7.2012) by The Poole Harbour Revision Order 2012 (S.I. 2012/1777), arts. 1(2), **28(1)** (with arts. 58, 59)



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- C98** S. 238 applied (with modifications) (7.8.2012) by [The Ipswich Barrier Order 2012 \(S.I. 2012/1867\)](#), arts. 1, **42(7)-(9)** (with arts. 46-48, Sch. 8 para. 18)
- C99** S. 238 applied (with modifications) (7.3.2016) by [The Newhaven Harbour Revision Order 2016 \(S.I. 2016/151\)](#), arts. 1(1), **11(6)** (with arts. 29, 30)
- C100** S. 238 applied (2.1.2018) by [The Boston Barrier Order 2017 \(S.I. 2017/1329\)](#), arts. 1, **52(7)** (with arts. 55-57, Sch. 8 para. 13)
- C101** S. 238 applied (17.2.2021) by [The Weymouth Harbour Revision Order 2021 \(S.I. 2021/43\)](#), arts. 1, **20(6)** (with arts. 42, 44)
- C102** S. 238 applied (25.3.2022) by [The Bridgwater Tidal Barrier Order 2022 \(S.I. 2022/299\)](#), arts. 1, **51(6)** (with art. 55)
- C103** S. 238 applied (with modifications) (coming into force in accordance with s. 13 of the amending Act) by [Monken Hadley Common Act 2022 \(c. ii\)](#), s. **11** (with s. 8(3))
- C104** S. 238 applied (with modifications) (12.7.2023) by [The Dee Estuary Conservancy Harbour Revision \(No. 2\) Order 2023 \(S.I. 2023/690\)](#), arts. 1(1), **12(5)(c)(6)** (with arts. 40, 41, 43)
- C105** S. 238 applied (with modifications) (14.7.2023) by [The Cornwall Harbours Harbour Revision Order 2023 \(S.I. 2023/675\)](#), arts. 1(1), **30(1)** (with arts. 65, 66)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(3B) omitted by [2021 asc 1 Sch. 2 para. 1\(3\)\(c\)](#)
- s. 101(6ZA) inserted by [2023 c. 55 Sch. 12 para. 2](#)
- s. 123(2C) inserted by [2023 c. 55 s. 75](#)
- s. 131(2)(n) and word inserted by [2023 asc 3 Sch. 13 para. 16](#)