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BRISTOL WATER PLC

WATER INDUSTRY ACT 1991

APPLICATION FOR BRISTOL WATER PLC WATER PARK BYELAWS 2021

Notice is hereby given that Bristol Water plc (registered office: Bridgwater Road, Bristol, BS13 7AT) intends to apply to the Secretary of State for the Environment, Food, and Rural Affairs for confirmation of the byelaws made by the Company under section 157 of the Water Industry Act 1991 in the interests of public safety, protecting the environment, and preventing damage, misconduct, and anti-social behaviour.

A copy of these byelaws is available for inspection:

- on our website at www.bristolwater.co.uk
- at our offices at Bridgwater Road, Bristol, BS13 7AT
- by post (free of charge) on requests to Legal Department, Freepost BWATER

Comments on these draft Byelaws should be submitted by email or in writing to:
Helen Hancock, Company Secretary, Bristol Water plc, Bridgwater Road, Bristol BS13 7AT,
e-mail helen.hancock@bristolwater.co.uk

H Hancock, Director of Legal Affairs, Bristol Water plc
25 February 2021

WATER PARK BYELAWS

Bristol Water plc make the following byelaws under and by virtue of the powers and authority vested in them by Section 157 of the Water Industry Act 1991.

1. Citation

These byelaws may be cited as the Bristol Water plc Water Park Byelaws 2021.

2. Interpretation

2.1 In these byelaws:

'Bristol Water' means Bristol Water plc.

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'authorised officer' includes any police officer and any person duly authorised in writing by Bristol Water. Where these byelaws require an authorised officer to produce his authority, a police officer may satisfy the requirement by producing his warrant card.

'boat' includes any boat, vessel, raft, hovercraft, hydrofoil, windsurfer, jetski, kite surfer, paddle board and craft of any kind howsoever navigated, propelled or moved, and whether inflatable or not.

'consent of Bristol Water' means consent or other authorisation in writing (whether granted expressly for the purpose of these byelaws or not) signed by an officer or other person duly authorised by Bristol Water.

'DEFRA' means the Department for Environment, Food and Rural Affairs and is the government department responsible for environmental protection, fisheries and rural communities

'serious misconduct' means

- (a) any conduct interfering with or in the reasonable opinion of Bristol Water likely to interfere with the preservation of order in any water park;
- (b) any conduct resulting in or in the reasonable opinion of Bristol Water likely to result in damage to anything on a water park;
- (c) any behaviour interfering unduly with or in the reasonable opinion of Bristol Water likely to interfere unduly with the enjoyment of the water park by others; and
- (d) any indecent behaviour

and includes any conduct causing or likely to cause injury to persons.

'vehicle' means any cart, carriage, motorcar, motor bicycle or other wheeled vehicle, including any trailer or caravan but excluding a pedal cycle, invalid carriage, perambulator or pushchair.

'water park' means the reservoirs, lakes, ponds and enclosed waters referred to in byelaw 3 and includes the land, banks, and premises thereof which are owned or held by Bristol Water.

2.2 In these byelaws, reference to a location by way of two letters followed by a ten digit number is a reference by way of a National Grid Reference Point.



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3. Application

These byelaws shall apply to the water parks known by the names and situate on the National Grid Reference Points and in the parishes and districts respectively as follows:

Chew Valley	being a reservoir at ST 56912 59846 in the District of Bath and North East Somerset
Blagdon	being a reservoir at ST 51545 59630 in the Parish of Blagdon and in the District of North Somerset
Barrow	being three reservoirs at ST 53918 67519 in the Parish of Barrow Gurney and in the District of North Somerset
Chew Magna	being a reservoir at ST 56653 63233 in the District of Bath and North East Somerset
Litton	being two reservoirs at ST 58963 55370 in the District of Somerset
Cheddar	being a reservoir at ST 44140 53761 in the District of Sedgemoor
Cheddar Clay Pits	being a lake at ST 437529 in the District of Sedgemoor



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River Chew

being a river between the reservoirs at Litton and Chew Valley (above) at ST 57915 56265 in the District of Bath and North East Somerset

4. Public Rights of Way and Public Highways

- 4.1 Nothing in these byelaws shall restrict, prevent, or interfere with any public right of way.
- 4.2 Nothing In these byelaws shall restrict the rights enjoyed by members of the public on any public highway maintained by the local authority.

ENTRY

5. Prohibited means of entry

- 5.1 No person shall enter or leave a water park other than by access roads or other points of entry provided for that purpose.

6. Closing Gates

Where Bristol Water indicates by a notice conspicuously exhibited on or alongside any entrance gate to a water park or any gate in the water park that leaving that gate open is prohibited, no person having opened that gate or caused it to be opened, shall leave it open.

7. Unauthorised Entry

- 7.1 No person who, without the consent of Bristol Water,
 - a) is in a water park at an hour when it is closed to the public, or
 - b) is in any part of a water park to which entry to the public is prohibited, or
 - c) has entered a water park other than through a point of entry provided for that purpose,
 - d) shall remain in there for a longer time than is necessary to enable him to leave by the nearest exit after being required to do so by an authorised officer who produces his authority.
- 7.2 No person shall remain in a water park for a longer time than is necessary to enable him to leave by the nearest exit after being required to do so by an authorised

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officer who has reasonable grounds for believing that the person has committed an offence against these byelaws and who produces his authority.

- 7.3 No person shall attempt to enter a water park if entry is refused by an authorised officer by reason of serious misconduct by that person.
- 7.4 No person who has been banned by Bristol Water in writing from entering a water park by reason of serious misconduct shall enter or attempt to enter any water park for the duration of such ban without first obtaining Bristol Water's written permission.
- 7.5 An authorised officer may exclude from a water park any person convicted of a criminal offence performed in a water park.

8. Prohibited Entry and Activities

- 8.1 No person shall without the consent of Bristol Water enter or remain on any water park or any relevant part of the water park where they have been notified, whether by notice exhibited in a conspicuous position or by other means, that such entry is for the time being banned because of danger or potential danger to any person or property or because of a need to regulate sailing, boating, bathing and fishing and other forms of recreation due to a serious threat to nature conservation.
- 8.2 No person shall without the consent of Bristol Water carry on any activities in any water park or any relevant part of the water park where they have been notified, whether by notice exhibited in a conspicuous position or by other means, that such activities are for the time being banned because of danger or potential danger to any person or property or because of a need to regulate sailing, boating, bathing and fishing and other forms of recreation due to a serious threat to nature conservation.
- 8.3 The term "nature conservation" shall be defined in accordance with section 39 of the Natural Environment and Rural Communities Act 2006.
- 8.4 Any person found to be in breach of these byelaws shall leave the water park on request by an authorised officer.

VEHICLES AND PEDAL CYCLES ETC.

9. Parking of Vehicles

- 9.1 No person shall park a vehicle or cause the same to stand (whether attended or not) on any roadway or in any part of a water park which is not set aside or designated for that purpose.



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- 9.2 No person shall without the consent of Bristol Water leave any motor vehicle in any water park between sunset and sunrise.

10. Prohibition of Vehicles

No person shall take or drive a vehicle into a water park:

- a) if prohibited from doing so by an authorised officer;
- b) if a notice to that effect is exhibited at the entrance; or
- c) if a barrier is erected across the entrance.

11. Dangerous Driving, Speed Limits and Directions

- 11.1 No person shall drive or tow a vehicle in a dangerous manner, or without due care and consideration for others in a water park.
- 11.2 A person driving a vehicle or pedal cycle shall comply with all speed limit and other traffic signs and all reasonable directions given by any authorised officer who produces his authority.
- 11.3 No person shall cycle in any water park without due care and consideration for others in a water park.

12. Access

- 12.1 No person shall without the consent of Bristol Water, ride or drive a mechanically propelled vehicle in any part of a water park which is not laid out as a roadway for motor vehicles or provided for parking of vehicles.
- 12.2 No person shall cycle in any water park other than on roadways, routes or hard tracks provided.

13. Learner Drivers

- 13.1 No learner driver shall ride or drive any mechanically propelled vehicle in a water park other than for the purpose of driving under tuition to and from a designated car parking area.
- 13.2 No learner driver shall continue riding or driving any mechanically propelled vehicle in a water park after being required to stop driving by an authorised officer who produces his authority.

14. Racing etc

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No person shall, without the consent of Bristol Water use any part of a water park in connection with:

- a) any race, hill climb, rally, regatta, or other similar function or practice involving the use of any conveyance.
- b) any cycle, foot or horse race or any other competitive sport.

15. Washing Vehicles

No person shall wash any vehicle on a water park.

16. Aircraft

Save in emergency circumstances, no person shall without the consent of Bristol Water:

- a) take off or land in any aircraft, seaplane, helicopter, microlite, hanglider or balloon from or into a water park, or
- b) or descend by parachute into a water park.

BOATS AND BOATING

17. Use of Sailing of Boats etc.

17.1 No person shall, without the consent of Bristol Water, launch, use or sail any boat on any water in a water park.

17.2 No person shall use or sail any boat on any water in a water park without complying with current biosecurity requirements agreed between Bristol Water and DEFRA, having regard to any guidelines published by the GB Non-native Species Secretariat, and by notice exhibited in a conspicuous position or published by other means.

17.3 No person shall use or sail on any water in a water park any boat otherwise than in accordance with such terms and conditions as may be specified in any such consent.

18. Buoyancy & Life Jackets

18.1 No person shall without the consent of Bristol Water use or sail a boat in a water park unless the boat contains sufficient buoyancy aids or life jackets to support the number of occupants therein.

18.2 No person shall without the consent of Bristol Water use sail or be a passenger on a boat or fishing boat in a water park without wearing a life jacket or approved buoyancy aid.



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19. Overloading

No person shall use or sail any boat in a water park carrying more than the maximum number of persons recommended by the manufacturer or in a manner which causes the boat to be, in the opinion of an authorised officer of Bristol Water, overloaded

20. Person in Charge of Boat

No person shall:

- a) use or sail any hired boat without following the instructions of the owner or the person providing the boat for hire on its operation, capabilities and safety procedures;
- b) use or sail any other boat unless they are fully conversant with the craft or under the control or tuition of such a person.

21. Reasonable Consideration etc. to be Shown

No person shall use or sail any boat in a water park without reasonable consideration for other persons enjoying the amenities of the water park, or in such a manner or at such a speed as to cause annoyance, undue inconvenience or danger to any other person boating on or fishing on or in the water or on the shoreline, or as to prevent for an unreasonable time any other person on the water exercising such rights as he may be entitled to exercise.

NON BOATING SPORTS

22. Swimming etc

No person shall bathe, swim, wade, dive, paddle, ice-skate, go onto any ice or carry on any other activity involving or potentially involving contact with water in any water park except with the consent of Bristol Water.

FUEL

23. Fuel

23.1 No person shall use a mechanically powered boat in a water park unless Bristol Water has authorised the use in that water park of the fuel used by that boat.



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- 23.2 No person shall fuel or attempt to fuel any vehicle or boat in a water park other than at a designated fuelling point with containment facilities.
- 23.3 No person shall carry fuel in a water park (except in the fuel tank of a vehicle or boat) other than along authorised routes for the purpose of supplying existing fuelling facilities.

FISHING

24. Consent

- 24.1 No person shall fish in a water park without the consent of Bristol Water, and otherwise than in accordance with such terms and conditions as may be prescribed by any such consent.
- 24.2 No person shall fish in a water park without complying with current biosecurity requirements agreed between Bristol Water and DEFRA, having regard to any guidelines published by the GB Non-native Species Secretariat, and by notice exhibited in a conspicuous position or published by other means.

25. Disposal of Lines & Hooks

No person shall deposit or leave anywhere in a water park any fishing line or fishing hook likely to cause injury to any person, animal or bird.

26. Bait

Except with the consent of Bristol Water, no person shall for the purpose of taking fish throw or discharge into any water in a water park any matter edible by fish, or any live or dead bait.

27. Unauthorised Release of Fish

No person shall, without the consent of Bristol Water, introduce any fish or spawn of fish into water in a water park or have in his possession any fish or spawn of fish intending to introduce it into such water.

ANIMALS

28. Dogs

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28.1 No person in charge of a dog shall, without reasonable excuse or without the consent of Bristol Water, permit the dog:

- a) to enter or remain in a water park unless the dog is held on a lead and is restrained from behaviour giving reasonable grounds for annoyance;
- b) to worry or disturb any bird or animal whilst in the water park; or
- c) to enter any water in a water park.
- d) to enter any part of the water park that is designated and signposted as 'No Dogs Allowed' unless the dog is a guide or assistance dog and the keeper has the consent of an authorised officer

28.2 For the purposes of the byelaw, the keeper of the dog shall be deemed in charge of the dog, unless the dog has been placed in or taken into the charge of some other person at the time of offence under this byelaw has been committed.

28.3 In paragraph (2) above, the 'keeper' shall include the person who brings the dog into the water park.

29. Animals to be Controlled

No person shall cause or permit any animal in his charge to enter or remain in a water park unless such animal is under proper control and is effectively restrained from causing annoyance to any person, or from worrying or disturbing any other animal or waterfowl or from entering the water.

30. Animals not to Graze

Except in pursuance of a lawful agreement with Bristol Water or otherwise in exercise of any lawful rights or privileges, no person shall turn out or permit to remain in a water park any cattle, sheep, or other animal.

31. Horse Riding

31.1 No person shall ride on horseback in any part of a water park which is not designated as a path or place for horse riding and the way marked as such.

31.2 No person shall ride on horseback in a water park in a reckless or dangerous manner which could impair the safety of the public.

32. Abandoning Living Creatures Etc.

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No person shall, without the consent of Bristol Water, deposit, release or allow to remain on or into a water park any living creature or vegetation with the intention of abandoning the same.

STRUCTURES

33. Posts and Fences Tents Booths & Camping

33.1 No person shall, without the consent of Bristol Water, pitch, erect or permit to remain in a water park any caravan, tent, booth, windbreak, pole, clothes line, building, shed, post, fence, railing or other erection or construction whatsoever.

33.2 No person shall, without the consent of Bristol Water and whether in a tent or vehicle or not, camp or sleep out in any part of a water park.

34. Removal of Structures

No person shall without the consent of Bristol Water, remove or displace any sign, barrier, railing, post or seat, or any part of any erection or structure, any boat or any life saving equipment, any stone revetment or any machine or implement used in the laying out or maintenance of a water park.

ENVIRONMENT

35. Pollution and Litter

Without prejudice to the provisions of the Environmental Protection Act 1990 and the Water Resources Act 1991, no person shall: -

- a) cause or permit any poisonous, noxious or polluting matter to enter in or upon any water park;
- b) leave on any part of any water park any litter or waste of any nature with intent to abandon it, provided that this byelaw shall not apply to leaving rubbish in receptacles specifically provided for it nor to the tipping or depositing of materials approved by Bristol Water in the course of operations and in places which Bristol Water has authorised.

36. Flora & Fauna

36.1 No person shall, without the consent of Bristol Water take, wilfully disturb, injure or destroy any living creature or the eggs of any living creature, or use any net, snare,



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instrument, lamp, lure or other means for the taking or destruction of any such living creature or its eggs.

36.2 No person shall, without the consent of Bristol Water wilfully remove any tree, shrub, plant, or other vegetation, whether living or dead.

36.3 No person shall plant any trees, shrub, plant or other vegetation without the consent of Bristol Water.

37. Nature Reserves

No person shall, without the consent of Bristol Water enter any part of a water park which is for the time being designated and signposted as a Nature Reserve, except by way of permissive paths.

BEHAVIOUR

38. Safety

No person shall take part in any activity in a water park without taking all reasonable precautions for the safety of themselves and others.

39. Nuisance and Harassment

39.1 No person shall intentionally disturb or interrupt or annoy any other person in the proper enjoyment of a water park, or engage in any game, sport or other activity which may endanger such person.

39.2 No person shall intentionally obstruct or disturb any authorised officer in the proper execution of his duties

40. Noise

No person shall in a water park use offensive language or make or permit to be made any noise to the reasonable annoyance of other persons.

41. Radios etc.

41.1 No person shall, without the consent of Bristol Water, operate or cause or permit to be operated any radio or television receiver, record, compact disc, mp3, mini disc or cassette player, or tape recorder (except for making recordings), amplifier, video player, electronic game, citizens' band radio, electronic broadcasting and receiving



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equipment or other similar instruments to the reasonable annoyance of other persons.

41.2 No person shall, without the consent of Bristol Water, play or cause or permit to be played any musical instrument.

42. Roller skates, skateboards etc.

No person shall skate on rollers, skateboards, wheels or other mechanical contrivances to the danger of other persons using the water park.

43. Sledges, toboggans etc.

No person shall use a sledge, toboggan or other similar contrivance to the danger of other persons using the water park.

44. Climbing

No person shall, without the consent of Bristol Water, climb any tree, hedge, fence, structure or building except those provided and clearly signed for this purpose and then only in accordance with such terms, conditions and instructions as are displayed.

45. Fire

45.1 No person shall, without the consent of Bristol Water, light any fire or discharge any firework in a water park.

45.2 No person shall, without the consent of Bristol Water, light any barbecue in a water park except in any area designated for such use.

45.3 No person shall abandon, throw, or let fall in a water park any lighted match, lighted cigarette, or any other article containing any inflammable gas or spirit or any inflammable substance, or any bottle or broken glass so as to cause or to be likely to cause damage by fire.

46. Weapons

No person shall in a water park discharge without lawful authority any firearm or air weapon. Nothing in this byelaw shall prevent the use of a starting gun or maroon for the purposes of starting or controlling boat races or competitions.



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47. Throwing of Missiles etc

No person shall throw or discharge any missile, catapult (except any used by anglers for baiting purposes), stone or boomerang in a water park.

48. Public Gatherings

No person shall take part in any public gathering, procession or exhibition in a water park unless such public gathering procession or exhibition has been authorised in writing by Bristol Water.

49. Sale of Goods etc

- 49.1 No person shall, without the consent of Bristol Water, sell or offer or expose for sale or let to hire or offer or expose for letting to hire in a water park any commodity or article or any food or refreshment of any kind, or offer any service for reward.
- 49.2 No person shall, without the consent of Bristol Water, distribute any handbill, advertisement, or any other paper at the water park.
- 49.3 No person shall, without the consent of Bristol Water, affix any bill, placard, advertisement, or notice to or upon any tree, or any other natural thing, or to or upon any part of any building, seat, or other structure at the water park.

50. State of intoxication

No person shall enter or remain in any water park whilst creating a nuisance due to being in a state of intoxication or under the influence of drugs.

51. Begging etc.

No person shall beg for or solicit money on any water park.

52. Interference with Bristol Water property

No person shall without the consent of Bristol Water climb onto or gain access to or otherwise obstruct, damage or tamper with any dam, building, structure, revetment, drain, watercourse, valve, sluice, pump, gate, plant (whether fixed or mobile), cables, power pylons and lines, machinery or other equipment or apparatus on any water park.



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53. Flow of Drains and Watercourses

No person shall without the consent of Bristol Water obstruct the flow of any drain or watercourse, or move, work or operate any valve, sluice, gate, plant (whether mobile or fixed), or machinery or similar apparatus in any water park.

54. Washing

No person shall wash except in a designated area any person, animal, plant/vegetable matter or other thing in a water park.

55. Model Aircraft etc

No person shall, without the consent of Bristol Water, launch or use any mechanical or battery powered model aircraft, drone, remotely piloted aircraft, glider, model vehicle or model boat in a water park.

56. Metal Detectors

No person shall, without the consent of Bristol Water, carry or use a metal detector in a water park.

57. Memorials

No person shall, without the permission of Bristol Water, erect or place any memorials including but not limited to benches, statues, trees, or flowers.

ADMINISTRATION PENALTIES AND DEFENCES

58. Unauthorised Assumption of Powers

No person shall purport to exercise any powers of Bristol Water or of an authorised officer in relation to a water park unless a police officer or authorised to do so by Bristol Water.

59. Obstruction

No person shall intentionally obstruct, disturb or interrupt any authorised officer in the proper execution of his duty.



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60. Consents to be Produced

Any person doing an act which if done without the consent of Bristol Water would constitute an offence under these byelaws shall, if so required by an authorised officer on production of evidence of his authority, produce to such officer evidence of such consent, or, if he is unable to do so to give such officer his name and address.

61. Removal of Notices

The unauthorised removal of any notice referred to in these byelaws shall not invalidate any prohibition imposed by such notice.

62. Activities authorised by lease etc.

Nothing in these byelaws shall restrict, prevent or interfere with any activity carried out (a) by Bristol Water or (b) by a third party or parties acting under and in accordance with a contract, lease, licence or other written agreement granted by Bristol Water except to the extent (if at all) that a contrary intention is expressed in any such document.

63. Savings for Fire Authorities and Other Emergency Services

Nothing in these byelaws shall restrict, prevent, interfere with or prejudice the due and proper exercise of any statutory rights or powers which are now or hereafter may be vested in or exercised by any fire authority or other emergency service.

64. Penalties and Defences

64.1 Any person who contravenes any of the foregoing byelaws shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding the following levels in respect of each offence

- a) in the case of byelaws 8, 11, 21, 36, 46, 53, 57, and 58 not exceeding level 3 in respect of each offence; and
- b) in the case of other byelaw, not exceeding level 2 in respect of each offence

64.2 In any proceedings for an offence under these byelaws, it shall be a defence for the person charged to prove;

- a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence, or
- b) that he has a reasonable excuse for his act or his failure to act.



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The foregoing byelaws are hereby confirmed by the Secretary of State for Environment, Food, and Rural Affairs in accordance with Schedule 10 to the Water Industry Act 1991 and shall come into force on

Signed by

On behalf of the Secretary of State for Environment, Food,, and Rural Affairs.

Date