

Beaches - Creating

A British Naturism Briefing Paper - Malcolm Boura - April 2007

Creating a clothes optional beach is trivial because suitable beaches are clothes optional anyway. All that is required to designate a beach as naturist is a statement by the owner or controller of the beach that they have no objection.

There is a growing feeling amongst naturists that designated beaches are unjustifiable ghettos. However there is also a strong body of opinion that naturist beaches are desirable or a necessary evil. The reassurance that they provide is particularly valuable for those who require CRB checks for their careers, for example teachers, police officers, doctors, nurses and numerous others.

The law in this document is mainly that of England and Wales. In Scotland the law is apparently similar but the police and courts have taken a much more repressive view of what is reasonable.

In England and Wales public place nudity as such is not an offence. Instead it is regulated using s.5 Public Order Act 1986 which is both complex and vague. In the high street nudity is probably an offence but on the more remote and less well used beaches it is only an offence in exceptional circumstances¹. In both cases it is easy to devise scenarios that illustrate the point. We have corresponded with the Department for Community and Local Government at some length on the subject of byelaws. In the unlikely event that any are relevant then they are probably invalid and revoking byelaws is not difficult.

Footpaths through or overlooking the proposed area are not an overriding consideration. Many long established traditional or designated naturist beaches have footpaths² or even a road³ either through them or nearby.

Contrary to popular belief there is no right to use a beach although legislation to remedy that is planned. In theory the owner or controller of a beach could just close it. In practice the owner is usually The Crown and control and management is usually delegated to the district council so they are constrained by public opinion, various duties and the Human Rights Act.

Clothes optional⁴ beaches do not require

creating. There is no legal procedure because there is no offence of nudity. The so called "official" beaches have come into existence by the owner or controller stating that they have no objection to nude use. There is not even a requirement for signs but they are desirable. Objections to recent designations have been surprisingly few and opinion polls show that they come from a tiny minority of people. When Dyffryn Ardudwy was designated there were a handful of letters to the press or quotes in newspaper articles and most of those were clearly founded on a lack of understanding of what naturism is and of who naturists are. The only objections to the designation of Petitor concerned parking. Education through suitable press releases, notices, websites and meetings can do a lot to assuage fears.

British Naturism has received a number of complaints from disabled naturists that they are being discriminated against and undoubtedly there is a tendency for naturist beaches to be the most remote and consequently least accessible beaches. Remoteness can also be a problem for families, especially families with young children. Difficult access can affect the social balance of a beach.

Suggested wording and designs for signs and information boards and recommendations for placement are being developed. It is easy to upset both the more extreme naturists and the more extreme textiles so the design requires careful thought.

1 *"In our view, it is neither appropriate nor desirable to criminalise legitimate activities, such as naturism. We therefore welcome the removal of the 'recklessness' element from the offence of exposure"*. Home Affairs Committee Report, Sexual Offences Bill.

2 Examples: Studland, Holkham, Corton, Perran.

3 Examples: Brighton, Cleats Shore.

4 There are no beaches in the UK where swim suits are banned so there are no naturist beaches.