MIDDLE LEVEL BILL

HOUSE OF LORDS
OPPOSED BILL COMMITTEE

PROMOTER’S BUNDLE
# MIDDLE LEVEL BILL

**HOUSE OF LORDS**  
**OPPOSED BILL COMMITTEE**  
**PROMOTER’S BUNDLE**

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HOUSE OF LORDS
SESSION 2017 – 2019

MIDDLE LEVEL BILL

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HOUSE OF LORDS
OPPOSED BILL COMMITTEE

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Middle Level Bill

EXPLANATORY MEMORANDUM

This Bill is promoted by the Middle Level Commissioners (“the Commissioners”), who are responsible for both flood risk management and the regulation of navigation in the Middle Level of the Fens. The purpose of the Bill is to amend and update the Commissioners’ powers to regulate navigation on the Middle Level.

In particular, the Bill would allow the Commissioners to levy charges in respect of vessels using the Middle Level waterways, and give them powers to introduce a registration scheme for vessels using the waterways. Similar powers are exercised by the Environment Agency, Canal & River Trust and the Broads Authority in respect of their own navigations.

The Middle Level is the central and largest section of the Great Level of the Fens, which was reclaimed by drainage in the mid-17th Century. The Middle Level covers parts of the City of Peterborough, the districts of Fenland and Huntingdonshire in Cambridgeshire, and the borough of King’s Lynn and West Norfolk in Norfolk. It is bounded by the river Nene to the northwest, the river Great Ouse to the east, and by low hills to the south and west.

Virtually all of the fen land within the Middle Level lies below mean sea level, and relies on a complex flood protection and water level management system to alleviate the risk of flooding. This is carried out by the Commissioners, who manage a system of natural and artificial watercourses, extending for over 190 kilometres (120 miles), with a catchment of just over 70,000 hectares (170,000 acres). But for the operation of the Commissioners and the local internal drainage boards, much of this fen land would be under water, jeopardising the safety and prosperity of over 100,000 people who live and work in the area.

Over 160 kilometres (100 miles) of the watercourses managed by the Commissioners are waterways subject to a statutory right of navigation. The Commissioners are the navigation authority for these waterways, under a range of local Acts passed between 1663 and 1874. This makes them the fourth largest inland navigation authority in the country by length of navigable waterway. A map showing the Middle Level’s waterways may be found on the Commissioners’ website at: http://middlelevel.gov.uk/map.aspx.

The Commissioners themselves are a statutory corporation established by an Act of 1810 as a drainage body. They were reconstituted as both a drainage and navigation authority by the Middle Level Act 1862.

The existing legal framework which governs the Commissioners’ navigation function is now considerably out of date and does not align with either modern requirements or the statutory framework applicable to other navigation authorities, including in particular, the Commissioners’ neighbouring navigation authority, the Environment Agency, which is responsible for navigation on the river Nene and the river Great Ouse.
The Commissioners have been considering updating their powers since the early 2000s, and have consulted interested parties, the substantial majority of which were in favour of the proposed changes. The Commissioners have also explored with the Department for Environment, Food and Rural Affairs (“Defra”) (which has responsibility for inland waterways) whether it would be possible to achieve the aims of this Bill by means of an order under the Transport and Works Act 1992. Defra’s view is that it would not, and an Act of Parliament would be a more appropriate route.

PART 1
PRELIMINARY

Clause 1 gives the Bill’s short title, and provides for it to come into force 28 days after Royal Assent.

Clause 2 defines certain expressions used in the Bill. Among other things, this clause defines “the waterways” for which the Commissioners are the navigation authority, namely those set out in Schedule 1, together with adjoining water control structures, and any water course in the Middle Level, or any lake, pit, pond, marina or other substantially enclosed waters, adjacent to those waterways and from which any vessel may be navigated into the waterways, apart from those which are only used by the landowner.

PART 2
REGULATION OF NAVIGATION

Clause 3 requires the Commissioners to establish a Navigation Advisory Committee, made up of representatives of different interest groups on the waterways. The Commissioners must consult the committee before fixing any charges, providing facilities or making byelaws.

Clause 4 provides that the Commissioners may fix and recover charges for the use of any waterway by a vessel or for the provision of services and facilities in respect of the waterways and banks. It also enables the Commissioners to charge for the registration of vessels if a registration scheme has been introduced in byelaws made under clauses 10 and 11.

This will enable the Commissioners to receive a navigation income that can be used to fund navigation on the waterways and their maintenance. At present, the Commissioners have no direct source of income for their navigation function, which is effectively subsidised by their funds held for flood risk management purposes.

The Commissioners will be required to publish details of the charges fixed under this clause, in the same way that they publish details of the drainage rates that they levy. The level of charges may not exceed their expenditure on navigation matters.

Clause 5 provides that the Commissioners may enter into arrangements with other authorities who may require registration of vessels navigating on waterways. This would enable reciprocal arrangements with the Environment Agency, to reduce costs and ensure the recognition of each other’s licences and registration. This will also help vessels to move more easily through the different waterways in this area.
Clause 6 provides that the Commissioners may temporarily close, restrict or regulate the use of a waterway or water control structure for specified purposes. It is otherwise an offence to temporarily close waterways and interfere with public right of navigation.

Subsection (1)(a) enables the Commissioners to carry out essential maintenance of the waterways and undertake improvements to them in order to enhance navigation in the waterways. Subsection (1)(b) enables waterways to be closed for short periods for recreational purposes, and subsection (1)(c) allows the Commissioners to close the waterway known as Well Creek between 1 December and 1 March, to enable the traditional Fenland pursuit of ice skating to take place, if the weather permits it.

Subsections (2) and (3) impose restrictions on the Commissioners’ ability to exercise the power to temporarily close the waterways for example when such closure may take place, the specific lengths of time for any such closure and the frequency of any such closures or restrictions.

Clause 7 similarly provides that the Commissioners may direct that Stanground Lock, Salters Lode Lock or both to be closed to navigation on Christmas Day, at night or on any one day each week (not Saturday or Sunday) between 1 October and 31 March. This allows lock keepers a day off each week during low season, and has been agreed with boaters.

Clause 8 provides that where any building or structure on, under or over a waterway is considered to be in such disrepair that it is or is in imminent danger of causing an obstruction the Commissioners may serve notice on the owner of the building or structure to carry out the works specified in the notice within such reasonable time as is specified in the notice. Under subsection (3), if the owners do not do so, the Commissioners can carry out the works themselves and recover the expenses incurred.

If the owners do not agree that the works are necessary, subsection (4) enables them to serve a counter notice within 14 days objecting to the works. In these circumstances, the notice is suspended, and subsection (5) provides for arbitration if the owner and the Commissioners cannot agree on the need for the works.

This clause ensures the Commissioners have power to keep the waterways open to vessels and their safe navigation without interference or harm.

Clause 9 deals with stranded, grounded and sunken vessels and vehicles, causing an obstruction to the waterways. Because of the narrowness of the waterways, if a vessel or vehicle sinks, it is imperative for it to be removed immediately. Subsection (1) therefore imposes a duty on the owner of the vessel or vehicle to remove it as soon as may be, and provides the Commissioners with a power to remove the vessel or vehicle in default.

Stranded or abandoned vehicles and vessels, or vessels that are left or moored without lawful authority, are more likely to be left at the side of the waterway. Subsections (2) and (3) therefore gives the Commissioners powers to serve a notice requiring removal, and giving the owner 14 days (if stranded or abandoned) or 28 days (if lost or moored) in which to comply. If the vehicle or vessel is not removed by the owner, the Commissioners may remove it, and if they do so subsection (5) permits them to recover their expenses from the owner of the vessel or vehicle for removing or storing such vessel, vehicle or its contents. Subsection (9) defines what "without lawful authority" means in this context.
Under subsection (6) any vessel, vehicle or their contents removed by the Commissioners will, following 6 weeks of its removal, vest in the Commissioners if no owner comes forward. However, under subsection (7), if within 6 months of its removal an owner does subsequently come forward then the owner is entitled to reclaim the vessel, vehicle or its contents, or, if sold, the proceeds of sale, less any expenses incurred by the Commissioners.

Clause 10 updates the Commissioners’ powers to make byelaws regulating navigation. They already have powers under section 51 of the Middle Level Act 1874, but these do not cover the full range of activities that take place in and around the waterways. The power is needed to enable the Commissioners effectively to regulate and manage the use of the waterways for the safety of all those using the waterways and their banks. For example byelaws would enable the Commissioners to impose standards for the construction, equipment and condition of vessels, to impose navigation rules, and to require vessels using the waterways to be insured. Schedule 2 sets out the insurance standards that can be required by byelaws.

Subsection (6) enables any byelaws made under this provision to make it an offence for any person to contravene or fail to comply with a byelaw to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Subsection (9) applies the confirmation procedure set out in section 236 of the Local Government Act 1972 to byelaws made under this clause or under section 51 of the Middle Level Act 1874, and provides that new byelaws do not have effect until confirmed by the Secretary of State.

PART 3

REGISTRATION

Clause 11 enables the Commissioners to use their byelaw-making power under clause 10 to introduce a registration scheme for vessels on the waterways, in line with other navigation authorities. As there is a public right of navigation, statutory authority is needed to limit it in this way.

If a registration scheme is in place, then clause 10(6) would make it an offence to navigate the waterways in an unregistered vessel.

In addition, subsection (2) would require the Commissioners to keep and maintain the register. The registration byelaws can set different requirements for different types of vessels, and in particular may require a registration plate to be displayed on the registered vessel. The registration byelaws may also require vessels to be insured in accordance with Schedule 2, and require an application to contain the information described in Schedule 3. Under subsection (4) the Commissioners may impose an application fee for processing an application.

If a valid application for registration is submitted, then subsection (5) requires the Commissioners to approve it, unless they are not satisfied that the requirements of the registration byelaws have been met, or they have previously revoked the registration of the vessel.

Under subsection (6) the Commissioners may refuse to register a vessel or revoke its
registration on safety grounds, and under *subsection (7)* they may revoke the registration if the information supporting the registration turns out to have been incorrect, or the requirements of the byelaws are broken.

If the Commissioners are considering refusing or revoking a registration, then *subsection (8)* requires them to notify the owner or applicant, and *subsection (9)* requires them to give that person an opportunity to make submissions. If there is an outstanding dispute about whether registration should be refused or revoked, this can be appealed to the Magistrates’ Court under *subsection (10)*, although *subsection (11)* provides that an appeal cannot be made if the reason for refusal or revocation was a missing insurance policy, or a breach of any required safety standards.

*Clause 12* gives the Commissioners power to share any information held by them or on their behalf with certain defined authorities, including emergency services, the local authority and navigation authorities. This provision is required to allow the Commissioners to lawfully provide and process information it receives with third parties.

**PART 4**

**MISCELLANEOUS**

*Clause 13* requires the Commissioners to have regard to the rights and interests of boat-dwellers, and the public rights of navigation, when exercising any functions under the Bill. This includes their functions of providing facilities. The Commissioners must publish a report each year, setting out how they have complied with the duty.

*Clause 14* provides that the Commissioners, in exercise of their function as navigation authority, may develop, improve, preserve or manage the waterways and banks as places for the residential use of vessels, or for recreation and leisure pursuits. This power is needed to enable these wider public benefits to be pursued even where there is no direct benefit for navigation, notwithstanding any interference with public rights of navigation.

*Clause 15* requires the Commissioners to publish a protocol setting out how they will exercise their powers under the Bill to remove vessels. Among other things this will require them to remove a vessel only as a last resort. The Navigation Advisory Committee established under *clause 3* must be consulted before this protocol is finalised.

*Clause 16* permits the Commissioners to appoint authorised officers for the purpose of enforcing or securing compliance with the provisions of the navigation Acts and any navigation byelaws.

*Clause 17* clarifies the arrangements for the audit of the Commissioners’ accounts. At present the Commissioners are required to keep two different sets of accounts: one in respect of their navigation functions, and one in respect of their flood risk management functions. The Commissioners appoint an auditor for the navigation accounts, under the Middle Level Act 1862, and have a local auditor appointed for the drainage accounts, under the Local Audit (Smaller Authorities) Regulations 2015 and the Local Audit and Accountability Act 2014. It is presently unclear whether the same person can be appointed to carry out both audits, given the different statutory bases of the two appointments, so this provision makes it clear that they can. This is not expected to
have any impact on the auditing process, but will save the Commissioners from having to pay double fees.

Clause 18 sets out the process for serving any notices that may be required under the Bill or byelaws. It includes a requirement for the Commissioners to serve notice directly on a vessel if the Commissioners believe it is used for residential purposes.

Clause 19 amends the Middle Level Act 1874 to bring the level of fines charged in line with modern practice using the standard scale.

Clause 20 makes provision for the repeal of provisions in the old Acts regulating the Middle Level that are superseded by the provisions of this Bill, or otherwise redundant. Those provisions are set out in Schedule 4.

EUROPEAN CONVENTION ON HUMAN RIGHTS

In the view of the Middle Level Commissioners the provisions of the Middle Level Bill are compatible with the Convention rights.
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Schedule 3—Particulars for registration
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A

BILL

To amend and update the powers of the Middle Level Commissioners to regulate navigation on the Middle Level of the Fens in the city of Peterborough and the counties of Cambridgeshire and Norfolk; to make further provision as to the regulation of navigation on those waterways; to make other provision as to the Commissioners; and for connected purposes.

WHEREAS—

(1) An Act of Parliament passed in the fiftieth year of the reign of his Majesty King George the Third, entitled “An Act for improving the Drainage of certain Lands within the North and South-west Parts of the Middle Level, Part of the Great Level of the Fens commonly called Bedford Level” established a body of Commissioners (“the Middle Level Drainage Commissioners”) with power and jurisdiction to improve the drainage of the rivers, drains, lands and grounds described in that Act:

(2) The functions of the Middle Level Drainage Commissioners were amended by an Act of Parliament passed in the seventh and eighth year of the reign of Her Majesty Queen Victoria, entitled “An Act for improving the Drainage and Navigation of the Middle Level of the Fens”, and by the Middle Level Drainage Amendment Act 1848:

(3) The Middle Level Act 1862 reconstituted the Middle Level Drainage Commissioners as commissioners of drainage and navigation, to be known as the Middle Level Commissioners, and transferred to them various functions relating to navigation in the waterways of the Middle Level to the Middle Level Drainage Commissioners:
(4) Further amendments to the functions of the Middle Level Commissioners were made by the Middle Level Act 1867 and the Middle Level Act 1874:

(5) It is expedient that provision should now be made for the Middle Level Commissioners’ powers to regulate navigation to be updated:

(6) It is expedient for further powers to be conferred on the Middle Level Commissioners to regulate other activities affecting the use of the waterways for navigation:

(7) It is expedient that the Middle Level Commissioners should be empowered to levy charges in respect of vessels using the waterways:

(8) It is expedient that the Middle Level Commissioners should be empowered to make provision requiring the registration of vessels using the waterways:

(9) It is expedient that revised provision should be made in relation to the auditing of the Middle Level Commissioners’ accounts:

(10) It is expedient that the other provisions contained in this Act should be enacted:

(11) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART 1

INTRODUCTORY

1 Citation and commencement

This Act may be cited as the Middle Level Act 20[8], and comes into force at the end of 28 days beginning with the day on which it is passed.

2 Interpretation

In this Act—

“the 1810 Act” means an Act of the fiftieth year of the reign of His Majesty King George the Third, entitled “An Act for improving the Drainage of certain Lands within the North and South-west Parts of the Middle Level, Part of the Great Level of the Fens commonly called Bedford Level”;

“authorised officer” means any person authorised in writing by the Commissioners under section 16 to carry out the functions of the Commissioners in respect of navigation under the provisions of the navigation Acts;

“the Commissioners” means the Middle Level Commissioners constituted under the Middle Level Acts;

“master” means the person taking or having for the time being (whether lawfully or not) the command, charge or management of a vessel;

“the Middle Level” means the fen lands and low grounds subject to be taxed by virtue of the 1810 Act;
“the Middle Level Acts” means—
the 1810 Act;
an Act of the seventh and eighth years of the reign of Her Majesty Queen Victoria, entitled “An Act for improving the Drainage and Navigation of the Middle Level of the Fens”;
the Middle Level Drainage Amendment Act 1848;
the Middle Level Act 1862;
the Middle Level Act 1867; and
the Middle Level Act 1874;
“the navigation Acts” means the Middle Level Acts, the Nene Navigation Act 1753, the Wisbech Canal Act 1794, and this Act;
“navigation byelaws” means byelaws made under section 51 of the Middle Level Act 1874 (power to make byelaws for navigation) or under section 10 (byelaws) of this Act;
“the Nene Navigation Act” means the Act of Parliament passed in the twenty-seventh year of the reign of His Majesty King George the Second, entitled “An Act for improving and preserving the Navigation from Salter’s Load Sluice in the County of Norfolk, to Standground Sluice in the County of Huntingdon; and from Flood’s Ferry in the Isle of Ely in the County of Cambridge, to Ramsey High Load in the said County of Huntingdon; and also the Navigation from Old Bedford Sluice in the said County of Norfolk to the River Nene, in the Parish of Ramsey, in the said County of Huntingdon”;
“owner” includes—
(a) in relation to any vessel, the master or hirer of that vessel; and
(b) in relation to any building or structure—
(i) the tenant;
(ii) occupier; or
(iii) any person for the time being who, whether in that person’s own right or as agent or trustee for any other person, is entitled to receive the rack rent of the land, or who would be so entitled if the land were so let;
“personal water craft” means any water craft (not being a structure which, by reason of its concave shape, provides buoyancy for the carriage of persons or goods) propelled by a jet drive or other mechanical means of propulsion and steered either—
(a) by means of a handlebar operated linkage system (with or without a rudder at the stern);
(b) by movement of the body weight of the person or persons riding the craft; or
(c) by a combination of those methods;
“polluting matter” means sewage or any other offensive or injurious matter, whether solid or liquid;
“power-driven vessel” means any vessel propelled by machinery, including any vessel propelled by a detachable outboard engine, but does not include any vessel for the time being proceeding solely by or under sail, oar or paddle;
“use” in relation to any vessel on a waterway, includes launching the vessel onto the waterway, keeping or mooring it on the waterway, navigating it on the waterway, and letting it for hire on the waterway;
“vehicle” includes every description of vehicle, apparatus, machinery or equipment capable of being used as a means of transportation on land;

“vessel” includes every description of craft, including a personal water craft, with or without means of propulsion of any kind, used or capable of being used to carry persons, goods, plant or machinery, or of being propelled or moved, on, in, or by water;

“water control structure” means any structure or appliance for introducing water into or removing water from a waterway or for controlling, regulating or affecting the level of the water or the flow of water in, into or out of a waterway and any aqueduct;

“the waterways” means the waterways in respect of which the Commissioners are the navigation authority under the navigation Acts, including—

(a) so much of the waterways set out in column 1 of the table in Schedule 1 as lie between the points set out in column 2 of that table and the points set out in column 3 of that table;

(b) all water control structures in, on, or on the banks of, those waterways; and

(c) any watercourse in the Middle Level, or any lake, pit, pond, marina or other substantially enclosed water, adjacent to those waterways and from which any vessel may be navigated (whether or not through a lock or other similar work) into the waterways other than—

(i) any waters which are used, for mooring or navigation, only by the owner of the land upon which those waters are situated; and

(ii) any waters which are used, for mooring or navigation, only by an occupier of an adjoining residential building; and

“the Wisbech Canal Act” means the Act of Parliament passed in the thirty-fourth year of the reign of His Majesty King George the Third, entitled “An Act for making and maintaining a Navigable Canal from Wisbech River, at or near a Place called the Old Sluice, in the Town of Wisbech in the Isle of Ely and County of Cambridge, to join the River Nene in the Parish of Outwell, in the said Isle of Ely, and in the County of Norfolk, and for improving and maintaining the Navigation of the said River from Outwell Church to Salters Load Sluice”.

3 Navigation Advisory Committee

(1) The Commissioners must establish a body, to be known as the Navigation Advisory Committee (in this section referred to as “the Committee”), to advise the Commissioners on the exercise of their functions in respect of navigation under the navigation Acts.

(2) Subject to subsection (3), the Committee is to consist of persons appointed by the Commissioners who appear to the Commissioners to be (taken together) representative of—

(a) recreational motor-boating interests in the waterways;

(b) the interests of individuals who use vessels on the waterways as their sole residence (including individuals who do not own or have access to a permanent mooring); and

(c) other navigation interests in the waterways;
Middle Level Bill
Part 2 – Regulation of navigation

4 Charges

(d) other recreational users of the waterways and their banks;

(e) riparian owners in the Middle Level; and

(f) other local interests in the Middle Level.

(3) The Commissioners must, except in a case of urgency where it is not reasonably practicable to do so, consult the Committee on—

(a) proposals to provide facilities or services in respect of the waterways and their banks;

(b) proposals to impose or vary charges or fees relating to the waterways or their banks; and

(c) proposals to make navigation byelaws.

(4) In consulting the Committee pursuant to subsection (3) the Commissioners must allow a reasonable time (not being less than 28 days) for the Committee to meet and report back to them.

(5) The Committee may at any time make representations or recommendations in relation to, or refer to the Commissioners, any matter affecting the navigation or use of the waterways and their banks.

(6) The Commissioners must take into consideration any matter, recommendation or representation which may from time to time be referred or made to them by the Committee.

PART 2

REGULATION OF NAVIGATION

4 Charges

(1) The Commissioners may fix and recover reasonable charges for—

(a) the use of any waterway by any vessel;

(b) the provision of services and facilities in respect of the waterways and their banks; and

(c) the registration of any vessel under navigation byelaws.

(2) In exercising the power under subsection (1) the Commissioners must aim to secure that, taking one financial year with another, the income from charges under that subsection does not exceed the annualised costs incurred by the Commissioners in exercising their functions in respect of navigation under the navigation Acts.

(3) The Commissioners may revise, waive or remove any charge fixed under subsection (1), and different charges may be fixed for different cases or classes of case.

(4) The Commissioners may make the use of the services and facilities referred in subsection (1)(b) subject to such terms and conditions as the Commissioners may specify in writing.

(5) Within 28 days of fixing or revising charges under this section, the Commissioners must publish notice of—

(a) the amounts of the charges;

(b) the date on which they were fixed or revised; and
(c) the period in respect of which they are in force (which may not commence before the date of publication).

(6) The notice required by subsection (5) must be—
   (a) displayed at one or more convenient places on or adjacent to the waterway;
   (b) made available by the Commissioners free of charge on request; and
   (c) published in some other way.

(7) No charge shall be payable in respect of the use of a waterway by a vessel belonging to or employed in the service of any public authority or body for the purpose of the exercise of any functions conferred upon that authority or body by statute.

5 Arrangements with other authorities

(1) The Commissioners may enter into arrangements with any other authority which is authorised to require registration of vessels navigating any waterway under the jurisdiction of that authority for the purpose of co-ordinating—
   (a) the exercise of the functions conferred under this Act and under any navigation byelaws regarding the registration of vessels or the collection of charges; and
   (b) the exercise by that authority of any functions conferred on them regarding the registration of vessels or the collection of charges in respect of vessels of the same or a similar class or description.

(2) Without prejudice to the generality of the foregoing any such arrangements may provide—
   (a) for treating registration certificates issued by one of the parties to the arrangements as registration certificates issued by the other and a vessel registered by one of the parties to the arrangements as registered by the other;
   (b) for treating distinguishing marks or numbers assigned to a vessel registered by one party to the arrangements as having been assigned to that vessel by the other; and
   (c) for apportioning any charges between the parties to the arrangements.

6 Temporary closure of waterways

(1) Without prejudice to the provisions of section 7 the Commissioners may temporarily prohibit, restrict or regulate the use of a waterway for any of the following purposes—
   (a) the construction, improvement, maintenance or alteration of any waterway or water control structure or other work in, on, under, over or adjoining the waterway;
   (b) subject to subsection (2), to facilitate the holding of functions in connection with the use of the waterway as a place of recreation and for leisure pursuits;
   (c) subject to subsection (3), in the case of the waterway known as Well Creek, for the purposes of allowing ice to form and remain for the purposes of facilitating ice skating on any part of that waterway.
(2) The Commissioners may not prohibit, restrict or regulate the use of a waterway under subsection (1)(b) for more than one half-hour in any period of one hour or for more than eight periods each of one half-hour in any period of twenty-four hours.

(3) The Commissioners may only prohibit the use of Well Creek under subsection (1)(c) in the periods—
   (a) starting on 1 December and finishing on 24 December;
   (b) starting on 25 December and finishing on 1 January, but only if ice which, in the Commissioners' opinion, is of sufficient thickness to allow ice skating to take place, has already formed on the waterway; and
   (c) starting on 2 January and finishing on 1 March.

(4) Before exercising their powers under subsection (1) the Commissioners must, except in an emergency, publish a notice in one or more local newspapers circulating in the Middle Level.

(5) The notice must—
   (a) be published not less than 28 days (or, in the case of subsection (1)(c), 7 days) before the powers are to be exercised; and
   (b) state the extent to which, the period during which, and the purpose for which, the use of the waterway is to be prohibited, restricted or regulated.

(6) A copy of the notice must be conspicuously displayed—
   (a) in one or more places on or adjacent to the waterway to which it relates; and
   (b) in such other place or places as the Commissioners consider appropriate for bringing its contents to the notice of persons using the waterway.

7 Closure of locks

(1) Notwithstanding the provisions of section 5 the Commissioners may direct that Stanground Lock, Salters Lode Lock, or both of them may be closed to navigation—
   (a) on Christmas Day;
   (b) between sunset and sunrise; or
   (c) on any one day each week (not being a Saturday or a Sunday and not including Maundy Thursday, Good Friday and Easter Monday) between 1 October in one year and 31 March in the following year, as the Commissioners may determine.

(2) Without prejudice to the effect of section 67 of the Middle Level Act 1874 (penalty for unlawful passing through a sluice), a person who uses, interferes with, opens or closes any lock or its mechanism when the lock is closed to navigation under subsection (1) commits an offence, and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

8 Repairs to buildings

(1) This section applies where any building or structure in, on, under or over a waterway or its banks is, because of its state of disrepair, causing or in imminent danger of causing an obstruction to the passage of vessels on that waterway.
Where this section applies, the Commissioners may serve notice on the owner of the building or structure requiring the owner to carry out such reasonable and practicable works as are specified in the notice for the purpose of remedying or preventing the obstruction within such reasonable time as is specified in the notice.

Subject to subsection (4), if the owner does not carry out the works specified in the notice, the Commissioners may proceed to carry out those works and recover the expenses reasonably incurred in so doing from the owner as a civil debt.

Any person on whom notice is served under subsection (2) may within 14 days serve on the Commissioners a counter notice objecting to the necessity for such works.

Where a counter-notice is served under subsection (4)—
(a) the operation of the notice is suspended until—
   (i) agreement has been reached as to the necessity of the works; or
   (ii) the dispute has been determined in accordance with paragraph (b); and
(b) if that person and the Commissioners cannot reach agreement the dispute is to be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

Stranded, grounded and sunken vessels and vehicles

Whenever any vessel or vehicle is sunk in any waterway—
(a) the owner of the vessel or vehicle must as soon as may be—
   (i) raise and remove it; and
   (ii) remove any obstructions caused by the sinking and raising of the vessel or vehicle; and
(b) if the owner of the vessel or vehicle fails to comply with paragraph (a), the Commissioners may raise and remove the vessel or vehicle, and any such obstructions.

Whenever any vessel is stranded or abandoned in any waterway the Commissioners may after serving not less than 14 days' notice on the owner of the vessel, unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner, raise and remove the vessel.

Whenever any vessel is, without lawful authority, left or moored in any waterway the Commissioners may after serving not less than 28 days' notice on the owner of the vessel, unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner, raise and remove the vessel.

Subsections (2) and (3) do not require notice to be served in the case of emergency.

The Commissioners may recover from the owner of any vessel or vehicle to which subsection (1), (2) or (3) applies all expenses reasonably incurred by the Commissioners in respect of the raising, removal and storage of the vessel or vehicle or in raising, removing or storing any furniture, tackle and apparel.
from such vessel or vehicle or any goods, chattels and effects raised or removed from the vessel or vehicle, or in removing any obstructions.

(6) If any vessel or vehicle to which subsection (1), (2) or (3) applies is not within six weeks of its removal by the Commissioners proved to the reasonable satisfaction of the Commissioners to belong to any claimant, the vessel or vehicle (together with any furniture, tackle, apparel, goods, chattels and effects) shall vest in the Commissioners.

(7) If within six months of its removal, a claim is made to the vessel or vehicle by a person who subsequently proves to the reasonable satisfaction of the Commissioners that he is the owner of such vessel or vehicle, then the Commissioners must—

(a) if the vessel or vehicle is unsold, permit the owner to retake it together with any furniture, tackle, apparel, goods, chattels and effects belonging to such vessel or vehicle upon payment of the expenses referred to in subsection (4); or

(b) if the vessel or vehicle and such furniture, tackle, apparel, goods, chattels and effects have been sold, pay to such owner the amount of the proceeds of such sale after deducting those expenses, and where the proceeds are insufficient to reimburse the Commissioners those expenses, the deficiency may be recovered by the Commissioners from that person.

(8) For the purposes of this section—

“owner” means—

(a) in relation to any vessel or vehicle aground, sunk, stranded, abandoned, left or moored as described in subsection (1), (2) or (3), the owner of the vessel or vehicle at the time of its grounding, sinking, stranding, abandonment, leaving or mooring; and

(b) in relation to a vessel any person registered or deemed to be registered with the Commissioners as the owner of the vessel under the provisions of section 5 or of any navigation byelaws is to be conclusively deemed to be the owner of such vessel or vehicle;

“vehicle” includes any part of a vehicle; and

“vessel” includes any part of a vessel.

(9) For the purposes of this section, a vessel is left or moored without lawful authority if—

(a) navigation byelaws are in force requiring the vessel to be registered, and it is unregistered;

(b) the position or mooring of the vessel constitutes a trespass; or

(c) the vessel obstructs navigation in the waterways.

10 Byelaws

(1) Without prejudice to section 51 of the Middle Level Act 1874 (power to make byelaws for navigation), but subject to the provisions of this section, the Commissioners may make byelaws in relation to the waterways and their banks for maintaining and improving those waterways and banks, for the purposes of recreation and leisure pursuits, for controlling the navigation of those waterways and regulating the conduct and activities of persons using those waterways or banks.
(2) In particular, but without prejudice to the generality of subsection (1), the Commissioners may make byelaws for the purposes of—

(a) regulating the use of the waterways by vessels, and the use of the banks of the waterways and any works, water control structures, facilities or services in or adjoining the waterways, including rules prescribing which class of vessels may enter which waterways;

(b) prescribing rules for navigation in the waterways, including rules regulating the speed of vessels and rules prescribing a minimum age for persons to be in control of or navigating a power-driven vessel;

(c) regulating the placing, maintenance and use of moorings in the waterways;

(d) prescribing standards for the construction, equipment and condition of vessels or categories of vessels using the waterway, including in particular standards for any engines, appliances (including sanitary appliances), fittings or equipment in such vessels, and authorising the Commissioners to inspect vessels to confirm compliance with those standards;

(e) prescribing additional standards to be met by commercial vessels or categories of commercial vessels;

(f) requiring vessels or categories of vessels not to be used on the waterway unless there is in force in relation to the vessel a policy of insurance complying with the requirements of Schedule 2;

(g) requiring notification to be given to the Commissioners of serious incidents involving vessels on a waterway, and—

(i) that any vessel involved in such an incident be made open for inspection by the Commissioners; and

(ii) where an incident involves a vessel slipping, parting from or losing any anchor, cable, propeller or other object, requiring the master to recover that anchor, cable, propeller or object, or providing for the Commissioners to do so, and to recover their expenses of so doing from the owner of the vessel as a civil debt;

(h) requiring vessels navigating a waterway at night or in restricted visibility to show lights;

(i) regulating the loading or unloading of vessels in a waterway;

(j) prohibiting or regulating the discharge from vessels into the waterways of any poisonous, noxious or polluting substances;

(k) prescribing the person to be deemed to be in charge of a vessel on a waterway, and providing for that person to be responsible for ensuring that the conduct of all other persons on board the vessel complies with the byelaws;

(l) regulating the erection of structures or the installation of works, apparatus, plant or equipment in, on, over, through, under or across a waterway or its banks;

(m) preventing obstructions to navigation in a waterway, requiring the cutting, pruning, lopping or topping of any tree, bush, shrub or other projection that obstructs navigation in a waterway, and providing for the Commissioners to cut, prune, lop or top any such tree, bush, shrub or other projection and recover the costs of doing so from the owner of the tree, bush, shrub or projection concerned; and

(n) preventing unauthorised entry onto water control structures;
(3) Different byelaws may be made under this section in relation to different waterways and to different classes of vessels using any such waterway and any byelaws made under this section may come into force on such different dates as the Commissioners may determine.

(4) A byelaw made by the Commissioners in exercise of the power conferred upon them by this section shall be made under the common seal of the Commissioners and may revoke or vary a byelaw made by them either pursuant to section 51 of the Middle Level Act 1874 or in the exercise of that power.

(5) No byelaw made under the provisions of this section shall render unlawful the doing on private land outside a waterway or its banks of any act by, or with the lawful authority of, the owner or occupier of that land which does not obstruct the use of a waterway, or injure or endanger any person lawfully using a waterway or its banks or enjoying its amenities.

(6) Byelaws made under this section may make it an offence for any person to contravene, or fail to comply with, the provisions of the byelaws, and for such person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) In any proceedings for such an offence it shall be a defence for the person charged to prove—

(a) that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; or

(b) that the person had a reasonable excuse for the action or failure to act.

(8) In this section “private land” means any land other than land to which the public has access (whether as of right or by express or implied permission).

(9) Byelaws made by the Commissioners under this section, or under section 51 of the Middle Level Act 1874, do not have effect until they are confirmed by the Secretary of State, and section 236 of the Local Government Act 1972 (procedure for byelaws) applies to their confirmation, as if the Commissioners were a local authority.

PART 3

REGISTRATION

11 Requirement for registration

(1) Without prejudice to section 10, byelaws under that section may also make provision for the purpose of providing for the registration of vessels on the waterways.

(2) Where such byelaws are in force, the Commissioners must set up and maintain the register of vessels.

(3) The byelaws may in particular—

(a) provide for the registration of vessels under different categories;

(b) authorise the Commissioners to impose a charge for registration of the vessel, and different charges may be imposed for different categories of vessel;
(c) make provision as to the display on registered vessels of registration plates, documents or numbers;
(d) provide for the exemption of prescribed vessels or categories of vessels from the requirement to register;
(e) prescribe the period for which any registration is to be effective;
(f) determine the procedure to be followed in registering;
(g) requiring a vessel to be constructed and equipped in accordance with specified standards;
(h) require the applicant to submit with an application, evidence of—
   (i) the particulars set out in Schedule 3; and
   (ii) such other information as the Commissioners may require; and
(i) authorise the Commissioners to impose conditions on the registration, including conditions—
   (i) requiring a policy of insurance that complies with Schedule 2 to be in force;
   (ii) limiting the use of the vessel on the waterways to specified categories;
   (iii) requiring any change in ownership of the vessel to be notified to the Commissioners;
   (iv) providing for the owner of the vessel to be deemed to remain the owner of the vessel for the purposes of enforcing any obligations that apply by virtue of the registration until that notification has been received; and
   (v) requiring any registration certificate or plate issued by the Commissioners to be surrendered at the end of the registration period.

(4) The Commissioners may require the applicant to pay a reasonable application fee for the processing of an application, and different fees may be prescribed for different cases or classes of case.

(5) Where any person tenders the appropriate fee for registering a vessel under the byelaws, the Commissioners must register the vessel in accordance with the byelaws, unless—
   (a) they are not satisfied at the time when they determine the application that any requirement imposed by or under the byelaws has been met; or
   (b) the Commissioners have previously revoked the registration of the vessel under subsection (6) or (7).

(6) Following receipt of any representation concerning a vessel (including any representation from an officer of the Commissioners), the Commissioners may refuse to register the vessel and they may revoke an existing registration of a vessel if, in their reasonable opinion and having regard to the representation, it is in the interest of safety.

(7) The Commissioners may revoke the registration of a vessel if it appears to them that—
   (a) the basis upon which the vessel was registered was or has become incorrect in any material respect; or
   (b) any requirements imposed in respect of the vessel under the byelaws have not been complied with.
(8) The Commissioners must give notice to the owner, and, if different, the person who applied for registration, of a vessel of any refusal or revocation of registration in relation to it and in doing so must give their reasons.

(9) Before refusing or revoking a registration under subsection (6) or (7) the Commissioners must provide the owner of the vessel with an opportunity to make oral or written representations.

(10) Subject to subsection (11), an owner or another person with the owner’s consent may complain to a magistrates’ court under Part 2 of the Magistrates’ Courts Act 1980 (civil jurisdiction and procedure) against the refusal or revocation of a registration under subsection (6) or (7) and, if the court decides that such refusal or revocation is unreasonable, the Commissioners must register the vessel without delay.

(11) The imposition of any requirement for insurance under the byelaws, or any question concerning the imposition of a standard or specification for a vessel under the byelaws, may not be the subject of complaint under subsection (10).

12 Provision of information

(1) This section applies to information which is held by or on behalf of the Commissioners for the purposes of this Act (including information obtained by or on behalf of the Commissioners before the coming into force of this Act).

(2) Information may be supplied to a responsible authority for the purposes of facilitating the exercise of the Commissioners’ functions under the navigation Acts or any functions of that authority.

(3) Information may be supplied to any person who can show to the satisfaction of the Commissioners reasonable cause for wanting the particulars to be made available to that person.

(4) Information obtained by virtue of this section must not be further disclosed except to a responsible authority for the purposes mentioned in subsections (2) and (3).

(5) In this section, “responsible authority” means any of the following—
   (a) the chief officer of police for any police area in which the waterways are situated;
   (b) the fire authority for any area in which the waterways are situated;
   (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 (authorities responsible for the enforcement of the relevant statutory provisions) for any area in which the waterways are situated;
   (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 for any area in which the waterways are situated;
   (e) the local authority by which statutory functions are exercisable in any area in which the waterways are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
   (f) the Environment Agency; and
(g) in relation to a vessel—
   (i) a navigation authority within the meaning of section 221(1) of the
       Water Resources Act 1991 (general interpretation); or
   (ii) the Secretary of State.

(6) In this section, “statutory function” means a function conferred by or under
     any enactment.

**PART 4**

**MISCELLANEOUS**

13 **Commissioners’ duties in relation to boat-dwellers**

(1) In the exercise of their functions under and by virtue of this Act (including the
    provision of facilities) the Commissioners must have regard to—
    (a) the interests of individuals who use vessels as their sole residence
        (including individuals who do not own or have access to a permanent
        mooring); and
    (b) the desirability of safeguarding and facilitating public rights of
        navigation.

(2) In each calendar year the Commissioners must publish a report setting out
    what they have done in the previous calendar year to satisfy the duty under
    subsection (1).

14 **Residential and recreational use of the waterways**

(1) In the exercise of their functions as navigation authority under the navigation
    Acts, the Commissioners may develop, improve, preserve and manage the
    waterways and their banks as places for the use of vessels as dwellings,
    recreation and leisure pursuits.

(2) Subsection (1) includes, but is not limited to, the power to maintain and
    improve existing works, buildings and other facilities and construct, lay out,
    equip and maintain all such further works, buildings and facilities, provide all
    such facilities, equipment and services and provide or do all such other acts or
    things as they may think necessary or expedient for that purpose.

(3) Without prejudice to the generality of subsections (1) and (2) the Commissioners
    may place, lay down, maintain and use moorings in the waterways or on their
    banks, on land owned by or leased to the Commissioners or in which they
    have a sufficient interest and on any other land with the consent of the owner
    or lessee of such land.

(4) The powers conferred upon the Commissioners by subsection (3) may be
    exercised notwithstanding interference with public rights of navigation.

15 **Protocol of removal of vessels**

(1) The Commissioners must, in consultation with the Navigation Advisory
    Committee, prepare, publish and maintain a protocol on the use of powers
    under or by virtue of this Act to remove vessels.
(2) The protocol must, in particular—
   (a) specify factors to be taken into account by the Commissioners when deciding how soon to take action after a minimum interval specified by or under this Act;
   (b) specify action to be taken by the Commissioners to ensure that removal powers are exercised only as a last resort;
   (c) include any other measures the Commissioners think appropriate to ensure that their removal powers are exercised with sensitivity;
   (d) specify action to be taken to ensure that persons acting under section 13 are aware of, and comply with, the provisions of the protocol.

16 Authorised officers

The Commissioners may appoint persons (whether employees of the Commissioners or not) to act as authorised officers for the purpose of enforcing or securing compliance with the provisions of the navigation Acts and of any navigation byelaws.

17 Audit

(1) Nothing contained in, or done under or by virtue of, the Middle Level Acts or the Local Audit and Accountability Act 2014 is to be taken to prevent the same person from being appointed—
   (a) by the Commissioners to audit the navigation account for any financial year; and
   (b) by the specified person to audit the general account for that financial year.

(2) In this section—
   “general account” means the accounts the Commissioners are required by section 30 of the Middle Level Act 1844 to produce;
   “navigation account” has the same meaning that it does in the Middle Level Act 1862; and
   “specified person” means any person specified under regulations made under section 17 of the Local Audit and Accountability 2014 (appointment of auditor by specified person) to appoint a local auditor to audit the general account of the Commissioners.

18 Notices

(1) A notice or other document required or authorised to be served for the purposes of the navigation Acts or of any navigation byelaws may be served by post.

(2) A notice or other document to be served by the Commissioners may be served by the chief executive or any other duly authorised employee of the Commissioners.

(3) Where the person on whom a notice or other document to be served is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(4) For the purposes of section 7 of the Interpretation Act 1978 (references to service
by post) as it applies for the purposes of this section, the proper address of any person in relation to the service on the person of a notice or document under subsection (1) is, if the person has given an address for service, that address, or otherwise—
   (a) in the case of service on a body corporate or its secretary or clerk, the registered or principal office of the body; and
   (b) in any other case, that person’s last known address at the time of service.

(5) Where for the purposes of the navigation Acts or the navigation byelaws, any notice or document is required to be served on a person having any interest in, or the occupier of, any premises, or the owner of any vessel, and that person’s name or address cannot after reasonable inquiry be ascertained, the notice or document may be served by—
   (a) addressing it to the person by name or by the description of “owner” or “occupier”, as the case may be, of the land or vessel (describing it); and
   (b) either leaving it in the hands of a person who is or appears to be resident or employed on that land or vessel or by leaving it conspicuously affixed to the vessel or some building or object on or near the land.

(6) When serving a notice or other document on an individual whom the Commissioners have reason to believe lives on a vessel, the Commissioners must serve by delivery to the vessel, unless—
   (a) the individual has specified some other means of service; or
   (b) the Commissioners are satisfied that it is not reasonably practicable to serve by delivery to the vessel.

(7) This section is not to be taken to exclude the employment of any method of service not expressly provided for by it.

19 Amendments of the Middle Level Act 1874

(1) The Middle Level Act 1874 is amended as follows.

(2) In section 67, substitute the words “a fine not exceeding level 3 on the standard scale” for the words “five pounds”.

(3) In section 68, substitute the words “a fine not exceeding level 3 on the standard scale” for the words “five pounds”.

20 Repeals

The enactments mentioned in the first and second columns of the table in Schedule 4 are repealed to the extent specified in the third column of that table.
### SCHEDULE 1

#### THE WATERWAYS

<table>
<thead>
<tr>
<th>(1)</th>
<th>(2)</th>
<th>(3)</th>
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</thead>
<tbody>
<tr>
<td>Name</td>
<td>From</td>
<td>To</td>
</tr>
<tr>
<td>Well Creek</td>
<td>Salters Lode Lock</td>
<td>Marmont Priory Lock</td>
</tr>
<tr>
<td>River Nene (old course) east</td>
<td>Marmont Priory Lock</td>
<td>Lodes End Lock</td>
</tr>
<tr>
<td>River Nene (old course) west</td>
<td>Lodes End Lock</td>
<td>Its confluence with Black Ham and Bevills Leam</td>
</tr>
<tr>
<td>Kings Dyke</td>
<td>Ashline Lock</td>
<td>Stanground Lock</td>
</tr>
<tr>
<td>Whittlesey Dyke</td>
<td>Its confluence with River Nene (Old Course)</td>
<td>Ashline Lock</td>
</tr>
<tr>
<td>Old Pophams Eau</td>
<td>Its confluence with Well Creek</td>
<td>Its confluence with Main Drain</td>
</tr>
<tr>
<td>New Pophams Eau</td>
<td>Its confluence with Main Drain</td>
<td>Its confluence with River Nene (old course)</td>
</tr>
<tr>
<td>Sixteen Foot Drain</td>
<td>Its confluence with Main Drain</td>
<td>Its confluence with Forty Foot Drain</td>
</tr>
<tr>
<td>Forty Foot Drain</td>
<td>Horseway Lock</td>
<td>Its confluence with River Nene (old course)</td>
</tr>
<tr>
<td>Ramsey High Lode</td>
<td>Its confluence with River Nene (old course)</td>
<td>The downstream entrance to the Ramsey tunnel at grid reference TL 2846 8565</td>
</tr>
<tr>
<td>Bevills Leam (east of pumping station)</td>
<td>Its confluence with Twenty Foot River and Whittlesey Dyke</td>
<td>Bevills Leam Pumping Station</td>
</tr>
<tr>
<td>Bevills Leam (west of pumping station)</td>
<td>Bevills Leam Pumping Station</td>
<td>Its confluence with Black Ham and River Nene (old course)</td>
</tr>
<tr>
<td>Twenty Foot River</td>
<td>Its confluence with River Nene (old course)</td>
<td>Its confluence with Whittlesey Dyke and Bevills Leam</td>
</tr>
<tr>
<td>Yaxley Lode and Black Ham</td>
<td>Its confluence with Bevills Leam and River Nene (old course)</td>
<td>Its confluence with Pigwater and Yards End Dyke</td>
</tr>
<tr>
<td>New Dyke</td>
<td>Its confluence with River Nene (old course)</td>
<td>Holme at grid reference TL 1983 8771</td>
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<tr>
<td>Monks Lode</td>
<td>Its confluence with New Dyke</td>
<td>Conington Fen Bridge.</td>
</tr>
<tr>
<td>Great Raveley</td>
<td>Its confluence with New Dyke</td>
<td>The control sluice at grid reference TL 2350 8505,</td>
</tr>
<tr>
<td>Main Drain</td>
<td>Its confluence with Sixteen Foot Drain</td>
<td>An imaginary line across the watercourse at grid reference TF 5309 0293 to the north east of Mullicourt aqueduct.</td>
</tr>
</tbody>
</table>
1 An insurance policy must be issued by an insurer authorised under the Financial Services and Markets Act 2000 to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member state of the European Union.

2 Subject to paragraph 3, the policy must insure the owner of the vessel and any other person, persons or classes of persons (if any) who is or are authorised by the owner to have control of the vessel, in respect of any liability which may be incurred by the owner or any such other person resulting from the presence of the vessel on a waterway in respect of the death of or bodily injury to any person or any damage to property.

3 The policy is not by virtue of this Act required—
   (a) to cover liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment;
   (b) to cover liability in respect of damage to the vessel to which the policy relates;
   (c) to cover liability in respect of goods carried on or in the vessel to which the policy relates, or any vessel drawn or propelled by such vessel;
   (d) to cover any liability of a person in respect of damage to property in his custody or under his control;
   (e) to cover any contractual liability; or
   (f) to provide cover in respect of any one accident for a sum in excess of such sum as may for the time being be prescribed by the Commissioners for the purposes of this paragraph.
SCHEDULE 3

PARTICULARS FOR REGISTRATION

1  The name of the vessel.
2  The name and address of the owner of the vessel.
3  The name and address of the applicant if not the owner.
4  The size and dimensions of the vessel.
5  In which of the categories, designated for the time being by the Commissioners for the purposes of registration, the vessel falls.
6  Whether the application is for renewal of a registration or for a new registration.
7  The period of registration applied for.
8  In the case of a vessel which is subject to a requirement for insurance under the byelaws, a copy of a certificate of insurance for the vessel or other evidence that there is in force a policy of insurance in relation to it.
9  In the case of a vessel which is subject to any requirement under the byelaws—
   (a) a certificate that the applicant has read the current specification applicable to the vessel under those byelaws and that the vessel complies in every respect with that specification; and
   (b) such additional information as the Commissioners may require concerning compliance with that specification.
## SCHEDULE 4

### REPEALS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title or short title</th>
<th>Extent of repeal</th>
</tr>
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<tbody>
<tr>
<td>27 Geo. 2 c.12. (1753)</td>
<td>An Act for improving and preserving the Navigation from Salter’s Load Sluice in the County of Norfolk, to Standground Sluice in the County of Huntingdon; and from Flood’s Ferry in the Isle of Ely in the County of Cambridge, to Ramsey High Load in the said County of Huntingdon; and also the Navigation from Old Bedford Sluice in the said County of Norfolk to the River Nene, in the Parish of Ramsey, in the said County of Huntingdon</td>
<td>Sections 12 to 15. Section 19.</td>
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<tr>
<td>34 Geo. 3 c.92. (1794)</td>
<td>An Act for making and maintaining a Navigable Canal from Wisbech River, at or near a Place called the Old Sluice, in the Town of Wisbech in the Isle of Ely and County of Cambridge, to join the River Nene in the Parish of Outwell, in the said Isle of Ely, and in the County of Norfolk, and for improving and maintaining the Navigation of the said River from Outwell Church to Salters Load Sluice</td>
<td>Sections 86 to 88. Sections 90 to 91.</td>
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<tr>
<td>7 &amp; 8 Vict. c.cvi. (1844)</td>
<td>An Act for improving the Drainage and Navigation of the Middle Level of the Fens</td>
<td>Sections 204 to 206. Sections 220 to 221. Sections 225 to 230. Sections 234 to 236. Section 242.</td>
</tr>
<tr>
<td>11 &amp; 12 Vict. c.civ</td>
<td>Middle Level Drainage Amendment Act 1848</td>
<td>Section 17</td>
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| 25 & 26 Vict. c.clxxxviii | Middle Level Act 1862 | In section 37, the words from “,” and shall yearly” to the end of that section. In section 38 — (a) the words from “shall yearly pay one half” to “continue and”, (b) “the residue or” and (c) “(as the case may be)”.
Section 110. |
<p>| 30 &amp; 31 Vict. c.lxv | Middle Level Act 1867 | Sections 57 and 58. Section 60. |</p>
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<td>37 &amp; 38 Vict. c.cl</td>
<td>Middle Level Act 1874</td>
<td>Section 53. In section 64— (a) in subsection (1) the words “not exceeding forty shillings for each offence”, and (b) in subsection (2), the words “not exceeding sixpence for each copy”.</td>
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BILL

To amend and update the powers of the Middle Level Commissioners to regulate navigation on the Middle Level of the Fens in the city of Peterborough and the counties of Cambridgeshire and Norfolk; to make further provision as to the regulation of navigation on those waterways; to make other provision as to the Commissioners; and for connected purposes.

Brought from the Commons on 1 March 2018

SESSION 2017–19

DAVID THOMAS
Middle Level Commissioners
Middle Level Offices
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01.03.18

57/1
MIDDLE LEVEL COMMISSIONERS

Byelaws for the Regulation Management and Improvement of the Navigable Waterways of the Middle Level and of the Navigation thereof, for the Regulation and Licensing of Vessels thereon and for other purposes

The MIDDLE LEVEL COMMISSIONERS under and by virtue of the powers and authority vested in them by the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200 and of all other powers them enabling hereby make the following Byelaws.

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Appendices

Description of Navigation Waterways

Appendix 1 Map of Navigation Waterways

Appendix 2 Schedule of Navigation Waterways
1. **Citation and Commencement**

   (i) These Byelaws are made under article 13 of the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200 and may be cited as "The Middle Level Commissioners (Navigation etc) Byelaws 200" and (subject to paragraph (ii) of this Byelaw) shall come into operation on the 1st April next after the date on which they are confirmed.

   (ii) Notwithstanding paragraph (i) of this Byelaw the following Byelaws ie Byelaws 14 and 32 shall come into operation on such date or dates as the Commissioners may direct being not earlier than three years from the date on which these Byelaws are confirmed.

   (iii) The Byelaws made by the Commissioners on the 3rd May 1875 are hereby revoked.

2. **Interpretation and Application**

   (i) In these Byelaws, unless the context or subject otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say:-

   **Definitions**

   "authorised officer" means any person authorised in writing by the Commissioners to carry out the functions of the Commissioners under the provisions of these Byelaws.

   "Commissioners" means the Middle Level Commissioners.

   "consent of the Commissioners" means the prior written consent of the Commissioners signed by the Chief Executive for the time being of the Commissioners or other duly authorised person.

   "flammable liquid" includes petroleum spirit, diesel oil, paraffin or liquified petroleum gas or any other liquid fuel contained in a bottle or other receptacle.

   "houseboat" means a vessel which is decked or otherwise structurally covered in and which is used not as a means of transport but as a place of habitation (whether by day and by night or the one or the other) or as a place for accommodating or receiving persons for the purposes of shelter, recreation, entertainment or refreshment or of witnessing regattas or other events or as club premises or as an office or as a kitchen, pantry or store place or as commercial or industrial premises.

   "liquid fuel" includes any inflammable hydrocarbon (either alone or in admixture with any other liquid) which is capable of providing the necessary motive power for a vessel and also any other liquid capable as aforesaid which, when tested in the manner set forth in Part II of the Second Schedule to the Petroleum (Consolidation) Act 1928, gives off an
inflammable vapour at a temperature of less than 201 degrees Fahrenheit (93.7 degrees Centigrade).

"local authority" includes any highway authority in which is vested any bridge over a Navigation Waterway.

"master" means the person taking or having (whether lawfully or not) for the time being the command, charge or management of a vessel.

“navigate” means direct the course of movement of.

"Navigation Lights" shall mean in respect of any vessel:

(i) a white light placed over the fore and aft centre line of the vessel, showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on either side and

(ii) on the starboard or right side, a green light showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on the starboard or right side and

(iii) on the port or left side, a red light showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on the port or left side and

(iv) on, or as nearly as practicable on, the stern, a white light showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light 67.5 degrees from right aft on each side of the vessel

and every such light as specified in (i)-(iv) above shall have an intensity sufficient to be visible at a minimum range of one half of a nautical mile.

"Navigation Waterways" means the waterways in respect of which the Commissioners are the navigation authority and which are listed in the Appendices and includes all Water Control Structures in, on or on the banks of such waterways and any lake, pit, pond, marina or other substantially enclosed water adjacent to such waterways and from which any vessel may be navigated (whether or not through a lock or other similar work) into the waterways.

"night" means the period between sunset and sunrise

"person" includes a body corporate.
"polluting matter" means sewage or any other offensive or injurious matter whether solid or liquid.

"power driven vessel" means a vessel being propelled by machinery and excludes vessels powered by sail or by oar.

"recognised competent person" means a person recognized by the Commissioners as having such practical and theoretical knowledge and actual experience of the type of vessel apparatus or equipment which he has to examine as will enable him to detect defects or weaknesses which it is the purpose of the examination to discover and to assess their importance in relation to the safety and functioning of the vessel.

"registration certificate" means a certificate of registration of a vessel issued in accordance with these Byelaws and includes the renewal of any such certificate.

"registered vessel" means a vessel registered with the Commissioners under these Byelaws or which shall be deemed to be registered with the Commissioners by virtue of arrangements made under the provisions of Article 5 (Arrangements with Other Authorities) of the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200 and the terms "register" and "registration" shall be construed accordingly.

"restricted visibility" means any condition in which visibility is impaired by fog, mist, falling snow, heavy rainstorms, sandstorms, smoke or any other similar causes.

"sailing vessel" means a vessel under sail provided that propelling machinery, if fitted, is not being used.

"sanitary appliance" means any water closet, sea toilet, lavatory, bucket, device or apparatus for the reception of polluting matter.

"sewage" means human body waste and the waste from toilets intended to receive or treat human body waste.

"speed" means speed measured over the bed of a Navigation Waterway.

"tow" includes any vessel being propelled by another and "towed" and "towing" shall be construed accordingly.

"underway" means not at anchor, moored, made fast to the shore or aground.

"unpowered vessel" means any vessel which is not a power driven vessel.

"use" in relation to a vessel on a Navigation Waterway, includes launching a vessel onto a Navigation Waterway, keeping or
mooring a vessel on a Navigation Waterway, navigating a vessel on a Navigation Waterway and letting a vessel for hire on a Navigation Waterway.

"vehicle" means anything on wheels, runners or articulated tracks.

"vessel" includes any ship, boat, lighter, raft, float, float of timber or craft whatsoever however propelled or navigated and (without prejudice to the generality of the foregoing) includes also any amphibious craft.

"Water Control Structure" means any sluice, slacker, floodgate, lock, weir, dam, pump, pumping machinery, pipe, culvert or other structure or appliance for introducing water into or removing water from a Navigation Waterway or for controlling regulating or affecting the level of the water or the flow of water in into or out of a Navigation Waterway and any aqueduct.

and references in these Byelaws to numbered Byelaws and the Appendices are to the appropriately numbered Byelaws in and the Appendices to these Byelaws.

(ii) Subject as is in these Byelaws otherwise expressly provided these Byelaws shall apply to the Navigation Waterways.

(iii) These Byelaws shall not apply to the Commissioners or to any person authorised by them acting in the course of his duties.

3. **Person in charge of a vessel**

(i) Every vessel used on a Navigation Waterway shall be deemed to be in the charge of one person who shall be in every case the owner of such vessel or in the absence of such owner the person duly appointed or permitted by him to be in charge or the person hiring such vessel and in the absence of any such person then any person being the master of such vessel.

(ii) The Commissioners may serve on the owner of a registered vessel or of a vessel which although not registered is required to be registered under the provisions of these Byelaws a notice requiring that owner to state in writing within such period (not being less than 14 days) as may be stated in the notice, the name and address of any person (not being such owner) known to him as being the master of that vessel on a particular date or dates.

(iii) A person shall be guilty of an offence under this Byelaw if where a notice is served on him in pursuance of paragraph (ii) above he:-

a) fails without reasonable excuse to comply with the notice or

b) in pursuance of the notice makes any statement in respect of the information required which he knows to be false in a material particular or recklessly makes any statement in respect of that information which is false in a material particular.

4. **Person in charge of a Vessel to be responsible for order**
Every person for the time being in charge of a vessel on a Navigation Waterway shall be responsible for the conduct of all persons on board such vessel and upon proof that an offence under these Byelaws has been committed by any person on board such vessel on a Navigation Waterway and that the person in charge has refused to give the name and address of the offender (not being such person in charge) or by his own negligence or default has been unable to give such information the person in charge shall be guilty of an offence.

5. Registration

(i) Except as is otherwise provided in these Byelaws or by virtue of arrangements made under Article 5 (Arrangements with Other Authorities) of the Middle Level (Navigation and Miscellaneous Provisions) Order 2000 no person shall use or permit to be used a vessel on any Navigation Waterway unless it is registered with the Commissioners and the registration certificate issued in respect thereof is in force Provided that it shall not be an offence under this Byelaw for a person to carry out a testing, trial or demonstration of a vessel for which a registration certificate has not been issued if he has obtained the consent of the Commissioners for such a trial, testing or demonstration to take place.

(ii) Registration of a vessel by the Commissioners for any year ending on the 31st of March (or any part of such a year for which registration may be permitted by the Commissioners) and any renewal of the registration thereof shall be effected on payment to the Commissioners of the charges payable in respect of the vessel and the delivery to the Commissioners of such particulars relating to such vessel (including the name and address of the owner thereof and the information required to be provided by Byelaw 7(ii)) as the Commissioners may reasonably require and:--

(a) the assignment to such vessel of a registration number or the authorisation of the use thereon of a crest, badge or device (with or without such registration number).

(b) the entry in a Register to be maintained by the Commissioners for the purpose, of the particulars of the vessel, the registration number assigned thereto or the crest, badge or device authorised therefor and the name and address of the owner thereof.

(c) the granting to the owner of such vessel of a registration certificate relating thereto or to such a number of vessels as may be registered by him and bearing the registration number or numbers assigned to such vessel or vessels or describing the crest, badge or device relating thereto.

(iii) The owner of a registered vessel shall cause the registration certificate then in force to be affixed to the vessel in some prominent place and to be protected by a waterproof container and shall also cause the registration number or the crest, badge or device authorised therefor to be written or displayed on the vessel above the water line in a prominent position and it shall be of a size such that it is clearly legible at a distance of 10 metres and visible from both sides of the vessel.

(iv) The master of a vessel shall, on being so required by an authorised officer (producing evidence of his authority) then and there produce the registration certificate relating to that vessel to that officer Provided that it shall not be an offence under this paragraph of this Byelaw if within 14 days of that requirement a registration certificate in force at the
time of that requirement is produced at the office of the Commissioners. For the purposes of this paragraph of this Byelaw "produced" shall include the forwarding of the said certificate to the office of the Commissioners by post provided that the said certificate is actually received by the Commissioners within the said period of 14 days.

(v) Upon every transfer of the ownership of:

(a) a vessel registered with the Commissioners (other than a vessel that is deemed to be so registered pursuant to arrangements made under Article 5 (Arrangements with Other Authorities) of the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200, or

(b) a vessel which has not been registered but in respect of which registration is required under these Byelaws,

the person transferring the ownership of that vessel shall within 14 days thereof give notice of such transfer to the Commissioners.

(vi) The Commissioners may in their absolute discretion grant exemptions from this Byelaw in respect of any sailing or manually propelled vessel.

6. Refusal and Revocation

The Commissioners shall register or renew the registration of any vessel in respect of which an application for registration or the renewal thereof accompanied by the tender of the appropriate charges has been made provided that that vessel complies with the requirements of Byelaw 7 provided further that the Commissioners may refuse to register or renew the registration or may revoke the registration of any vessel unless that vessel complies with the requirements contained in Byelaw 7.

7. Safety Requirements

(i) Every vessel used on a Navigation Waterway shall be constructed and equipped in accordance with such reasonable specification or specifications in that behalf as may from time to time be prescribed by the Commissioners.

(ii) Upon application being made to the Commissioners for the registration of a vessel pursuant to Byelaw 5 and in respect of which class of vessel a specification under these Byelaws has been duly prescribed and is for the time being in force, the applicant shall certify that he has read the Commissioners’ current specification as to the construction and equipment of such class of vessels under these Byelaws and that the vessel complies in every respect with such specification and shall provide such information to the Commissioners in respect of the construction, equipment and compliance with the specification of that vessel as may be reasonably required by the Commissioners.

(iii) The Commissioners may at any time and from time to time for the purpose of ensuring that a vessel complies with the requirements of this Byelaw require the owner of such vessel to obtain a certificate confirming such compliance from a recognised competent person and to produce the said certificate at the office of the Commissioners within such reasonable period as may be specified by the Commissioners.
(iv) For the avoidance of doubt and without prejudice to the generality of the foregoing provisions of this Byelaw, the provisions of this Byelaw shall extend and apply to any vessel carrying fuel or fitted with cooking, heating, refrigerating or lighting appliances and to any engines used or installed (whether permanently or temporarily) on or in any vessel for the purpose of generating electricity or for any other purpose.

(v) Without prejudice to the generality of the foregoing provisions of this Byelaw the master of a vessel on a Navigation Waterway shall ensure that any flammable liquid taken on or carried on such vessel shall be loaded, stowed and used in such a manner as not to be or to be likely to become a danger to persons or property and that adequate equipment and materials for fighting fires are available at all times.

8. Inspection of Vessels

(i) The owner of any vessel used on a Navigation Waterway shall, upon being required so to do by notice served on him by the Commissioners, give to any recognised competent person reasonable facilities for the inspection of the said vessel by the recognised competent person in order that it may be ascertained whether the construction and equipment of the said vessel is in accordance with the provisions of Byelaw 7 and if upon any such inspection a vessel be found in the opinion of the recognised competent person making the inspection not to comply with the provisions of Byelaw 7 it shall be lawful for the Commissioners to cancel or suspend any registration certificate issued in respect of the said vessel or to refuse to issue a registration certificate in respect of the said vessel until such time as the said vessel be found and certified by a recognised competent person to comply with the said provisions of Byelaw 7.

(ii) On the occasion of the said inspection being made the owner of the vessel shall cause the whole installation on the vessel to be made available for inspection in working order.

9. Appeals

Any dispute arising from:

a) any refusal or revocation by the Commissioners of a registration under Byelaw 6 or

b) any cancellation or suspension of any registration certificate or refusal to issue such a certificate under Byelaw 8(i)

on the grounds that the vessel does not comply with the requirements of Byelaw 7 shall, on the application in writing to the Commissioners by the owner of the vessel, be referred for determination to an arbitrator to be agreed by the applicant and the Commissioners or in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party and the decision of such arbitrator shall be final and binding upon the parties.

10. Condition of Hired Vessels

The owner of a vessel for hire shall not allow any person to embark in the vessel for the purpose of being carried therein or using the vessel for hire unless the vessel complies with the requirements of Byelaw 7.
11. **Overloading**

The owner or master of a vessel shall not permit the loading of that vessel to exceed the loading limits (whether expressed by weight or numbers of persons) for which that vessel was designed or is constructed, taking into account any subsequent modification to that vessel, nor shall he permit that load to be distributed in or on the vessel in such a way as injuriously to affect the vessel's stability or manoeuvrability. Provided that not more that one of such owner or master shall be punished in respect of the same offence.

12. **Navigation**

(i) Subject as is otherwise in these Byelaws expressly provided no person shall use or attempt to use a vessel on a Navigation Waterway

   (a) without due care and attention or without at all times keeping a proper look out.

   (b) (without prejudice to the provisions of Byelaw 16) at such a speed or in such a manner so as to endanger the lives of or cause injury to persons or endanger the safety of or cause damage to other vessels or any moorings or to the banks of a Navigation Waterway or to other property.

   (c) without reasonable consideration for other persons exercising their rights on the Navigation Waterway or its banks or enjoying the facilities thereof or so as to cause unreasonable disturbance to any person.

   (d) contrary to any reasonable directions given by an authorised officer relating to the use of such vessel on a Navigation Waterway.

   (e) in contravention of any restriction on or prohibition or regulation of the use of a Navigation Waterway imposed under or made pursuant to these Byelaws or the Middle Level Commissioners (Navigation and Miscellaneous Provisions) Order 200.

(ii) No person shall navigate or attempt to navigate or be in charge of a vessel in the course of navigation on a Navigation Waterway while under the influence of alcohol or drugs to such an extent that his ability to have proper control of such vessel may be impaired.

(iii) (a) No person under the age of 14 years shall navigate or be in control of any power driven vessel and no person under the age of 16 years shall navigate or be in control of a vessel with an engine capacity exceeding 4hp unless in either case

   (i) such person shall at such time be kept under the proper and competent supervision of a person who is in the vessel and who has reached the age of 18 years and

   (ii) the person who is providing such supervision remains at all times close to the helm so as to be able to take the helm in the event of necessity and

   (iii) the person who is providing such supervision maintains at all times a proper navigation watch.
(b) A person providing supervision as required by this sub paragraph of this Byelaw shall be deemed to be the master of the vessel for the purposes of these Byelaws.

(c) No person shall cause or knowingly permit another person to navigate or be in control of a power driven vessel in contravention of the foregoing provisions of this part of this Byelaw.

(iv) The master of a vessel intending to navigate that vessel under or through any bridge, lock or similar structure shall take all necessary steps to ensure that his vessel can do so without damaging the bridge, lock or structure.

(v) The master of a vessel approaching or being near to a place where any works of maintenance or improvement or the construction of any new works is or are being carried out either by the Commissioners or by any other authority, body or person having power so to do, in, over, on, under or to a Navigation Waterway or its banks or any Water Control Structure shall ensure that his vessel is navigated at such speed and in such manner so as not to imperil the safety of any person or to cause any damage or injury to any plant or equipment employed in such works or to the works themselves.

(vi) The master of a vessel shall ensure that proper and effective fenders are used whenever there is a risk of the vessel striking against any other vessel or against any Water Control Structure, wall or other thing.

(vii) The master of a vessel shall ensure that any goods, apparatus or equipment on the vessel are stowed so that nothing except necessary fenders and spars projects over the sides of the vessel so as to be able to damage any other vessel or any Water Control Structure or any works, property or thing or to injure any person and are secured so that no part of them can be washed or can fall overboard.

Provided that this sub paragraph shall not apply to any vessel whilst engaged in any lawful works of maintenance or improvement or the lawful undertaking of new works in, on, over, under or to a Navigation Waterway, a structure in or over such Waterway or in or over its banks.

13. Conduct of Vessels

(i) Where two vessels are proceeding towards one another the master of each vessel shall steer his vessel to its starboard (right) side in such a manner that the vessels pass freely with the port (left) side of each vessel nearest to the port side of the other vessel.

(ii) In a narrow channel the master of the smaller of two vessels shall ensure that his vessel shall not hamper the safe passage of another vessel which, by reason of its size and draught, is confined to the centre of the navigable channel.

(iii) The master of a vessel overtaking any other vessel shall keep his vessel well clear of the vessel being overtaken.

14. Navigation at Night or in Restricted Visibility

The master of a vessel which is underway at night or in restricted visibility shall ensure that it shows either Navigation Lights or a single white light when it is in the vicinity of another moving vessel.
15. **Lights not to Endanger Navigation**

No person shall knowingly or recklessly place or use on or near a Navigation Waterway or on or near its banks any light which is likely to mislead persons navigating that Waterway or to endanger the safe navigation of vessels on that Waterway.

16. **Speed Limits**

(i) Except when it is necessary for safe navigation in an emergency no person shall navigate a vessel over the Navigation Waterways, or such parts thereof as are specified in the following table, at a speed exceeding 4 nautical miles per hour or over any Navigation Waterway or part thereof not so specified in the said table, at a speed exceeding 5 nautical miles per hour.

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<th>Table</th>
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<tbody>
<tr>
<td>Navigation Waterway or parts thereof</td>
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<tr>
<td>a) Kings Dyke - between Stanground Lock and Ashline Lock</td>
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<tr>
<td>b) Whittlesey Dyke - between Ashline Lock and Turningtree Bridge</td>
</tr>
<tr>
<td>c) Well Creek - between Marmont Priory Lock and Salters Lode Lock</td>
</tr>
<tr>
<td>d) Old River Nene (March Town) between grid references TL45189709 (Fox Marina) and TL42689735 (March Railway Bridge)</td>
</tr>
</tbody>
</table>

(ii) It shall not be an offence under paragraph (i) of this Byelaw for a vessel to exceed such speed limits if, and to the extent that it is taking part in any regatta, training, demonstration, test or other similar event in respect of which there is in force in relation either to that particular vessel or to vessels generally taking part in the event a special permit in writing from the Commissioners authorising a higher speed provided that the speed so specified in that permit is not exceeded nor shall it be an offence for a vessel in use for Byelaw or law enforcement purposes to exceed such limits.

17. **Vessels and Apparatus affecting the safety of Navigation or Amenity**

No person shall, on any Navigation Waterway, use

(i) any water skis, jet skis or any like equipment or apparatus or

(ii) any vessel which in the reasonable opinion of the Commissioners injuriously affects the safety of navigation or the amenity of any Navigation Waterway.

18. **Erection of Structures etc**

(i) No person without the consent of the Commissioners shall, in any Navigation Waterway or on or through any bank of such Waterway, construct or provide any berth, landing stage, gangway, mooring post or any other erections or installations for any vessel provided that this Byelaw shall not prevent the construction or provision of such structures in any boat yard or marina so long as the construction or provision of such works does not obstruct the navigation of a Navigation Waterway.
(ii) Without prejudice to the provisions of paragraph (i) of this Byelaw, no person shall, without the consent of the Commissioners, lay down, erect or maintain or knowingly cause to be laid down, erected or maintained any wire, rope, cable, chain, work or structure in, over, under or across a Navigation Waterway provided that this Byelaw shall not restrict, prevent, interfere with or prejudice the exercise of any existing or future statutory rights or powers.

19. **Mooring - General**

(i) No person shall moor a vessel on a Navigation Waterway or to a bank of such a Waterway unless such vessel shall be properly and securely moored and shall be laid as close to and along the side or front of the mooring place as may be convenient.

(ii) No person shall put out or affix any mooring or landing plank to, for or from any vessel from or to a bank of a Navigation Waterway in such a location, manner or position as to impede or interfere with the free passage of persons or vehicles over and along the bank.

(iii) The master of a vessel shall not, without the consent of the Commissioners, moor it within 30 metres upstream or downstream of any Water Control Structure or in any lock pen provided that this paragraph of this Byelaw shall not apply to any mooring properly carried out in the course of navigation if the vessel is about to be taken through a lock.

(iv) No person without the consent of the Commissioners shall cause or knowingly permit any vessel to be beached or to lie aground upon the bank of a Navigation Waterway and to remain there unattended provided that this paragraph of this Byelaw shall not apply to a vessel which is lawfully lying at a commercial, public or private wharf.

(v) The master of a power driven vessel moored at any wharf, jetty, landing stage or mooring place on a Navigation Waterway shall ensure that its engines are not worked so as to cause injury or damage to the wharf, jetty, landing stage or mooring place or to the bank of the Navigation Waterway or to any vessel or thing whatsoever.

(vi) No person shall moor any vessel in such a location, manner or position so as unreasonably or unnecessarily to obstruct or unduly restrict the passage of other vessels in navigating a Navigation Waterway.

(vii) The master of a vessel on a Navigation Waterway shall not leave such vessel unattended or adrift so as to cause or be reasonably likely to cause any obstruction to the free passage of vessels on a Navigation Waterway.

(viii) No person shall without lawful excuse turn any vessel adrift in a Navigation Waterway or shall without such excuse cut off, loosen or in any way whatsoever interfere with any mooring or rope or fastening of any vessel.

(ix) Where any vessel, whether on a Navigation Waterway or the bank of such a Waterway, is moored, situated or lying in such a position as is likely to interfere with the exercise of any statutory function of the Commissioners in respect of Navigation the owner of such vessel shall, within seven days after receipt of notice to that effect from the Commissioners, remove the vessel for such time as the Commissioners may reasonably require for the completion of the exercise of such function and if the owner fails to do so then the Commissioners shall be entitled to remove the vessel as necessary.
20. **Interference with Vessels**

Except in an emergency, no person other than an authorised officer acting in the execution of his duty shall:

(i) operate or attempt to operate the engine or in any way meddle with the machinery of any vessel without the permission of the master of that vessel;

(ii) go aboard any vessel without the permission of the owner or master of that vessel except as shall be necessary to move or moor another vessel or gain access to another vessel.

21. **Short Stay Moorings**

(i) Subject to Byelaw 21(ii) no person, without the consent of the Commissioners, shall moor a vessel for any period or aggregate periods longer than the period or aggregate periods there specified at any mooring place on a Navigation Waterway which is provided for the use of, or is generally available to, the public and at which a notice is exhibited by the Commissioners indicating that vessels may not be moored thereat for any period or aggregate periods in excess of those specified.

(ii) It shall not be an offence under Byelaw 21(i) if a vessel uses, in an emergency, a mooring place for a period or aggregate periods longer than the maximum period or aggregate periods specified at such mooring where the Commissioners are within 24 hours of the occurrence thereof notified both of the emergency and its anticipated duration.

22. **Houseboats**

No person, without the consent of the Commissioners, shall moor a houseboat in a Navigation Waterway or to a bank of such a Waterway provided that this Byelaw shall not apply to any houseboat which is in the course of being moved from one place of lawful anchorage to another place of lawful anchorage or which is lawfully lying at a commercial public or private wharf.

23. **Locks**

(i) No person shall:

   (a) open or close or attempt to open or close the gate of any lock except by the means provided for that purpose or before the water is level on both sides of the gate.

   (b) draw or operate any sluice until the lock gates are closed.

   (c) operate or leave open any sluice so as to waste water.

   (d) operate or leave open any lock gate so as to risk causing any hazard or unreasonable hindrance to other users of a Navigation Waterway or its banks towpaths or footpaths.

   (e) operate any sluice otherwise than by means of the handle or other device normally used for that purpose.
(ii) No person shall, without having previously obtained the permission of an authorised officer or having been expressly requested by that officer to do so, use or meddle with the gear at any lock or weir or with any sluice belonging to the Commissioners.

Save that Byelaw 23(ii) shall not apply to persons directly involved in the navigation of a vessel properly operating lock gear only when passing such vessel through, by or over any lock belonging to or under the control of the Commissioners other than Salters Lode Lock and Stanground Lock.

(iii) No person shall wind or coil any rope, chain or other fastening from a vessel around or fix or fasten the same to any lock or lock gate or any other part of the lock mechanism except to the bollards or other equipment specifically provided for the purpose of bringing up and stopping vessels.

(iv) The master of a vessel passing or intending to pass through any lock upon a Navigation Waterway or any channel into or out of the same

(a) shall not cause such vessel to remain in the lock or channel any longer than is necessary for the convenient passage thereof or

(b) shall not attempt to enter any such lock unless he shall reasonably believe there to be sufficient water to float and carry such vessel through such lock.

(v) The master of a vessel approaching, entering, passing through or leaving any lock shall cause that vessel to be navigated at such speed and controlled in such manner so as at all times to prevent that vessel from obstructing or running foul of the lock or any part thereof or any other vessel approaching, entering, passing through or by or leaving that lock.

(vi) No person shall fill with or empty of water any lock for the admission of any vessel to the lock when there is another vessel approaching the lock from the opposite direction and within two hundred metres thereof and the level of water in the lock is suitable for the approaching vessel to enter the lock.

(vii) No person shall exclude from passage through any lock any vessel proceeding in the same direction as a vessel already in the lock prior to the operation of the lock providing such vessels can reasonably be accommodated at the same time within the lock.

(viii) (a) No person shall open or manipulate any liquid fuel container or tank on any vessel while such vessel is in or waiting to enter any lock on a Navigation Waterway.

(b) The master of a vessel shall ensure that no liquid fuel container or tank shall be opened or manipulated on a vessel while the same is in or waiting to enter any lock on a Navigation Waterway.

(ix) No person on board any vessel in any lock on a Navigation Waterway shall knowingly cause to be ignited any match, artificial lighter or other means of producing a flame.

24. Notice of Incidents

On the occurrence of any fire, explosion or other similar incident on board any vessel on a Navigation Waterway the master or owner of such vessel shall, unless reasonably prevented
from doing so, within twenty-four hours thereafter serve notice on the Commissioners giving all the information in his power as to the locality, date and time of the incident, the cause of the incident, the part or parts (if any) that failed and the extent of the failure and the damage (if any) to persons or property and such other particulars (if any) as the Commissioners may reasonably require; and the Commissioners may within three days after the receipt of such notice as aforesaid, if they shall deem it appropriate, inspect or cause the vessel to be inspected and for that purpose the vessel shall be preserved and kept by the owner as nearly as possible in the exact condition in which the vessel was after the completion of the fire or other incident and the master or owner shall give to the Commissioners all reasonable facilities for such inspection.

25. Towing

(i) Except in an emergency or with the consent of the Commissioners, vessels towed on a Navigation Waterway shall be placed astern or ahead of the towing vessel and not more than one vessel shall be towed at the same time.

(ii) Save as provided in paragraph (i) above the master of any vessel underway on a Navigation Waterway shall ensure that the vessel be navigated singly and separately.

26. Swimming Diving and Washing in Navigation Waterways

(i) Subject to paragraph (ii) below no person shall, save in an emergency:

(a) dive or jump into a Navigation Waterway or onto any vessel on a Navigation Waterway from any Water Control Structure or from any bridge.

(b) jump on to any vessel on a Navigation Waterway from any place in such a manner as to cause obstruction, nuisance or annoyance or the risk of injury to persons or property.

(c) bathe in a Navigation Waterway.

(d) dive into or swim or engage in any diving operations in a Navigation Waterway without the previous consent of the Commissioners.

(ii) Byelaw 26(i)(a) and (d) shall not apply to police officers acting in the course of their duties or anyone acting at the request of or assisting such officers.

27. Removal of Weed Ropes etc

No person, without the consent of the Commissioners, shall interfere with, damage, destroy or remove any weed rope, boom or similar apparatus placed by or with the authority of the Commissioners in a Navigation Waterway provided that it shall not be an offence under this Byelaw for a person to interfere with or remove such rope, boom or apparatus for the purpose of and to the extent that such interference or removal is necessary for the passage of a registered vessel thereby or thereover if the said rope, boom or apparatus is properly replaced or reinstated immediately after such passage.

28. Damage to Water Control Structures and Notices etc
No person shall, without lawful authority, while using or while in, upon or about a Navigation Waterway or its banks or any property of the Commissioners

(i) interfere with, deface, damage, destroy, disturb or remove

(a) any notice, placard or notice board provided, erected or exhibited by the Commissioners or permitted by the Commissioners to be provided, erected or exhibited on a Navigation Waterway or its banks.

(b) any life saving equipment on a Navigation Waterway or its banks (whether provided by or belonging to the Commissioners or not)

(c) any water point, sanitary or refuse disposal station, litter receptacle or other facility relating to a Navigation Waterway (whether provided by or belonging to the Commissioners or not)

(d) any fence, wall, hedge or gateway on the bank of a Navigation Waterway (whether belonging to the Commissioners or not)

(e) any flowering or other plant or any shrub, vegetation or tree.

(ii) take, destroy, search for or disturb the nest or egg of any bird or kill, injure, take, catch or trap or attempt to kill, injure, take, catch or trap any animal or bird or the young of any animal or bird.

29. **Affixing of Bills**

No person without lawful authority shall affix any bill, placard or notice to or upon any Water Control Structure.

30. **Dangerous Litter**

No person shall leave on the bank of a Navigation Waterway, otherwise than in a receptacle provided for litter, any glass, plastic material, metal, fishing line, fishing hook or other material likely to cause injury to any person, animal or bird.

31. **Detrimental substances not to be put into a Navigation Waterway**

(i) No person shall deposit, throw, discharge or put or cause or permit to be deposited, thrown, discharged or put or negligently or wilfully cause or permit to fall into any Navigation Waterway, any object or matter of any kind which might in any way cause obstruction to the navigation of that Waterway.

(ii) The master of a vessel shall not load or discharge any cargo, ballast, fuel, refuse or rubbish any part of which is liable to fall into a Navigation Waterway in the course of such loading or discharging without taking such precautions as shall effectively prevent the cargo, ballast, fuel, refuse or rubbish from falling into the Navigation Waterway and

(iii) Any person who contrary to the provisions of this Byelaw, deposits, throws, discharges or puts or causes or permits to be deposited, thrown, discharged or put or causes or permits to fall into or in a Navigation Waterway any such object or matter as is referred to in this Byelaw shall upon being required by the Commissioners by notice so to do and
so far as such removal is practicable, remove the same at his own expense within such reasonable time as may be specified in the notice; and in default thereof the Commissioners may do so and recover the expenses reasonably incurred in so doing from that person as a civil debt.

32. **Use of vessels with sanitary appliances**

   (i) Subject to the provisions of paragraph (iii) of this Byelaw no owner or master of any vessel shall use or knowingly permit to be used on a Navigation Waterway any vessel provided with a sanitary appliance of such design that polluting matter normally passes or can pass into the Waterway.

   (ii) Where any vessel is fitted with a sanitary appliance, such appliance shall be so designed, constructed and at all times maintained as necessary to prevent any such passage as aforesaid.

   (iii) (a) The master of every vessel present on a Navigation Waterway, at the date of the coming into force of this Byelaw, and of every vessel on a Navigation Waterway on or after such date, if such vessel is fitted with sanitary arrangements or appliances so designed or constructed as to permit the passage into the Waterway of polluting matter, shall without undue delay give notice to an authorised officer specifying the nature of such arrangements as aforesaid. The master shall also, upon being requested by such officer so to do, take such steps by way of sealing or otherwise as may be reasonably necessary for preventing the passage into the water of polluting matter from the vessel so long as the vessel remains on a Navigation Waterway. So long as the vessel remains on a Navigation Waterway, no interference or alteration shall be made with the sealing or other steps so taken as aforesaid except with the consent of the Commissioners and

   (b) The master of the vessel shall at the request of an authorised officer (on production of evidence of his authority) afford reasonable facilities to that officer for the inspection of such sealing and other steps.

   (iv) No person shall discharge or cause or permit to be discharged any polluting matter into a Navigation Waterway from any vessel or from any sanitary appliance used thereon.

33. **Fishing**

   No person shall fish in a lock pen or within 30 metres upstream or downstream of any lock gate on a Navigation Waterway or at any other place where fishing is for the time being prohibited by the Commissioners and so indicated by notice publicly displayed.

34. **Lighting of Fires**

   No person shall while using or while in, upon or about a Navigation Waterway or its banks or any property of the Commissioners light, maintain, throw down, place or leave any fire or any combustible, flaming, smouldering or burning substance, matter or thing in any place where the same may cause danger or damage to property of any kind or annoyance to any reasonable person.

35. **Harassment**
(i) No person shall do any act or thing so as to prevent for an unreasonable time any other person lawfully exercising his rights on a Navigation Waterway or its banks or enjoying the facilities thereof or so as to harass him.

(ii) Without prejudice to the generality of paragraph (i) of this Byelaw no person shall, while using or while in, upon or about a Navigation Waterway or its banks or any property of the Commissioners

(a) throw or propel or cause to fall any stone, missile or any other thing that may strike or fall upon any person, vessel, animal or bird on a Navigation Waterway or on its banks or on any property of the Commissioners.

(b) shoot or discharge any gun, firearm or air weapon or let off any firework or similar device on, over or in the direction of a Navigation Waterway or its banks so as to endanger or harass persons exercising their lawful rights thereon.

36. Excessive Noise etc

No person shall while using or while in, upon or about a Navigation Waterway or its banks or any property of the Commissioners:

(i) cause or permit a generator or engine or other like equipment or machinery to be operated in connection with any vessel when the same is moored

(a) between the hours of 8 pm and 8 am or

(b) at any other time so as to cause unreasonable disturbance or annoyance to other persons on or enjoying the amenities of the Navigation Waterway or

(c) at any time in the case of the operation of the engine of a vessel without ensuring that the propeller of the vessel is effectively prevented from rotating.

(ii) use or permit to be used any radio, record player, tape recorder, cassette player, compact disc player or other similar device, television receiver or musical instrument, horn, whistle or bell or any other device or thing whatsoever, resulting in the broadcasting or transmission of any noise so as to give reasonable cause for annoyance to other persons and no person aboard or getting on to or landing from any vessel shall without reasonable excuse make any noise so as to give such cause for annoyance.

37. Authorised officers

(i) An authorised officer on production of evidence of his authority may require any person on a Navigation Waterway or on a bank of such a Waterway who is doing an act which without the consent of the Commissioners is prohibited by these Byelaws to produce evidence of such consent and if the person is unable to do so then the officer may require him to furnish his name and address and it shall be an offence to fail to do so.

(ii) An authorised officer on production of evidence of his authority may require any person on a Navigation Waterway or on a bank of such a Waterway who is doing an act which is prohibited by these Byelaws to furnish his name and address and it shall be an offence to fail to do so.
38. **Consents**

(i) Where by or under these Byelaws any person is required to refrain from doing any act without the consent of the Commissioners such consent shall not be unreasonably withheld and if given may be either unconditional or subject to such reasonable conditions as the Commissioners may consider appropriate.

(ii) Where the Commissioners give their consent under these Byelaws for the doing of any act subject to any conditions a breach of the conditions shall be deemed as regards liability to a fine equivalent to the doing of the act without the required consent.

(iii) Any application made under these Byelaws for the consent of the Commissioners to the doing of any act or to any matter or thing shall be made in writing and the applicant shall furnish therewith all such plans, drawings and other relevant information in relation to such application as the Commissioners may reasonably require.

39. **Determination of Disputes**

(i) Any dispute as to whether the consent of the Commissioners under these Byelaws to the doing of any act has been unreasonably withheld or as to whether any condition subject to which such consent is granted is unreasonable shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

(ii) Where by or under these Byelaws any person is required by a notice given by the Commissioners to do any work to the satisfaction of the Commissioners or to comply with any directions of the Commissioners and any dispute subsequently arises as to whether such work has been executed or such directions have been complied with such dispute shall be referred to the arbitration of a single arbitrator to be appointed in default of agreement by the President of the Institution of Civil Engineers on the application of either party.

The Common Seal of the Middle Level Commissioners was affixed to these Byelaws in pursuance of resolution C. on the day of 200 in the presence of

Chief Executive of the Commissioners
Ms Sarah Hendry  
Director of Water and Flood Risk Management  
Department of Education, Food and Rural Affairs  
Nobel House  
17 Smith Square  
London  
SW1P 3JR

Your Ref

BIRCHAMDYSONBELL

Director of Water and Flood Risk Management  
Department of Education, Food and Rural Affairs  
Nobel House  
17 Smith Square  
London  
SW1P 3JR

Our Ref

LKS/NJE/150509.0002

Date

22 September 2016

By Email

Dear Ms Hendry

Middle Level Commissioners

We act for the Middle Level Commissioners (the ‘Commissioners’). The Commissioners, as you may already be aware, are the navigation authority for the Middle Level River System which comprises approximately 100 miles of navigable waterways in Cambridgeshire and Norfolk.

The legal framework which governs the Commissioners navigation function is made up of a number of 18th and 19th Century acts. These acts are now considerably out of date and do not align with either modern requirements or the statutory framework applicable to other navigation authorities. In particular, the current legal framework which governs the Commissioners does not include adequate provision for the registration of vessels using the waterways or the levying of charges for the use of the waterways and associated facilities. As a result, the Commissioners currently do not receive any income from navigation of the waterways. This has meant that monies raised through drainage rates and levies have had to be used to fund navigation rather than be used for flood defence purposes, contrary to current government policy. The Commissioners are therefore seeking to update and clarify their powers to enable them to properly regulate and fund their waterways.

The Commissioners originally proposed to update their governing legislation in the 2000s using a Transport and Works Act Order ('TWAO') and approached Defra to do this. However, at the time Defra considered that the introduction of the proposed registration and charging schemes to be outside the powers of the TWA and the Commissioners proposals did not proceed any further.

The Commissioners are again seeking to update their governing legislation and contacted Defra in April of this year to establish whether a TWAO could be used. Defra confirmed that its position had not changed and that a TWAO could not impose charges in navigation where the primary legislation governing it does not contain charging provisions. Defra suggested that a private bill was the “more appropriate” route to take. Defra did not elucidate further on the reasoning behind their position (please see enclosed chain of emails between Iain Smith, clerk and Chief Executive of the Commissioners and Rachel Boulderstone, Policy Advisor at Defra).
In light of Defra’s response we were instructed by the Commissioners to prepare and promote a Private Bill. As a preliminary step, we approached the Counsel for the Speaker and the Counsel for the Chairman of Committees in the Lords, to ascertain whether they had any objections to promoting a bill for these purposes. We prepared an early draft bill containing provisions along the lines of those which would be sought through a TWAO, if that was permitted. A copy of that draft bill is attached. The provisions on charging, and which we believe are the basis on which Defra considers a TWAO is not appropriate, are contained in Part 2 (which confers powers on the Commissioners to charge for and properly regulate navigation of the waterways) and Part 3 (which provides for the introduction of a system of registration for vessels using the waterways). These powers are akin to those used by the Canals & Rivers Trust, the Environment Agency and the Broads Authority, the other large inland navigation authorities.

Before a Private Bill can be promoted it is necessary to demonstrate that all other methods of obtaining the required powers have been exhausted. As such, the House authorities have asked for clarification as to why Defra holds the view that a TWAO cannot be used, before they agree to the Bill. In particular they have raised questions over why Defra consider that they cannot make a TWAO containing registration and charging provisions for the Commissioners, given the similarity between these and the equivalent provisions contained in the Environment Agency (Inland Waterways) Order 2010, which was of course also a TWAO. At present their view is that the cases are too similar for them to be able to accept that it is not possible for the Commissioners to proceed by way of TWAO.

To enable the Commissioners to proceed with the updating of their governing legislation we would therefore be grateful if you could explain in more detail to us, so that we can in turn demonstrate to the House authorities, why it is that Defra considers that a TWAO cannot be used, given the precedent of the 2010 Order in particular. Clarity over Defra’s position would put the issue of vires beyond doubt and enable the Commissioners to understand whether they should be seeking to update their powers by means of TWAO or a Private Bill. If a Private Bill is required then the Commissioners would wish to deposit it with the House on 28 November 2016. As Private Bills are only deposited once a year, missing this date would force the Commissioners to wait until November next year. As such a timely response from Defra would be gratefully received.

If you need any more information, or if it would be helpful to discuss any of the provisions of the Proposed Bill in more detail, please do not hesitate to contact me using the details below.

Yours sincerely

Nicholas Evans
Partner
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Dear Mr Evans,

Middle Level Commissioners

Thank you for your letter of 22 September to Sarah Hendry regarding the Middle Level Commissioners (MLC) and their requirement to update their governing legislation by private bill to introduce charging provisions on their navigation. I am replying as the Senior Civil Servant with responsibility for Inland Waterways.

You mention that MLC approached the Counsel for the Speaker and the Counsel for the Chairman of Committees in the Lords and that they have asked for clarification as to why a Transport and Works Act Order 1992 (TWAO) cannot be used, especially when compared with the Environment Agency (Inland Waterways) Order 2010, also a TWAO. You say that the House authorities consider the EA Order as too similar to the provisions that MLC wish to introduce, for them to be able to accept that it is not possible for MLC to proceed by way of TWAO to make the relevant changes.

The advice we gave previously remains, in that a TWAO cannot impose charges in a navigation where the primary legislation governing it does not itself contain charging provisions, as is the case with the Middle Level Navigation, and therefore MLC pursuing a Private Act is a more appropriate route to take. However, I would like to make clear that in regard to the EA Order 2010, the charging provisions contained in the Order as made were confined to the clauses where charges were provided for in the existing legislation.

I hope this provides you with the further clarification that you require.

Yours sincerely,

[Signature]

Tom Surrey
Deputy Director for Land Use

Nicholas Evans,
Bircham Dyson Bell
50 Broadway
London
SW1H OBL

07 October 2016
IWA Briefing Note
Provision of Boaters’ Facilities

This briefing note sets out The Inland Waterways Association’s views on the provision of boaters’ facilities along the waterways. Such facilities usually include water points and rubbish and sewage disposal points, but can also include toilets, showers, laundry and recycling facilities.

Introduction

Boaters staying on board their boats, whether at a mooring or navigating the system, need regular access to a number of facilities including water points and waste disposal points for general rubbish, recycling and toilet waste. Such facilities should be accessible on a suitably frequent basis, in working order, reliable and any costs should reflect the current market rate.

Navigation authorities are generally responsible for the provision of facilities. Canal & River Trust states that it provides facilities at frequent intervals (CRT 2015a) with 1000s of water points (CRT 2015b) and hundreds of water-side waste disposal facilities for rubbish (although only some have recycling facilities) (CRT 2015c). It also suggests that boaters make use of certain facilities provided at boatyards and marinas (CRT 2015a). CRT services its pumps annually, cleans sewage disposal points between one and five times a week and aims to keep bowsers (used to supply water points in more rural locations) topped up (CRT 2015b).

However, in some locations the provision of facilities does not meet demand. One example is in London. The London Assembly’s paper Moor or less Moorings on London’s waterways (Greater London Authority 2015) noted that in Central London facilities were spaced far apart and totalled five water taps, four rubbish and sewage disposal points and three pump-out facilities. The lack of facilities to cater for the demand is a problem in itself but also causes moorings close to the limited facilities to become congested. Many who contributed to the paper called for an increase in the number of facilities on Central London’s waterways and the Assembly certainly felt that to date the provision of facilities had not increased in line with the increase in boaters on London’s waterways, or in line with the opportunities provided to introduce new facilities by developments (Greater London Authority 2015, p.15).

The paper noted that the provision of more facilities would require investment, and that it was not favourable if this resulted in an increase in fees. It was suggested instead that navigation authorities take a more strategic approach to the problem looking for opportunities to work with others and find alternative funding. Additionally, it noted that increasing the accessibility of existing facilities should be investigated. For example, it should be made clear that facilities close to...
permanent moorings are for general use and ways to deal with vandalism and long response times to breakdowns should be explored (Greater London Authority 2015, p.15).

Minimum Standards

IWA believes that there should be minimum standards for the provision of boaters’ facilities across the waterways network regardless of the navigation authority or landowner. Ideally, every waterway should have:

- Facilities at regular points:
  - Water points, rubbish disposal points and sewage disposal points at intervals that can be covered preferably in five hours (navigation authorities and land owners should aim for this) and no more than ten hours typical cruising. Navigation authorities should seek to increase provision to ideally occur within every 5 hours of cruising.
  - Pump-out facilities at intervals that can be covered in no more than 10 hours cruising (including those provided at boatyards and other third party providers).

- Recycling points at the majority of rubbish disposal points, as recycling is currently seriously under-catered for and when cruising accessing recycling points away from the water is not always practical or possible.

- Facilities that are appropriate for the demand in the area:
  - Capacities of waste disposal facilities should accommodate the demand.
  - Facilities should be maintained in accordance to the level of traffic that uses them (e.g. sewage disposal points with high traffic should be cleaned more regularly than those used only occasionally).

- Facilities that are adequately protected from vandalism.

- Appropriate systems in place to deal with the breakdown of facilities in a timely fashion.

Facilities provided by navigation authorities and landowners can be supplemented by those available at boatyards and marinas. IWA considers it desirable that all existing and new marinas that cater for visiting boats should provide the following facilities for such boaters. For this, the boater would expect to pay charges reflecting a market value based on the facilities provided and the location.

- Small sites should provide rubbish disposal and a freshwater tap, along with toilet waste disposal facilities and mains electricity where practicable.

- Medium sites should provide rubbish disposal and a freshwater tap (with a reasonable flow of water), mains electricity, toilets, toilet waste disposal and pump-out, along with laundry where practicable.

- Large sites should provide, in addition to the above, disposal facilities for oily waste, fuel sales, maintenance services and a chandlery.

However, navigation authorities and landowners should not rely on these facilities to meet the desired frequency of facilities outlined above as they are not all accessible out of hours.
Where waterside developments, including marinas and housing, are proposed, the inclusion of boaters' facilities should be encouraged. Inclusion of facilities in development plans is an alternative way to produce more facilities at potentially reduced costs. CRT already encourages, or sometimes requires, developers to provide boaters' facilities as part of plans to develop CRT sites. An example is Loughborough Wharf, where a former BW yard has been developed in to student accommodation, but included boaters' facilities. Such opportunities should be explored wherever appropriate.

Boaters should be considerate in their use of all facilities in order to keep facilities in operation for other users.

The construction of new facilities should, where possible, be on mains water and sewage and not rely on bowsers or macerators.

Access
IWA believes that good access to facilities is essential and should be achieved by ensuring:

- All access points to a facilities site and the facilities themselves meet current Health & Safety legislation and the requirements of the Disability Discrimination Act 2004.
- Mooring points for boaters using the facilities are safe.
- Mooring rings or bollards are provided for vessels to use in line with best mooring practice and to limit damage to the bank. These should be placed between the bank and walking surface to avoid ropes crossing the towpath.
- Access paths to the facilities are clean, safe and well maintained.
- Vegetation is maintained around the mooring area and facilities including regular cutting of grass.

Conclusion

London is not the exception as there are a number of places across the waterways system where more boaters’ facilities are needed at more regular intervals; an example is the Grand Union Canal through Leicester where there are currently no facilities between Loughborough and Kilby Bridge.

There is certainly a need to think strategically when considering how to meet the need for more facilities so as to fund new facilities in ways that do not necessarily require fee increases. Encouraging waterside developers to include boaters' facilities in their projects is one way of doing this. Existing facilities should also be looked at to see how they could be improved to be more efficient. It may be that the introduction of new facilities to a site such as recycling or pump-out points would provide a more-rounded service that is in demand; or that the introduction of measures to reduce vandalism and decrease breakdown response times would increase the reliability and decrease the downtime of existing facilities so that demand is better met.

Further Information

Further information on topics briefly touched here can be found in the following briefing notes and policy documents:

Standards for Construction, Restoration and maintenance of Inland Waterways (https://www.waterways.org.uk/information/policy_documents/standards_for_construction)

Mooring Policy on Navigable Waterways (https://www.waterways.org.uk/information/policy_documents/mooring_policy)
References


Greater London Authority (2013). Moor or less Moorings on London’s Waterways. [Online]. Available at: https://queenelizabetholympicpark.co.uk/~/media/lldc/local%20plan/local%20plan%20examination%20documents/other%20strategy%20papers/s31%20canals%20and%20rivers%20trust%20moor%20or%20less%20moorings%20on%20londons%20waterways%202013.pdf [Accessed 17 June 2015].
A COLLECTION
OF THE
LAWS
WHICH FORM THE CONSTITUTION
OF THE
BEDFORD LEVEL CORPORATION,
WITH
SUNDARY DOCUMENTS
Ancient and Modern Drainage
OF THAT EXTENSIVE COUNTRY CALLED
THE BEDFORD LEVEL.

By SAMUEL WELLS, Esq.
REGISTER TO THE CORPORATION.

LONDON:
Published for the Author,
BY R. PHENEY, LAW-BOOKSELLER, 17, FLEET STREET.
1828.
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No. XII.

LYNN LAW.

CAROLUS, Dei Gratia, Angliæ, Scotiæ, Franciæ et Hiberniæ Rex, fidei Defensor, &c. Omnibus ad quos præsentes literæ pervenerint, Salutem.

INSPEXIMUS, Ordinationes quasdam sive decreta de Le Sewers indentat' per quosdam Commissionarios nostros, virtute Commissionis nostra nuper ordinat', inactat', stabilit' et decret' manu nostra propria signat', in Cancellar' nostra retornat' et in filaciis ibidem de Record' residen', in hæc verba.

CAROLUS Rex a cæo assenta.

At a Sessions of Sewers at King’s Lynn in the county of Norfolk, the thirteenth day of January, in the sixth year of the reign of our Gracious Sovereign Lord King Charles, over England, &c. Touching the draining of the fens and low grounds within the counties of Northampton, Norfolk, Suffolk, Lincoln, Cambridge, Huntingdon, and the Isle of Ely, within the limits of this commission, holden in the presence of the Right Honourable Francis Earl of Bedford; and before Sir Robert Heath, Knight, his Majesty’s Attorney General; Sir Miles Sandys, Knight and Baronet; Sir John Carleton, Baronet; Sir Robert Bevill, Knight of the Bath; Sir John Cutts, Sir John Peyton, Sir John Bell, Sir John
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Hare, Sir John Poley, Sir Thomas Dereham, Knights; Doctor Henry Butts, Vice-Chancellor of Cambridge; Henry Smith, Doctor of Divinity; Henry Cromwell, junior; Sinolphus Bell; John Percivall, Mayor of the town of King's Lynn; Francis Parlett, Everard Buckworth, Thomas Edwards, Edmund Skipwith, Humberstone March, Thomas Dawes, Andrew Burrell, John Oldfield, Thomas Dereham, William Leak, Gregory Gawsell, Robert Gawsell, Thomas Drury, Thomas Fincham, Thomas Cross, William Hobson, William Hayward, George Glapthorne, Esquires; and others to the number of forty and one, Commissioners of Sewers, then and there assembled by authority of his Highnesses Commission of Sewers to them and others directed, it is ordered, enacted, adjudged and decreed, as followeth:

Whereas, that great and worthy work of draining of the fens, marshes, and surrounding grounds, lying and being within the precincts and limits of the Commission of Sewers, for the counties of Northampton, Lincoln, Norfolk, Suffolk, Cambridge, Huntingdon, and the Isle of Ely, was first propounded in the time of the reign of King James of blessed memory, and in the nineteenth year of his late Majesty's reign, and at the town of Cambridge, at a general assembly of the Commissioners of Sewers there, for those counties, his then Majesty having declared by his royal letters, that he himself would undertake the said work at his own charge; for the satisfaction of his Majesty's great expences in that behalf, the quantity of one hundred and twenty thousand acres of the said marsh, fenny wastes, and surrounded grounds, was, by an act of sewers then made, decreed to be assigned unto his Majesty, his heirs and successors, to be allotted out, held and enjoyed, in such manner as by the said act of sewers is particularly and at large expressed; but his late Majesty or his now Majesty, by reason of their other great and more important
occasions, nor any other on their behalf, have hitherto undertaken the said work in hand, whereby the said act, and all the intentions thereof, became hitherto fruitless and void.

And whereas his now Majesty, taking into his princely consideration the miserable estate of that whole country, which of late hath been more surrounded with waters, than ever in former times, to the hazard of those parts thereof, which formerly yielded some profit, and to the extreme danger of the persons and estates of the inhabitants of the places near adjoining, and of rendering the work almost impossible to be done, if in time the same be not undertaken and prosecuted effectually, hath several times recommended the same to the special care of the Commissioners of Sewers.

And whereas, in pursuance of so gracious an intimation unto them, for their own private and for the publick good, the Commissioners of Sewers, at a Sessions of Sewers, holden at Huntingdon, the twentieth day of January, in the fifth year of his now Majesty's reign, for preparation of the said work, did lay a tax of six shillings the acre upon all and every the said fenny, marsh, waste and surrounded grounds; to be paid within a certain time then appointed, and now long sithence past, in the said last mentioned act expressed, which tax or sum of six shillings the acre, nor any part thereof, was paid according to the said act.

And whereas, at a Sessions of Sewers holden at King's Lynn, in the said county of Norfolk, upon the first day of September now last past, the Commissioners of Sewers then and there assembled, being forty-seven in number, in the behalf of themselves and the rest of the country, did contract with Sir Cornelius Verunyden, Knight, that he the said Sir Cornelius should at his own charge undertake and perform the draining of the said marsh, fenny, waste and surrounded grounds, in such
sort, as is hereafter in and by these presents expressed; and that he the said Sir Cornelius, his heirs and assigns, should for his and their recompence have and enjoy ninety thousand acres, parcel of the said marsh, feney, waste, and surrounded grounds, to be allotted and assigned unto him equally and indifferently, in such sort, manner and form, as hereafter in and by these presents shall be expressed.

And whereas, he the said Sir Cornelius Verunyden hath, upon a map or card, described the said feney, marsh, waste, and surrounded grounds, and the outfalls thereof, by lines or other descriptions, and also by writing, expressed and set down to the Commissioners of Sewers, what drains, sasses, sluices, banks, cuts, and other works, he intended to make for the draining of the said surrounded grounds, which was well approved of by the said Commissioners now present, and he was contented to have undertaken the said work, so as he might have had ninety-five thousand acres in all, to be allotted and assigned unto him for his charge and pains, and not otherwise; but the Commissioners and country being unwilling to enlarge the quantity or number of acres unto him, and the country by their several petitions, remaining with the Clerk of the Sewers, shewing much unwillingness that any contract should be made with an alien born, or any other stranger, and being humble suitors to the Right Honourable the Earl of Bedford now present, for so great and so noble a work, so much concerning the whole country, and his Lordship also in his own particular would be the undertaker thereof, which motion proceeding so freely from the country, and being seconded by all the Commissioners present, his Lordship yielded unto, and did agree to undertake the said work.

Now, the said Earl, according to the agreements in these presents expressed, doth promise and undertake,
within six years.

that he shall and will do his best endeavour at his own charge, to drain the said marsh, fenny, waste and surrounded grounds, in such manner as that they shall be fit for meadow or pasture, or arable, and shall begin the said work this present year, and continue and go on with the said work without cessation, except at such times only, as shall be unseasonable for that purpose, until the whole work shall be fully finished; and that by God's blessing he will fully finish the same within the compass of six years, to be accounted from the first day of October now next ensuing, unless he be hindered by the interruption of the country, or some others by their means, consent or procurement, or by such other casual means, as the Commissioners of Sewers, or the greatest number of them, in their judgments shall approve to be just reasons for the further deferring thereof; and the said Earl to have no recompence for his charges and pains, otherwise than according to the true meaning of these presents hereafter expressed; but because the said surrounded lands are so spacious, and many parts thereof lie so far distant from the Sea, and from the several outfalls, as that it is impossible to contrive the work so, but that a great part of the said now surrounded lands will be overflown with sudden waters, until by outlets or otherwise the same can be discharged, and so by drains or otherwise led along to the outfalls; it is agreed that such out-flowings by sudden waters, which shall not lie longer upon the lands than in convenient time the same may pass away again, shall not be held or esteemed to be a not draining thereof, according to the true meaning of these presents.

And it is further enacted, adjudged, ordered and decreed, That meers, meer grounds, pooles and lakes, and such grounds as shall according to art, and by the approbation of the Commissioners be left for forelands and receptacles of waters, shall not be accounted to be such
grounds, as the said Earl by his agreement should drain, nor shall be accounted any part of those grounds, by or out of which he is to have his recompence for the said work.

And it is further enacted, ordered, adjudged and decreed, That the said Earl shall have ninety-five thousand acres of the said lands to be indifferently allotted, assigned and set out unto him of the several sorts and qualities of the said grounds, according to their several natures and goodness, by six of the Commissioners of Sewers, whereof three to be of the quorum; upon which setting out, and allotments to be made, the Commissioners, who shall set out the same, are to have respect to the commoners, that their parts may lie next to their own dwellings, as near as may conveniently be.

And it is agreed that the proportion aforesaid, intended for and unto the said Earl as aforesaid, shall be allotted and set out before the feast day of St. Michael the Archangel now next ensuing, for so much thereof as before that time shall be surveyed, and for the residue within three months after the same shall be surveyed: And to the end that the said work of draining being once performed and finished, may be for ever after maintained; It is further ordered, enacted, adjudged and decreed, That the said Commissioners, together with the said Earl, shall become humble suitors to his Majesty, to incorporate the said Earl, and such as he shall associate unto him, into one body corporate or politick, to have continuance for ever, thereby to enable them the better to make laws, ordinances and orders, for the performing and maintaining of the said works, and to have power over the land assigned, to perform and maintain the said works as hereafter followeth; but over no other lands, and that the whole ninety-five thousand acres shall entirely be made liable to the first doing and finishing thereof; And that forty thousand acres thereof, to be in-

The Earl of Bedford to have 95000 acres, &c. the commoners' parts to be laid out next to their dwelling.

Earl of Bedford's part to be set out within three months after the survey.

A corporation and 40000 acres of the Earl's proportion to be liable for the preservation of the works for ever.
differently assigned and set out for that purpose by the Commissioners as aforesaid, shall be liable to the maintenance and continuance thereof for ever; And the said forty thousand acres first and immediately to be under the order and government of the said corporation for the end aforesaid; And upon their neglect or default, to be under the rule, order, and power of the Commissioners of Sewers for that purpose aforesaid.

And it is further ordered, adjudged, enacted and decreed, That as soon and so often, as the said Earl or his assigns shall have laid dry and drained an entire proportion of the said land, fit to be performed as one work, containing the quantity of thirty thousand acres or more; that then and so often the said Earl shall have allotted, assigned, set out, and assured unto and for him, his heirs and assigns, his proportion and part thereof, according to the rate and proportion of ninety-five thousand acres, for the whole work.

It is further ordered, enacted, adjudged and decreed, That the owners of the said lands shall divide and sever their lands one from another, unless they shall rather desire to lie undivided, by such sufficient partitions, dikes and fences, as shall be necessary to convey or carry away the rain water towards the great drains, and that such partitions and fence dikes, if any such should be made, shall be made by them in such an uniform manner, as may best conduce to the perfecting of the whole work, by the advice of the said Earl or of the said corporation; but by the direction of the said Commissioners.

It is further ordered, enacted, adjudged and decreed, That the Commissioners of Sewers shall or may set out convenient highways and passages by land throughout the said whole level, such as by the judgment of the said Commissioners shall be necessary to make passages and drifts to and from the said lands by bridges or otherwise.
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Provided always, and it is further ordered, enacted, adjudged and decreed, That the port and haven of King's Lynn shall be preserved, and the navigation passage and highways, in, upon and about all and every the navigable rivers within the limits of this commission, as namely, the river of Ouze, Grant, Nean, Welland and Glean, shall be likewise preserved, and no prejudice, annoyance, hurt or hindrance done to them or any of them, by any of the means aforesaid; And if it should happen that any such prejudice, annoyance, hurt or hindrance shall be committed or done in, upon or about any of the said navigable rivers, contrary to the intent and meaning of this law; that upon complaint thereof, it shall and may be lawful from time to time for eight of the said Commissioners, whereof the Vice-Chancellor of the University of Cambridge for the time being, and the Mayors of King's Lynn aforesaid and Cambridge for the time also being, shall be three, if they will be present, to reform, abate, prosterne and amove all such prejudices, annoyances, hurts and hindrances, and every of them, so that the ancient navigation passages and highways may be restored and continued, in, upon and about the said navigable rivers, as heretofore hath been used and accustomed; any thing in this law to the contrary in any wise notwithstanding.

And, it is further ordered, enacted, adjudged and decreed, That for the safety of Holland, hundred of Wisbich, and other parts thereabouts, Clowes Cross Drain shall be kept within soil or banks, or if any prejudice shall happen thereby, that six of the Commissioners shall from time to time reform the excesses, or else that the said Earl or his assigns shall make recompence for the losses which shall happen thereby, to the particular owners of the lands thereby annoyed.

It is further ordered, enacted, adjudged and decreed, That the new rivers, cuts and drains to be made by the
Earl, old ones to the former owners.

said Earl and his assigns, and the banks thereof, and the forelands on the inside of the bank not exceeding fifty or threescore foot at the most in breadth, shall belong and be to the said Earl, his heirs and assigns, in respect he and they are to maintain the same, he and they paying, for the several lands of any particular owner thereof, such recompence as the Commissioners shall think fit; And that there shall be no passages made or suffered by or upon the said banks, except only for towing of boats along the same, in such sort as shall be allowed by the Commissioners; But it is ordered, enacted, adjudged and decreed, That the old and ancient rivers and drains, and the fishings thereof, shall be and continue unto the owners thereof, in such sort as formerly they did, or hereafter shall of right belong, only they shall not therein or thereupon make, erect or maintain any wares, fish-garths, damms, or other impediments, whereby the river or passage of the water may be hindered, which if they shall at any time do, and the same be not removed and abated by themselves within ten days after monition to that purpose given by the said corporation, that then the said corporation, by warrant of the Commissioners of Sewers or any two of them, shall cause the same to be removed according to the law of sewers, at the charge of those who erected or continued those nusances.

And it is further ordered, enacted, adjudged and decreed, That the said Earl, his assigns and workmen, may freely take such earth, and dig and make such drains and cuts, for the making and maintaining of all and every of the said works, off and from the lands next or near adjoinning to the place, as shall be needful, making such allowance and recompence for the damage which may happen thereby to any private person, by digging of his several land, as the Commissioners shall adjudge to be just and equal: And if any riotous or unlawful act shall be committed either openly or secretely, to the de-
struction of any part of the said works, or to the hindrance or impediment thereof, the said Commissioners shall from time to time assist the said Earl, his assignees or workmen, to repress and suppress all such insolences and disturbances, and shall, either at their sessions or otherwise, do their best endeavours to discover and severely punish the offenders.

And it is further ordered, enacted, adjudged, and decreed, That the owners, farmers, and occupiers of all such grounds or banks, as shall have and receive benefit or ease by their works, and yet no part of their lands shall be taken and allotted towards the making up of the said ninety-five thousand acres, shall contribute and pay unto the said Earl, his heirs and assigns, such sums of money as the said Commissioners or any six of them, whereof three of them to be of the quorum, shall rate, assess and adjudge to be reasonable, having respect to the profit and ease which they and every of them respectively shall receive by means of the said works, upon pain to forfeit double the sum for every month by which it shall be unpaid.

And the said Earl doth desire, and the said Commissioners for his better encouragement do promise and agree, that they will become humble suitors with him the said Earl unto his Majesty; that the said ninety-five thousand acres to be assigned and assured unto him, his heirs and assigns, for his recompence as aforesaid, may be held in free and common socage, and not otherwise, and without paying any rent thereout, or giving any recompence for the same, unto the King's Majesty, his heirs and successors, other than a fee-farm rent of ten pounds per the year; and that if any other rents are or shall happen to be issuing or payable out of the said ninety-five thousand acres, or any part thereof, to his Majesty, or to any other person or persons, body corporate and politic, the same from time of the allotment, assigning
His Majesty to release all benefits of the Act of Sewers made to his father 19 Ja., and to confirm this act to accept of 12000 acres for the favour.

His Majesty to release all benefits of the Act of Sewers made to his father 19 Ja., and to confirm this act to accept of 12000 acres for the favour.

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or assuring thereof to the said Earl, his heirs and assigns as aforesaid, shall be charged upon the residue of the lands out of which the same are or shall be issuing, and the part or portion allotted and assigned to the said Earl, his heirs or assigns, for his recompence as aforesaid, to be thereof discharged or saved harmless for ever.

And to the end the said Earl may the more confidently undertake and perfect the said work, and be assured to enjoy the said ninety-five thousand acres, as the fruit and recompence of his labour and charge; and the country also may be the better assured of, to have and enjoy that benefit by the said work, which they expect in the residue of said lands now surrounded, in lieu of so great a quantity of land, which they are to part with as aforesaid.

It is mutually agreed and fully concluded by and between the said Commissioners and the said Earl, that they shall become humble suitors to the King's most excellent Majesty, that his Majesty would vouchsafe to release under his great seal all benefits which he might challenge by the law of sewers, made in the nineteenth year of the reign of King James, or by any other law or decree of sewers, and to approve of and confirm this act and decree, and by his royal hand signing the same to declare his royal approbation thereof, and assent thereunto, and so to recommend it to the Right Honourable the Lord Keeper of the Great Seal, that it may in the due form of law be confirmed by the decree of the honourable Court of Chancery; and that his Majesty would also vouchsafe to recommend it to the right honourable the lords and others of his Majesty's most honourable privy council, that it may there be ordered as matter of state not to be altered or impeached, having received the approbation of that honourable board, and that whenever a parliament shall be called, and a bill being then preferred to the two Houses of that High Court of Parlia-
ment, and the same be then passed as a law, his Majesty would be graciously pleased for the full and final confirmation thereof, to give his royal assent thereunto, and that his Majesty would be graciously pleased, for these his royal favours vouchsafed to this poor distressed part of his country, which can receive no relief or help, but by his royal hands in giving life to this law, to accept of the quantity of twelve thousand acres, parcel of the said ninety-five thousand acres, to be assured by the said Earl or his heirs, to the King's Majesty, his heirs and successors, to be held and enjoyed by them for ever, freed and discharged of and from all right, title or interest of common, or otherwise to be claimed or demanded by the said Earl, or any other person or persons whatever; the said twelve thousand acres to be laid together in one or two entire pieces or quantities, out of such of the said surrounded lands as now are parcel of the manor of Whittlesey, or other manors thereto adjoining; which quantity of twelve thousand acres the said Earl and country, by an unanimous consent, do humbly offer unto his Majesty as a thankful acknowledgment of his gracious favour, in recommending the said work and perfecting the same with his royal favour and assent, as aforesaid.

Provided always, and it is lastly ordered, enacted, adjudged and decreed, That when it shall fall out, the several lands or half several lands of any owner shall lie in such small portions together, as do not exceed the quantity of thirty acres in any one piece together, whereby it shall or may be inconvenient and over chargeable to divide a proportionable part thereof, to be allotted to the said Earl, his heirs and assigns, and severed out from the residue of the said parcels of lands, which are to remain to the owner and owners thereof, that in every such case the said Earl, his heirs and assigns, at his and their own choice, shall either have

Composition to be given to the Earl for small proportions being in severalty.
the lands in kind allotted unto them, and to be severed out by them, or shall have so much recompence in money paid to him or them for the same, as six of the said Commissioners, whereof three to be of the quorum, shall reasonably value the same to be worth; such money to be paid within three months then next following, or else in default of payment thereof, to incur the penalty of twenty shillings for every acre of the said small proportions of land, and so after that rate for every three months the same shall be unpaid.

In witness whereof, the Commissioners above named have hereunto put their hands and seals, the day and year above written.

Nos autem sep'al' tenores ordinat' sive Decret' prædict' ad requisitionem Francisci Comitis Bedford, duximus exemplificand' per præsentes, In cujus rei Testimonium has literas nostras fecimus patentes, Ac eisdem tam magnum sigill' nostrum Anglia quam Sigillum nostrum Ducat' nostri Lancast' apponi fecimus, Teste me ipso apud Canbury sexto decimo die Julii Anno Regni nostri septimo.

Cesar.

Jos. Mitchel,
A COLLECTION
OF THE
LAWS
WHICH FORM THE CONSTITUTION
OF THE
BEDFORD LEVEL CORPORATION,
WITH
SUNDARY DOCUMENTS

By SAMUEL WELLS, Esq.
REGISTER TO THE CORPORATION.

LONDON:
Published for the Author,
BY R. PHENEY, LAW-BOOKSELLER, 17, FLEET STREET.

1828.
No. XVI.

AN EXEMPLIFICATION

OF THE

ST. IVES LAW OF SEWERS.

Under the Great Seal of the Commonwealth of England, bearing Date at Westminster the 18th of March 1658: Which said Law of Sewers was made at St. Ives in the County of Huntingdon, the 12th of October, in the 13th of Charles the First, and in the Year of our Lord 1637.

RICHARD, Lord Protector of the Commonwealth of England, Scotland and Ireland, and the Dominions and Territories thereunto belonging: To all to whom these Presents shall come greeting.

We have viewed certain Laws, Ordinances and Decrees of Sewers made and established at St. Ives in the County of Huntingdon, the twelfth Day of October, in the thirtieth Year of the Reign of Charles, late King of England, remaining of Record in the Files of our Chancery in these Words.

AT A SESSIONS of Sewers at St. Ives in the County of Huntingdon, the twelfth Day of October in the thirteenth Year of the Reign of our Sovereign Lord Charles,
by the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c. and from thence adjourned to Huntingdon in the County aforesaid, and there continued until the seven and twentieth Day of October next following, touching the Fens, low and late surrounded Grounds of the great Level in the Counties of Northampton, Lincoln, Norfolk, Suffolk, Cambridge, Huntingdon and the Isle of Ely within the Limits of this Commission, holden before Sir Rowland Saint John, Knight of the Honourable Order of the Bath, Sir Beauchamp Saint John, Sir Robert Bell, Sir Miles Sandys junior, Knights, Thomas Dereham, George Glapthorn, Everard Buckworth, Humberstone March, William Fisher, Esquires, and William Hayward, Gentleman, Commissioners of Sewers, then and there assembled by Authority of his Highness's Commission of Sewers to them and others directed, it is ordered, enacted, adjudged and decreed as followeth.

WHEREAS at a General Session of Sewers at King's Lynn in the County of Norfolk, holden the thirteenth day of January in the sixth year of his Majesty's reign that now is, in the presence of the Right Honourable Francis Earl of Bedford, and before Sir Robert Heath, Knight, then his Majesty's Attorney General, Sir Miles Sandys, Knight and Baronet, Sir John Carleton, Baronet, Sir Robert Bevil, Knight of the Honourable Order of the Bath, Sir John Peyton, Sir John Cutts, Sir John Hare, Sir John Poley, Sir Robert Bell, and Sir Thomas Dereham, Knights, and others to the number of forty and one Commissioners of Sewers then and there assembled for and concerning the work of draining the great level of the fens, low and then surrounded grounds in the counties of Northampton, Lincoln, Norfolk, Suffolk, Cambridge, Huntingdon and the Isle of Ely, they the said Commis-
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13 June 12 Car. 1. at a Session of Sewers held at Peterborough, from thence adjourned to St. Ives, from thence to Wisbich.

sioners and the county became humble suitors to the said Earl of Bedford, that his Lordship would be the undertaker thereof, unto which motion his Lordship yielded, and did agree to undertake the said work, whereupon by a law of Sewers made at the said Sessions, it was (amongst other things) then ordered and decreed that the said Earl should have ninety-five thousand acres of the said grounds, to be indifferently assigned and set out unto him the said Earl, his heirs and assigns, of the several sorts and qualities of the said grounds, according to their several natures and goodness, by six Commissioners, whereof three to be of the Quorum, for his Lordship's recompence in performing the said work, and forty thousand acres, parcel of the said ninety-five thousand acres, to be by the said Commissioners, assigned and set out to be liable to the maintainance and continuance of the said work of draining for ever.

And it was then and there further ordered, enacted, adjudged and decreed, That the new rivers, cuts and drains to be made by the said Earl and his assigns, and the banks thereof, and the forelands on the inside of the banks, not exceeding fifty or threescore foot at the most in breadth, should belong and be unto the said Earl, his heirs and assigns, in respect he and they are to maintain the same, as by the said law or act of Sewers more at large appeareth, unto the which law or act of Sewers his Majesty hath been graciously pleased to give his royal assent.

And whereas after the said work of draining at and by the great cost, charges and expenses of the said Earl well and sufficiently performed, according to the true intent of the said law or act of Sewers made at King's Lynn aforesaid, another general Session of Sewers was holden at Peterborough, in the said county of Northampton, the thirteenth day of June, in the twelfth year of his said Majesty's reign, and from thence adjourned to St.
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Ives, in the said county of Huntingdon, the seven and twentieth day of the said month of June, and from thence likewise adjourned to and continued at Wisbech, in the Isle of Ely and county of Cambridge aforesaid, until the eleventh day of August then next ensuing, at which Session at Peterborough, holden before the Right Honourable Henry Earl of Holland, one of his said Majesty's most Honourable Privy Council, Oliver Lord Saint John, Sir Rowland Saint John, Knight of the Honourable Order of the Bath, Sir Beauchamp Saint John, Sir Hamond Le Strange, Sir Robert Bell, Sir Thomas Dereham, Sir John Hare, Sir Miles Sandys junior, and others to the number of twenty-three Commissioners of Sewers, they the said Commissioners, did order, decree and adjudge the great level of the said fens, low and late surrounded grounds within the said counties of Northampton, Lincoln, Norfolk, Suffolk, Cambridge, Huntingdon, and the Isle of Ely, drained according to the purport and intent of the said act and law of Sewers made at King's Lynn aforesaid, and therefore it was thought fit and so ordained and enacted at the Session holden at Peterborough aforesaid, That divers of the Commissioners then nominated by the court, and such other of the Commissioners as should think fit to be present, or any six or more of them, should, with all convenient speed, view the fens and late surrounded grounds within the said level, and set out, to the said Earl of Bedford and his heirs, the quantity of ninety-five thousand acres of the same, in recompence of and for the draining thereof, with indifferency, according to their judgments and discretions, in such wise as by the said law of Sewers, made at King's Lynn aforesaid, is enacted and decreed.

And accordingly at the said Sessions of Sewers, so by adjournment from Peterborough to St. Ives, and from St. Ives to Wisbich, holden and continued at Wisbich aforesaid, before a competent number of the said Comm-
missioners, namely; the said Sir Rowland Saint John, Sir Beauchamp Saint John, Sir Hamond Le Strange, Sir Robert Bell, Sir Miles Sandys junior, and others to the number of twelve of the said Commissioners, having, during the time of that Session, personally perambulated and viewed the said fenny, low and late surrounded grounds, and thereby informed themselves of the several sorts and qualities of the said grounds and of their several natures and goodness, and of the benefit redounding to the several landowners by means of the works of draining done by the said Earl of Bedford, since the time of his undertaking to drain the said fenny and low grounds; in which their perambulation and view as aforesaid, they the said Commissioners were assisted by Sir Charles Harbord, Knight, his Majesty's Surveyor General, who by his Majesty's letters under his royal hand and signet was especially recommended to that service, they the said Commissioners, in pursuance and confirmation of the said decree and judgment made and given at the said Session of Sewers held at Peterborough as aforesaid, did, at the said Session holden by adjournment at Wisbich, as aforesaid, decree, enact, adjudge and declare, That the said Earl of Bedford had, at his cost and charges, and with the expence of great sums of money, drained the said fenny and low grounds according to the true intent of the law of Sewers made at King's Lynn aforesaid, and with advice of the said Sir Charles Harbord, did allot and set out to the said Earl ninety-five thousand acres of the said fenny, low and late surrounded grounds lying and being in the said several counties of Northampton, Norfolk, Suffolk, Lincoln, Cambridge, Huntingdon, and the Isle of Ely, within the limits of the said several Commissioners of Sewers, out of the several and respective lordships, manors, towns, parishes, precincts, fens, and places of the said great level, in such sort and manner as in and by a law, act and decree of
APPENDIX.

Sewers made at the said Session of Sewers held by adjournment at Wisbich aforesaid doth more at large appear. And it was further, at the said Session holden by adjournment at Wisbich aforesaid, ordered, enacted, adjudged and decreed, That the said Earl of Bedford should have, hold and enjoy the said ninety-five thousand acres of the said fenny and low grounds to him the said Earl, his heirs and assigns for ever, freed and discharged of and from all rights and title of common, charges, demands, and incumbrances whatsoever.

And it was then and there by the said Commissioners further ordered, enacted, adjudged and decreed, That the said Sir Charles Harbord, or such other person or persons as he the said Sir Charles Harbord should thereunto appoint, should survey and measure out the said ninety-five thousand acres so decreed unto the said Earl of Bedford, and should by lock-spitting, making of small trenches or cuts or otherwise, sever or set out the said ninety-five thousand acres from the several and respective lands and commons whereby the same might be fully known and distinguished, and whereby the said Earl and his assigns might be enabled by partition dikes to sever and divide the several pieces and proportions of grounds so to be set out from the said lands and commons, and to hold and enjoy the same according to the true meaning of the said act made at Wisbich aforesaid.

And it was lastly by the said Commissioners agreed and declared, That so soon as the several proportions and parcels of ground before in the said act mentioned should be fully measured and distinguished from the rest of the commons and severals, by the said Sir Charles Harbord or such persons as he should nominate, that then perfect schedules should be thereof made by him or them accordingly. And that thereupon the said Commissioners would make such further act or acts as should be meet for the further assuring and settling thereof, and every part and
Since said Sessions of Sewers complaints by petition were made to his Majesty against decrees as to the draining and allotments.

Petitions heard by Privy Council.

The decree confirmed as to draining.

As to allotment referred to Commissioners who made that decree.

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parcel thereof, to and upon the said Earl, his heirs and assigns, and for the local assignation and settling of forty thousand acres thereof, to be set out by the said Commissioners for the perpetual maintenance of the said works of draining in such wise as by the said act of Sewers made at King's Lynn aforesaid is provided, ordered and agreed, as by the said act and law of Sewers made at the said Session of Sewers holden by adjournment at Wisbich as aforesaid more at large appeareth.

And whereas sithence the said Sessions of Sewers holden at Wisbich aforesaid several petitions of complaints were presented to his Majesty, thereby pretending that the said great level of the said fens, low and late surrounded grounds, was not drained according to the true intent of the said law made at King's Lynn aforesaid, and that the petitioners received much prejudice by the inequality of allotments contained in the said law and decree made at Wisbich as aforesaid, the which complaints his Majesty was graciously pleased to refer to the consideration of his Highness's most Honourable Privy Council to be heard and determined according to justice, and thereupon at his Majesty's Court at Greenwich, the ninth day of July last past, the said several petitions of complaints being read at the Council Table (his Majesty then present) and considered of and debated in the presence of many of the parties, and of the said Sir Charles Harbord, his Majesty did declare his royal pleasure to be, that the said decrees whereby the said fens are adjudged drained should by no ways be impeached as to the judgment of draining, but that the petitions and complaints concerning the inequality of allotments by the decree of Wisbich, especially of the church of Ely and the land of the colleges in Cambridge, should be referred to the Commissioners who made that decree, and to his Majesty's said Surveyor General, to be ordered and established by them or such of them as should be present at
APPENDIX.

the then next meeting, as they should think reasonable. And that the setting-out and allotment of the drainers parts should proceed speedily and effectually without interruption by the said complainants or any other, as by an act of state, bearing date the said ninth day of July appeareth.

And whereas the Commissioners first abovenamed now assembled at this present Sessions of Sewers having been therein assisted by the said Sir Charles Harbord, his Majesty's said Surveyor General, have, according to his Majesty's gracious direction in the said act of state mentioned, taken into their serious considerations as well the said petitions of complaint presented to his Majesty, and by the said act of state referred unto them as aforesaid, as also divers other petitions of the like nature exhibited unto them, the said Commissioners upon full and mature hearing, examination and debate of all and singular the matters complained of in and by the said petitioners, they the said Commissioners have discovered sundry errors and inequalities in the said allotment or setting forth of the said ninety-five thousand acres, contained in the said act and decree made by adjournment at Wisbich as aforesaid, by reason of some mistakes in a survey before that time made of the said great level. And therefore they the said Commissioners, by the special advice and assistance of the said Sir Charles Harbord, have to the utmost of their judgment and discretions according to equity and justice altered, rectified and reformed the said allotment or setting forth of the said ninety-five thousand acres contained in the said law or decree made at Wisbich as aforesaid, and all and every such errors and inequalities as by any way or means they could find out or discover to be in the same; and they the said Commissioners, with the advice and assistance aforesaid, have made and perfected and do hereby decree and ordain a just and equal allotment of ninety-five thousand acres of fenny,
low and late surrounded grounds, parcel of the said great level, to be hereby assured and decreed to the said Earl of Bedford, his heirs and assigns for ever, according to the tenor and true intent of the said law or act of Sewers made at King's Lynn aforesaid, the which said allotment or setting forth of the said ninety-five thousand acres is particularly declared and contained in twenty-six schedules hereunto annexed.

Now the said Commissioners, having an especial regard and consideration of and to all and singular the aforesaid premisses, do hereby adjudge, decree and declare that the Earl of Bedford at his own great cost and expense both well and sufficiently drained all the said fenny, low and late surrounded grounds of the said great level lying in the said several counties of Northampton, Lincoln, Norfolk, Suffolk, Cambridge, Huntingdon, and the Isle of Ely, according to the true tenor and true intent of the said act or law of sewers made at King's Lynn aforesaid.

And the said Commissioners do hereby further enact, ordain, adjudge and decree unto the said Francis Earl of Bedford, his heirs and assigns for ever, all and singular the lands and grounds, and all and every the parts and parcels and proportions of lands, fens and grounds of what nature soever they or any of them be, with their and every of their appurtenances set forth, declared and contained in the said twenty-six schedules hereunto annexed, amounting in the whole to the said full proportion and quantity of ninety-five thousand acres of the said fenny, low and late surrounded grounds of the said great level. And all and every the water-courses, rivers, drains, wear-dikes, forelands not exceeding sixty foot in breadth, banks, sluices, and works of draining within, or upon, the said great level, or any part thereof, by the said Earl or his assigns made and erected. And all and singular the fishings in the said water-courses, rivers, drains, wear-dikes and every of them, and the soil, ground and inhe-
ritance of all and every the said water-courses, rivers, 
drains, wear-dikes, forelands, not exceeding sixty foot in 
breadth, banks, sluices and works of draining and every 
of them. Together with convenient ways, drifts and 
passages made and set out, and from time to time to be 
made, appointed and set out, to and for the said Earl of 
Bedford, his heirs and assigns, for his and their more 
free, easy and commodious passing to and from the ninety-
five thousand acres of low and fenny ground, hereby 
adjudged and decreed unto the said Earl, his heirs and 
assigns, and to and from every part and parcel thereof, 
and also to and for the more free, easy and commodious 
passage of all other land-owners, tenants and commoners, 
to any, from any of their several lands or commons adjoining unto the said ways; and all and singular 
other easements, profits and commodities to all and singular the lands and grounds, and all and every the parts, 
parcels and proportions of lands, fens and grounds declared and contained in the said twenty-six schedules hereunto annexed, amounting in the whole to ninety-five thousand acres as aforesaid, and to all and singular the other forementioned premisses belonging or appertaining, according to the tenor and true intent of the said law or act of sewers made at King's Lynn aforesaid; to have and to hold all and singular the said lands and grounds, parts, parcels and proportion of grounds, lands and fens, set forth, declared and mentioned in the said twenty-six schedules hereunto annexed, amounting in the whole to ninety-five thousand acres as aforesaid, and every part and parcel of the same, and all and every the forementioned water-courses, rivers, drains, wear-dikes, fishings, forelands, banks, sluices and works of draining, and the soil and inheritance of them and every of them, ways and premisses whatsoever, with their and every of their appurtenances, unto the said Francis Earl of Bedford, his heirs and assigns for ever, freed and discharged from all
former right, titles, interests, conditions, commons, rents, services, charges, troubles, incumbrances, duties and demands whatsoever. Except one fee-farm rent of ten pounds, which is hereby reserved and decreed to be yearly paid unto our Sovereign Lord the King, his heirs and successors for ever, at the two feasts of the Annunciation of the Blessed Virgin, and St. Michael the Archangel, by even portions, and to be issuing out of all and singular the lands and grounds hereby decreed and assured unto the said Earl, his heirs and assigns, as aforesaid.

And for the better habitation, improvement, use and benefit of the said whole great level, it is further enacted, ordained and decreed by the said Commissioners, in further pursuance of the said act or law of sewers, made at King's Lynn aforesaid, that convenient summer ways and passages shall be made in, upon, and throughout the said great level in manner and form following, that is to say, one way from Bedford River near Welney to Westmore Causeway, near Littleport; one other way leading from Upwood Hard, called Bottom Hill, unto Whittlesey; and one other way leading from Peake Kirke Meadow unto Guy Hurn; and one other way leading from the Hard Lands of Chateresse, called Wenny Hill, to the way in Sutton Grounds, leading to Sutton Galt, every of the said ways to contain three score foot in breadth between their several drains or wear-dikes; and in respect the said ways are to be made and erected at the sole cost of him the said Earl, or his assigns, it is therefore enacted, ordained and declared, that all and singular the aforesaid ways, together with their wear-dikes and drains, be the soil and inheritance of him the said Francis Earl of Bedford, his heirs and assigns for ever.

And it is hereby further enacted, ordained and decreed, that convenient bridges shall be made in places meet
and necessary, as well for the travelling and passage in, upon and throughout the said ways hereby enacted and decreed to be made as aforesaid, as also for the passing to and from any of the lands of the said great level near adjoining unto the said bridges, that is to say, one bridge over the new river, called Bedford River, at Sutton Gault; one other bridge over the said new river, at Mephal Town; one other bridge over the said new river, near Oxwillow Lode; and one other bridge over the said new river, at Welney Town; and that the said bridges shall be the inheritance of him the said Earl, his heirs and assigns for ever.

And it is hereby further enacted, ordained and decreed by the said Commissioners, that the several lands and proportions of ground hereafter particularly mentioned, amounting to forty thousand acres, parcel of the said ninety-five thousand acres of fenny and late surrounded grounds declared and contained in the said twenty-six schedules hereunto annexed, and hereby decreed and assured to the said Earl, his heirs and assigns, as aforesaid, shall for ever hereafter stand, be and continue liable and charged to and with the maintenance and preservation of all and singular the aforementioned ways and bridges, hereby declared to be made as aforesaid, and of all and singular other works erected and made, or by the said Commissioners appointed to be erected and made by the said Earl of Bedford, or his assigns, for draining and improving of the said great level according to the true intent and meaning of the said act or law of Sewers, made at King's Lynn aforesaid. That is to say, the part decreed unto the said earl out of Reed's Fen, in Helgay, three hundred and sixty acres; in Sir Henry Willowbie's several fen in Southery, on the west side of the River Ouse, seventy-six acres; the proportions decreed out of the common fens of Weerham, Wretton and Stoke, five hundred and thirty-six acres; and out of the

A particular of the 40,000 acres allotted for the maintenance of the works.

Out of Helgay, 860 A.
Southery 76 A
Weerham, Wretton and Stoke 536 A.
Norwold 429 A.
Methwold 357 A.
Feltwell 751 A.
Hockwold 100 A.

Upwell Shevins 200 A.
Hale Fen, and common piece in Upwell 590 A.
Loudoners Fen 600 A.

Well and Welney 840 A.
Swaffham Prior, Swaffham Bulbeck and Reach 600 A.

common fens of Norwold four hundred and twenty-nine acres; the proportion decreed out of the several fens in Methwold three hundred fifty and seven acres; and out of the several fens of Feltwell seven hundred fifty and one acres; out of the several in Hockwold, called Pooling's, one hundred acres; the proportion decreed out of the common fen of Upwell, called Shevins, two hundred acres; and out of Hale Fen, and the common piece in Upwell five hundred and ninety acres: and out of the fen grounds, called Londoners Fens, eight hundred acres; all the which forementioned parcels of ground are within the county of Norfolk. The proportion of ground decreed in the several fens of Well and Welney, lying in the said county of Norfolk and the Isle of Ely, eight hundred and forty acres; a parcel of the proportion decreed out of the intercommon fens of Swaffham Prior, Swaffham Bulbecke, Botsham and Reach, in the county of Cambridge, containing six hundred acres, viz. the whole proportions decreed in White Fen, being four hundred and eleven acres, and in great Sedge Fen, being one hundred and eighty acres; and five acres in High Fen, adjoining unto great Sedge Fen, and four acres in the Croyle, adjoining also upon great Sedge Fen. The whole proportion decreed out of the intercommon fens of Botsham, Horningsey, Qui and Ditton, being four hundred acres in the said county of Cambridge; the whole proportion decreed out of the common and fen grounds of Downham in the said Isle of Ely, three hundred and ninety acres; the whole proportion decreed out of Ashwell Moor, near Coveney, in the said Isle of Ely, four hundred twenty-three acres; the whole proportion decreed out of the common dammes and several fen grounds of Maney, in the said Isle of Ely, two hundred and fifty acres; the whole proportion decreed out of the common fen, called Pyemoor, near Witchford, in the said Isle of Ely, one hun-
dred fifty-two acres; the whole proportion decreed out of Grunty Fen, in the said Isle, four hundred twenty-six acres; the whole proportion decreed out of the common fen grounds of Chartresse, in the said Isle of Ely, three thousand eight hundred twenty-six acres; the whole proportion decreed out of the several and common fen grounds of Doddington, March, Wimblington and Benwick, twelve thousand seven hundred and forty-nine acres; the whole proportion decreed out of the common and several fen grounds of Elme, in the said Isle of Ely, two hundred and fifty acres; the whole proportion decreed out of the common fen grounds, called Eusymore, in the said Isle of Ely, two thousand acres; a parcel of the proportion decreed out of the several fen grounds of Thomas Tyril, Gentleman, lying near Priests Houses, in the said Isle of Ely, twenty-four acres, at the west end of the same ground; the whole proportion decreed out of the High Fen and North Fen in Somersham, in the county of Huntingdon, one thousand five hundred and thirty-three acres; the whole proportion decreed out of the common fen grounds of Warboys, in the said county of Huntingdon, one thousand eight hundred sixty-eight acres; the whole proportion decreed out of the common fen grounds, called Wistow Fen, three hundred eighty-six acres; the whole proportion decreed out of the common fen grounds of Ramsey, in the said county of Huntingdon, four thousand five hundred sixty-four acres; the whole proportion decreed out of the several fen grounds of Sir Oliver Cromwell, Knight, in the grounds called Ashbeck, Abbotts, Pingle and Wiggin Moor, in Ramsey aforesaid, one hundred seventy-seven acres; the whole proportion decreed out of the several fen grounds of Cunington, in the said county of Huntingdon, two hundred eighty-one acres; the whole proportion decreed out of the common fens of Denton, in the said county of Huntingdon, one hundred fifty and
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Caldecote 56 A.

Stilton 160 A.

Woodwalton 937 A.

Holme 27 A.

Thorney 1880 A.

Westmoor, on south of Bedford River, 482 A.

Westmoor, on north side of Bedford River, 482 A.

Byall Pen 482 A.

Partition dikes to be made according to the intent of the Lynn Law.

six acres; the whole proportion decreed out of the fen grounds of Caldecote, in the said county of Huntingdon, fifty-six acres; the whole proportion decreed out of the common fen grounds of Stilton, in the said county of Huntingdon, one hundred and sixty acres; the whole proportion decreed out of common fen ground of Woodwalton, in the said county of Huntingdon, nine hundred thirty-seven acres; a parcel of the proportion decreed out of the common fen grounds of Holme, in the said county of Huntingdon, twenty-seven acres, adjoining upon the said fen grounds of Walton; a parcel of the proportion decreed out of the several fen grounds of Thorney, in the said Isle of Ely, one thousand eight hundred and eighty acres, lying on the east part of Knar Fen, adjoining to the Wride; a parcel of the proportion decreed out of the common fen on the south side of Bedford River, called Westmoor, in the said Isle of Ely, the said parcel containing four hundred eighty-two acres, and lying on the south-east side of one thousand acres, part of the said proportion, adjoining to Oxwillow Load; a parcel of the said proportion decreed out of the said common fen, called Westmoor, on the north side of the said Bedford River, the said parcel containing four hundred eighty-two acres, and lying on the north-west side of one thousand acres, part of the said proportion, lying next unto Welney; and a parcel of the proportion decreed out of the common fen, called Byall Fen, on the north side of the said Bedford River, the said parcel containing four hundred and eighty-two acres, and lying on the north-west side of one thousand acres, part of the said proportion, next towards Maney.

And it is further enacted, ordained and decreed, That all partition dikes and fences, which shall be thought necessary to be made to carry away the rain water towards the main drains, shall be made according to the purport, true intent and meaning of the said act or law of Sewers made at King's Lynn aforesaid.
And it is hereby further enacted, ordained, decreed and declared, That the said Earl of Bedford, or his assigns, shall, from time to time and at all times hereafter, have free liberty and authority, according to the power formerly given unto him by the said law made at King's Lynn aforesaid, to make any such new works, and to cut ground and cast up earth for making such new banks and drains, as by six or more of the said Commissioners of Sewers, whereof three to be of the quorum, shall be adjudged and decreed as fit and necessary to be made and erected for the further advancement of this great work of draining.

And it is further hereby enacted, ordered, ordained, decreed and declared, That the said Earl of Bedford shall have, hold and enjoy to him, his heirs and assigns for ever, all and every the waters, sumps, dikes, pits, holes and mear-grounds, and the fishings in the same, and the soil, ground and inheritance of them, and every of them, lying and being within the said ninety five thousand acres, contained and declared in the said schedules hereunto annexed, the same being not drained or drainable, according to act, and the true intent and meaning of the said act or law made at King's Lynn aforesaid, although the same be no parcel of the said quantity of ninety-five thousand acres, hereby decreed and assured to the said Earl, his heirs and assigns, as aforesaid.

Provided always, and it is hereby adjudged, enacted and declared, That the antient rivers and drains shall be and remain to the right owners thereof, as formerly they did or hereafter should of right belong, according to the tenor and true meaning of the said act or law, made at King's Lynn aforesaid; any thing in this present act or law of sewers to the contrary notwithstanding.

And it is lastly hereby concluded and fully agreed by the said Commissioners, that they, together with the said Earl of Bedford, shall become humble suitors to the
King's most excellent Majesty, that his Majesty will be graciously pleased to confirm, approve and ratify this present act and decree, and, by his royal hand signing the same, to declare his royal approbation thereof and assent thereto; and that his Majesty will be further graciously pleased to recommend the same to the Right Honourable the Lord Keeper of the Great Seal, and the Chancellor of his Highness's Dutchy of Lancaster, that it may in due form of law be confirmed and ratified, both by decree of the Honourable Court of Chancery and of the Court belonging to the said Dutchy, and that his Majesty will vouchsafe to recommend the same to the Right Honourable Lords and others of his Majesty's most Honourable Privy Council, that it may by them be ordered, as matter of state, not to be altered or impeached, having received the approbation of that Honourable Board. And that whensoever a Parliament shall be called, and a bill being then preferred to the two Houses of that High Court of Parliament, and the same be then passed as a law, that his Majesty would be graciously pleased, for the full and final confirmation thereof, to give his royal assent thereunto.

In witness whereof, the Commissioners first above named to two parts of these presents indented, the one part to be presented to his Majesty as aforesaid, and the other part to remain with the Clerk of the Sewers, according to the law in that case provided, have set their hands and seals the said twenty-seventh day of October, the year first above written.

We have also viewed certain schedules or particulars of lands to the said laws, ordinances and decrees annexed, under the seals of certain Commissioners of Sewers, whereby the said laws, ordinances and decrees were made, remaining of record in the files of our said Chancery in these words:
A COLLECTION
OF THE
LAWS
WHICH FORM THE CONSTITUTION
OF THE
BEDFORD LEVEL CORPORATION,
WITH
SUNDRY DOCUMENTS
OF THAT EXTENSIVE COUNTRY CALLED
THE BEDFORD LEVEL.

By SAMUEL WELLS, Esq.
REGISTER TO THE CORPORATION.

LONDON:
Published for the Author,
BY R. PHENEY, LAW-BOOKSELLER, 17, FLEET STREET.
1828.
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No. XVIII.

AN ACT

FOR THE

DRAINING OF THE GREAT LEVEL OF THE FENS,

Extending itself into the Counties of Northampton, Norfolk, Suffolk, Lincoln, Cambridge, and Huntingdon, and the Isle of Ely, or some of them.

Die Martis, 29 Maii, 1649.

AN ACT for the Draining of the Great Level of the Fens, extending itself into the Counties of Northampton, Norfolk, Suffolk, Lincoln, Cambridge, Huntingdon, and the Isle of Ely, or some of them.

WHEREAS the said Great Level, by reason of frequent overflowing of the Rivers of Welland, Neame, Grant, Ouse, Brandon, Mildenhal, and Stoke, have been of small and uncertain profit, but (if drained) may be improved and made profitable, and of great advantage to the commonwealth, and to the particular owners, commoners, and inhabitants, and be fit to bear coleseed and rapeseed in great abundance, which is of singular use to make soap and oils within this nation, to the advancement of the trade of clothing and spinning of wool, and much of it will be improved into good pasture for feeding and breeding of cattle, and of tillage to be sown
APPENDIX.

with corn and grain, and for hemp and flax in great quantity; for making all sorts of linen cloth and cordage for shipping within this nation; which will increase manufactures, commerce, and trading at home and abroad, will relieve the poor by setting them on work, and will many other ways redound to the great advantage and strengthening of the nation: And first, to the end it may be known what that Great Level is, and for the ascertaining the extent, bounds, and limits thereof, and for prevention of all doubts, questions, and ambiguities touching the same, be it enacted, ordained, and declared by the authority of this present Parliament, that the moors, marshes, fen and low surrounded grounds, bounding themselves eastward from the bridge and causey of Stoke unto Brandon Bridge, upon the uplands of Northwold, Methwold, Feltwell, Hockwold, and Wilton in the county of Norfolk, and from Brandon Bridge unto the end of Worlington Lode upon Mildenhall River, upon the uplands of Brandon, the low grounds of Waynsford excluding the same, the uplands of Laking Heath, the low grounds of Eastwell excluding the same, and the uplands of Mildenhall in the county of Suffolk, southward from Worlington Lode unto Burwell Block, upon the uplands of Freckingham, Isleham, Fodham, Soham, and Wicken in the county of Cambridge, and excluding the low grounds of Burwell, Lanward, and other places lying eastward from Burwell Block aforesaid; and from thence unto the Mill near Anglesey Abbey, upon the uplands of Burwell Reach, Swaffham Prior, Swaffham Bulbeck, and Botolpham in the said county of Cambridge, and from thence unto the Ferry-place at Clayhith, upon the uplands called Qai Hall, the low ground called Low Fen, and the uplands of Horningsey and Clayhith, in the said county, excluding the low grounds called Low Fen and Offen, and from the said Ferry-place unto Over Lode, upon the uplands
of Waterbeach, Cottenham, Rampton, Wivelingham, and Over, in the said county of Cambridge, and upon the low grounds of Swacey in the said county, excluding the same westward from Erith, unto the dam lately made upon the river Neane near Standground, upon the Uplands of Somersham, and the Soake thereof, Warboys, Wistow, Berry, Ramsey, Upwood, Raveley, Woodwalton, Sawtrey, Connington, Glatton and Holme, Caldicot, Denton, Stilton, Yaxley, Fasset, and Standground, in the county of Huntingdon, excluding the low grounds lying on the north side of the river Ouse above Erith; and from the said dam unto Peterborough Bridge, upon the said River of Neane; and from thence unto the Ferry-place near Waldram Hall upon the Uplands of Peterborough and the Soake thereof in the county of Northampton, northward from the said Ferry-place near Waldram Hall unto Crowland Bridge upon the River of Welland, and from thence to Dowsdale upon the banks of Great Porsand, and from thence unto Guyhurne upon the Southea Bank, and from thence unto Tilneyhurne upon the bank of the fen ground called Waldersony, and from thence unto Elme Leame at Grangers House upon the bank of the fen ground called Coldham, and from thence unto the River of Neane near Thurlings in Upwell, upon the bank of Needham called Bishops Dike, and from thence unto Well Creek at the north-west corner of Walsingham Fen, upon the bank of the grounds in Upwell and Outwell, called Plawfield and Churchfield, excluding the aforesaid fens and grounds called Waldersony, Coldham, Needham, Plawfield and Churchfield; and from thence unto Salters Lode upon the new Podike Bank, and from thence unto the mouth of the river Wissey upon the river Ouse, and from thence unto Helgey Bridge upon the river Wissey; and from thence unto the upland at the end of the bank of the grounds late of Edmond Skipwith, Esq. deceased.
APPENDIX.

upon the said bank; and from thence unto Stona Bridge, upon the Uplands of Roxham, Dereham, Wereham, Wretton and Stoake in the said county of Norfolk:

And all moors, marshes, fenny and low surrounded grounds, within the bounds, limits and precincts aforesaid, are and be, and shall from time to time hereafter by virtue of this act be taken and esteemed to be the said Great Level, to be drained as hereafter is expressed; except always the imbanked grounds late of the said Edmund Skipwith, Esq. lying on the north side of the River of Ouse. And whereas Francis late Earl of Bedford, in his life-time, did undertake the said work, and had ninety-five thousand acres, parcel of the said Great Level, decreed and set forth in October in the thirteenth year of the reign of the late King Charles in recompence thereof; and he and his participants, and the adventurers in the said work, and their heirs and assigns, have made a good progress therein with expence of great and vast sums of money, and so far proceeded as that the greatest part of the said ninety-five thousand acres was divided by twenty lots and shares amongst the said Francis Earl of Bedford, adventurers and participants, and their assigns; but by reason of some late interruptions, the works there made have fallen into decay, so that the intended benefit to the commonwealth hath been in a great measure hitherto prevented and delayed: And whereas William now Earl of Bedford, son and heir of the said Francis, late Earl of Bedford, and the said participants and adventurers, their heirs and assigns, are content to proceed effectually in the said work of draining, and forthwith after the passing of this act to begin and prosecute the same without cessation or intermission, until the work be done, unseasonable times and extremity of weather only excepted; to the end therefore so public a work, proper for the care of a Parliament, may continue, proceed, and be prosecuted with justice,
equality and effect, Be it enacted and ordained, and it is hereby enacted and ordained by the authority aforesaid, that the said William Earl of Bedford, the said participants and adventurers, and his and their heirs and assigns, be and are hereby declared to be the undertakers of the said work of draining the said Great Level, and shall at or before the tenth day of October, which shall be in the year of our Lord 1656, cause the same to be drained and imbanked, without prejudice to the navigation in the said rivers or the parts adjacent; and all the said Level, except as hereafter is excepted, shall be made winter ground, in such manner as the said rivers or any of them shall not overflow the grounds within the said Level; breaches by inevitable accidents, which are in convenient time to be repaired and made good again by the said William Earl of Bedford, participants and adventurers, his and their heirs and assigns, only excepted; and except such lands and grounds, parcel of the said level, which are not to exceed fifteen thousand acres at the most, which may be left in several places for receptacles and beds for the water upon sudden rains and floods, besides the meers, pools, and channels within the said Level which are not intended to be drained. And be it therefore further enacted and ordained, that the said William now Earl of Bedford, Edward Russell, Esq: Robert Henley, Esq. and Robert Castle, Esq. their heirs and assigns, upon the trusts hereafter following, and in recompense of the aforesaid charge and adventure, and for bearing the charge of draining and maintaining the works from time to time, shall have and enjoy the said whole ninety-five thousand acres, as well those parts which were not, as those which were comprised within the said twenty lots, parcel of the said Great Level, and lying within the boundaries as beforementioned, as the same have heretofore been set forth in October in the thirteenth year of the reign of the said
APPENDIX.

In October, 13 Car.

late King, or hereafter shall by virtue of this Act be allotted, set forth, severed, or divided for that purpose, to hold to them the said William Earl of Bedford, Edward Russell, Robert Henley and Robert Castle, their heirs and assigns, to the use of them, their heirs and assigns, in trust nevertheless for the said William Earl of Bedford, participants and adventurers, and their heirs and assigns, who had or have the said twenty lots, and the heirs of such assigns, and for no other person or persons, according to their several and respective proportions, and to execute estates accordingly upon request.

Four trustees to execute estates upon request. Commissioners hereafter named to determine differences.

And in case any difference shall arise, who be, or ought to be, adventurers and participants, or assigns, or about proportions assigned, then the commissioners hereafter named, or any six or more of them, shall have power to determine the same. And it is hereby further enacted and ordained, that it shall and may be lawful to and for the said William Earl of Bedford, his participants and adventurers, and his and their heirs and assigns, and the persons employed by them, to make any new or enlarge any old cuts, sasses, sluices, drains, banks, receptacles, or other works necessary or conducing to or for the said draining, through or upon the grounds of any person or persons within or without the said Level; and for that purpose from time to time shall have free passage, ingress, egress, and regress, for themselves, their agents and workmen, and their horses, carts and carriages, into, by and through the said grounds or any part thereof; paying or tendering to the owners of, and parties interested in the said ground, for all such cuts, sasses, sluices, drains, banks, receptacles, or other works made or to be made in and upon the grounds without or within the said Level, such reasonable recompence as by the said owners and parties interested shall be agreed upon; or if any difference happen therein, then as shall be ordered and adjudged by the commissioners hereafter named, or

Free egress with carts, carriages, &c.
APPENDIX.

by any six or more of them. Provided, that the said Earl of Bedford, participants, adventurers nor commissioners, nor any of them, shall, by any authority hereby given or granted, intermeddle with the River of Welland, or interrupt the fall of the waters into the same, nor draw any the waters from the said river; but that all the waters in and falling into that river, shall be suffered to go into the direct course to Spalding and so to the sea, for the preservation of the country by clearing the outfall; nor shall, by any authority hereby given or granted, make any cuts, drains, or other works, in, upon or through any parts of Deeping Fens, but that the same be wholly left to the drainers of those fens as formerly. And be it further enacted and ordained, That no commissioner or commissioners of sewers, by virtue or colour of any commission in that behalf, shall at all intermeddle in the said Level, to interrupt, disturb or molest the said William Earl of Bedford, his participants, adventurers, his and their heirs and assigns, agents and workmen in the carrying on and perfecting of the said work; and that the said Earl of Bedford, his participants, adventurers, heirs and assigns, or any five or more of them, shall have power to collect and levy, as well the arrears of old taxes formerly set upon and among themselves, as to set new taxes upon and among themselves, and levy money out of the said ninety-five thousand acres for and towards the charges of the said work of draining, and all other charges tending to or depending upon the same, according as they or any five or more of them in their judgments shall think fit; and to make orders and rules for the doing and maintaining the said work, and to govern and manage the same; and to appoint and employ such officers, agents, ministers, and workmen, and to change them or any of them, and to employ others in their rooms, from time to time as they shall think fit; and also shall have power to give recom-
Any five participants to sell for non-payment of taxes.

AppENDIX.

pence to such officers, agents, ministers, surveyors, workmen, and all other person or persons whatsoever, employed by them in or about the said work of draining, or maintaining thereof, in land out of the said ninety-five thousand acres, or money, or both, as they or any five or more of them in their judgments shall think fit: And that if the said William Earl of Bedford, participants, and adventurers, his and their heirs and assigns, or any of them, which now have or hereafter shall have any part of the said ninety-five thousand acres, shall refuse or make default to pay such arrears or proportionable tax or taxes as shall be laid on them, in respect to his or their share in or out of the said ninety-five thousand acres, by such five or more of the participants and adventurers as aforesaid, that then for such default the lot or share in the said lands of such as shall not bring in and pay their tax and taxes so to be laid, shall be forthwith sold by such five or more of the said participants and adventurers as aforesaid, in such proportion as they shall think fit, restoring the surplusage of the money, if any be, for raising and payment of the said arrears, tax or taxes, by any writing under any five or more of their hands and seals; and the person or persons to whom such sale shall be made, shall be a lawful assignee of so much as shall be so sold, to all intents and purposes.

And whereas after the work shall be done, there will require from time to time a care to uphold and maintain the same, be it enacted and ordained, that no commissioners of sewers, by virtue of any commission in that behalf, shall at all intermeddle in the said Level, but that the commissioners named this Act, and such others as shall be hereafter nominated in their rooms from time to time under the great seal of England, or by Act of Parliament: And the said William Earl of Bedford, participants and adventurers, his and their heirs and assigns, each of them, the said Earl, participants and adventur-
APPENDIX.

Each person having 200 acres to have power of commissioner of sewers.

ers their heirs and assigns, having two hundred acres a-piece of the said ninety-five thousand acres, or any five or more of them, after the said work of draining shall be adjudged, and none other person or persons, shall within the said Level have such and the same power and authority, as commissioners of sewers, authorized by Act or Acts of Parliament heretofore made and enacted, and now in force, have or might have within the said Level: And also shall have power to make taxes from time to time, upon the ninety-five thousand acres only, for the upholding, repairing and maintaining of the said works: And shall have power by virtue of this Act, for levying of the said taxes, to sequester and receive the profits of the defaulters lands, parcel of the said ninety-five thousand acres, for satisfying the same, or to take distresses in and upon the same: and shall have further power for the maintenance of the said work, to make such by-laws and orders, as by and according to the laws and customs of Romney Marsh is provided or used, as well for the laying and raising of taxes for the maintenance of the said work, as for the making and appointing officers for the overseeing and maintaining thereof from time to time, and allowing fit salaries and recompence for the same, and for all other necessary purposes and things, as they shall think fit and requisite in that behalf, out of the said ninety-five thousand acres only. And be it further enacted and ordained, that the commissioners hereafter named, or any five or more of them, shall hereby have power to meet in the Middle Temple Hall, London, upon the seventh day after the end of every term, there to advise and direct, do, and act, according to the powers in this Act given to them; and shall have power from time to time to adjourn their meeting to such other time and place as they shall think fit, and hereby shall have power, by view or otherwise as to them shall seem meet, from time to time, when and so often as any part...
When 30000 acres drained, to adjudge.

To deliver seisin of so much of the 95000 acres as shall lie therein.

And when the whole drained, the 95000 acres to be delivered.

To hold of the manor of East Greenwich.

or parts of the said Level, amounting to the quantity of thirty thousand acres or more, shall be drained as aforesaid, to judge the same to be drained, and forthwith to give the said William Earl of Bedford, Edward Russell, Robert Henley, and Robert Castle, their heirs and assigns in trust as aforesaid, seisin and possession of his and their proportions of the ninety-five thousand acres formerly set forth as aforesaid, or according to such alterations therein as shall be made by virtue of this Act, lying within the said quantity of thirty thousand acres or more that shall be so adjudged: And that the said William Earl of Bedford, Edward Russell, Robert Henley and Robert Castle, their heirs and assigns, upon such trust as aforesaid, shall from thenceforth quietly and peaceably hold and enjoy the said proportions that are or shall be set forth and allotted to them: and the said whole ninety-five thousand acres, when the said whole Level shall be adjudged to be drained as aforesaid, whereby they shall become true and lawful owners thereof, and rightfully seised to them and their heirs, to the use of them and their heirs, upon such trust as aforesaid, to hold the same, without any let, interruption, diminution or disturbance of the said late King, his heirs or successors, or any claiming by, from or under him; and shall hold the same of the manor of East Greenwich, by fealty only, in fee and common socage, and not otherwise; any law, decree, act of sewers, or any thing whatsoever to the contrary thereof in any wise notwithstanding. And whereas some particular persons and parishes do conceive that the draining in one place would drown or make worse their lands in other places, and whereas likewise divers persons have or will receive benefit by the said draining, and do not yet contribute towards the said ninety-five thousand acres; and others do conceive and fear that they shall be drawn to contribute to the same though they receive no benefit thereby, and do fur-
APPENDIX.

ther alledge that the said ninety-five thousand acres in in many places are not indifferently set out; be it there-fore further enacted and ordained, that the said commis-sioners hereafter named, or any six or more of them, shall have power within three years after the said drain-ing adjudged, and such possession given as aforesaid, to give or make, and shall give or make satisfaction out of the ninety-five thousand acres, to such person or persons whose lands or interest therein shall be made worse in quality or condition by the aforesaid draining, than they were before the undertaking of the draining of the said Level, in the sixth year of the reign of the said late King, and proportionable to the loss and damage the owners and occupiers of such lands shall receive by reason of the said draining; and also shall have power within the said three years to give allowance to the said William Earl of Bedford, Edward Russell, Robert Henley, and Robert Castle, their heirs and assigns, (in trust as aforesaid) out of all such lands as are not contributory to the said ninety-five thousand acres, and shall be better in quality or condition for and by reason of the aforesaid draining, or be thereby secured from overflows and inundations, and proportionable to the benefit the owners and occupiers of such lands shall receive thereby; and shall also have like power, within the said three years after possession given as aforesaid, to alter, change and restore such part of the said ninety-five thousand acres as shall be found upon complaint to be unequally and unduly set forth, and shall thereupon set forth in lieu thereof, like propor-tions in such other places within the said Level as shall then be adjudged to be drained, to and for the said Wil-liam Earl of Bedford, Edward Russell, Robert Henley and Robert Castle, their heirs and assigns, to be by them quietly enjoyed in trust, and to be holden of the said manor of East Greenwich as aforesaid; the Parliament hereby declaring that in the adjudication care shall be
Lands receiving no benefit not to contribute.

To adventure for 2000, 1000, or 500 acres, except the 20th lot.

Adventurers to subscribe in a book what they adventure for, at the rate of 50s. per acre to be paid to treasurer.

taken, that the lands, which since the said undertaking in the said sixth year of the said late King have not or shall not receive benefit by the said draining, may not be made contributory to the said ninety-five thousand acres, nor to the charges of the said draining, but that the contributions shall be taken only out of such lands as shall be bettered by the said draining. And be it further enacted and ordained, that any person or persons, bodies politic or corporate, shall and may be admitted to adventure for any quantity or share of two thousand acres, one thousand acres, or five hundred acres, parcel of the said ninety-five thousand acres, so as the whole quantity of land, which all person or persons, bodies politic or corporate so to be admitted to adventure for, exceed not thirty thousand acres, to be indifferently divided and set out to such adventurers in any part of the said twenty lots, except in one lot in the Lordship of Thorney, belonging to the said William Earl of Bedford, at the rate of fifty shillings an acre; to have and to hold to them and their heirs, so as the party or parties so desiring to adventure shall, within three months after the passing of this act, subscribe in a book to be appointed by the said William Earl of Bedford, Edward Russell, Robert Henley and Robert Castle, or any two of them, to be kept for that purpose, for how many acres he or they will make choice to adventure for, and so as one half of the whole sum, which the adventure of any person or persons, bodies politic and corporate so adventuring at the rate of fifty shillings an acre, shall amount unto as aforesaid, shall be paid in to such treasurer or receiver as shall be appointed by the said William Earl of Bedford, Edward Russell, Robert Henley and Robert Castle, or any two of them, before the end of three months next after the passing of this act, and the other half thereof within one year next after the passing of this Act: And from and after such payments,
the said William Earl of Bedford, Edward Russell, Robert Henley and Robert Castle, their heirs and assigns, to stand trusted for such party or parties so adventuring, their heirs and assigns, according to their proportions adventured for, as for the other former adventurers and participants, and their heirs and assigns. And the said William Earl of Bedford, Edward Russell, Robert Henley and Robert Castle, or any two of them, are hereby authorized to appoint as well a treasurer for receipt of all such monies, as a clerk for keeping the said book, and shall have power to change them as often as they shall see cause, and to dispose the money paid in by any such new adventurer, or any part thereof, for the perfecting the said work of draining; and the surplusage, if any be, amongst the said William Earl of Bedford, and former adventurers and participants, their heirs and assigns, and such person or persons from whom any land, part of the ninety-five thousand acres, shall be taken by reason of such new adventurers, shall receive a full and proportionable compensation for such lands out of the residue of the said ninety-five thousand acres, from every one share and share alike, according to the proportion of the adventure, except the said William Earl of Bedford’s lot in Thorney, for which nevertheless he is to be contributory in proportion by other his lands, parcel of the said ninety-five thousand acres, for supply thereof; and in case any difference arise about the setting out any such adventures or proportioning of satisfaction, the commissioners hereafter named, or any six or more of them, are hereby authorized and required to hear and determine the same: and such person or persons adventuring as aforesaid, shall not pay or be contributory to pay any more than the said sum of fifty shillings an acre, for or towards the doing of the said work of draining; yet nevertheless every such person or persons so adventuring, after the said work of draining or any part thereof shall be judged to be done,
shall always afterwards, for the quantity of his and their
adventure, be liable and equally contributory, according
to his and their proportion, to and with the residue of
the said ninety-five thousand acres, or any part thereof,
for and towards the repairs, maintenance and keeping of
the said works of draining: And whereas by a law or de-
cree of Sewers, made in the nineteenth year of the reign
of King James, one hundred and twenty thousand acres
were decreed to be given for the draining of the said
Level; and whereas by another Law or Decree of Sewers,
made at Huntingdon, in the fourteenth year of the reign
of the said King Charles, fifty-seven thousand acres over
and above the said ninety-five thousand acres, were also
decreed to be given for the said draining; now to the end
the country may not be double charged, nor any diminu-
tion of the recompence hereby intended to be given for
the said work, be it therefore further enacted, That the
said two Laws or Decrees of Sewers shall from hence-
forth be null, void, and of none effect, to all intents and
purposes whatsoever. And to prevent differences be-
tween the adventurers and participants, their heirs and
assigns, and that adventurers and purchasers may enjoy
what of right to them belongs, be it further enacted,
that the said William Earl of Bedford, adventurers and
participants, their heirs and assigns, or so many of them
as will, do meet the Thursday fortnight, next after the
passing of this Act, in the Middle Temple Hall, London,
and there chuse a treasurer and clerk; and within three
months after the passing of this Act, cause to be entered
by the said clerk in the aforesaid book the names and
particular shares of each adventurer, participant, or heir
or assignee of any adventurer or participant in the said
ninety-five thousand acres: And that no conveyance
hereafter to be made, either by the said William Earl
of Bedford, Edward Russell, Robert Henley, and Robert
Castle, and their heirs, in pursuance of the aforesaid
trust or otherwise, or any assignment, lease, grant, or

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APPENDIX.

Law of Sewers,
19 Jac.

Law of Sewers
at Huntingdon,
14 Car. 1. de-
clared null and
void.

Earl of Bedford
and adventu-
ers to meet
and enter in a
book names
and shares of
adventurers.

No conveyance
of 95,000
acres to be va-
lid but from
time of entry
in a book by
clerk, or enrol-
ment in Chan-
cery.
APPENDIX.

Conveyance by any adventurer or participant, their heirs or assigns, of any of the said ninety-five thousand acres, or any thing or charge upon or out of the same, shall be valid or of force, until such assignment, lease, grant or conveyance or charge shall be entered in the book with the said clerk for the time being, or enrolled in the Chancery. And be it further enacted and ordained by the authority aforesaid, that the commissioners hereafter named, or any six or more of them, shall and may inform themselves by examination of witnesses upon oath, which hereby they or any six or more of them shall have power to administer, and by their own view, or by both or either of the said ways, as in their judgment shall be expedient, of all such points, matters and things which in their judgments are or shall be necessary, for the better and more speedy executing all and every the powers hereby given them, and doing justice therein according to the true intent and meaning of this Act. And the sheriffs, and all other officers and ministers of all and every the respective counties in which the premises lie, are hereby required to be aiding and assisting in all and singular the premises. And it is hereby enacted and ordained by the authority aforesaid, that William Lenthall, Esq. Speaker of the Parliament, the Lord Keeper, Lord Chancellor, or Lord Commissioner or Commissioners of the Great Seal of England for the time being, all the Judges of the Upper Bench and Common Pleas, and Barons of the Court of Exchequer for the time being, Philip Earl of Pembroke and Montgomery, William Earl of Salisbury, Edward Lord Howard Baron of Escrick, Sir John Danvers, Knight, Sir John Burgoyne, Knight, Sir John Bouchier, Knight, Sir Thomas Walsingham, Knight, Sir Nathaniel Barnardiston, Knight, Sir Gilbert Pickering, Knight and Baronet, Sir Dudley North, Knight, Sir John Trevor, Knight, Sir Peter Wentworth, Knight of the Bath, Sir John Eve-
APPENDIX.

Actions brought for any thing done in executing of this act, defendant may plead the general issue, and give act in evidence.

A COLLECTION

OF THE

LAWS

WHICH FORM THE CONSTITUTION

OF THE

BEDFORD LEVEL CORPORATION,

WITH

SUNDARY DOCUMENTS


Ancient and Modern Drainage

OF THAT EXTENSIVE COUNTRY CALLED

THE BEDFORD LEVEL.

By SAMUEL WELLS, Esq.

REGISTER TO THE CORPORATION.

LONDON:

Published for the Author,

BY R. PHENEY, LAW-BOOKSELLER, 17, FLEET STREET.

1828.
No. XIX.

GENERAL ACT,
15 CAR. 2. c. 17.

ANNO REGNI CAROLI II. REGIS ANGLIÆ, SCOTIÆ, FRANCIÆ ET HIBERNIÆ, DECIMO QUINTO.

At the Parliament begun at Westminster the eighth Day of May Anno Domini 1661, in the thirteenth Year of the Reign of our most Gracious Sovereign Lord Charles, by the Grace of God, of England, Scotland, France and Ireland King, Defender of the Faith, &c.

And there continued till the nineteenth of May in the fourteenth Year of his Majesty's said Reign: and thence prorogued to the eighteenth of February then next following:

And there continued to the twenty-seventh of July in the fifteenth Year of his Majesty's Reign: and thence prorogued to the sixteenth of March then next following.

AN ACT for settling the Draining of the Great Level of 1663.
the Fens called Bedford Level.

WHEREAS certain moors, marshes, fenny and low surrounded grounds within the counties of Northampton,
Norfolk, Suffolk, Lincoln, Cambridge and Huntingdon, and the Isle of Ely were called the Great Level of the Fens, and after several fruitless undertakings for draining the same were, upon the desires of many persons of worth and interested in the same, declared to be a great and noble work, and of much concernment to the whole country, and at their earnest desire undertaken to be drained by Francis late Earl of Bedford, according to a Law of Sewers made at King's Lynn in the sixth year of the reign of the late King Charles of glorious memory, which said Level is bounded as followeth, (viz.) eastward from the bridge and causey of Stoake unto Brandon Bridge upon the uplands of Northold, Methold, Feltwell, Hockwold and Wilton in the county of Norfolk, and from Brandon Bridge unto the end of Worlington Lode upon Mildenhall River, upon the uplands of Brandon, the low grounds of Wainsford excluding the same, the uplands of Lakingheath, the low grounds of Earsewell excluding the same: and the uplands of Mildenhall in the county of Suffolk southward from Worlington Lode unto Burwell Block upon the uplands of Frekingham, Islham, Fordham, Soham and Wickin in the county of Cambridge, and excluding the low grounds of Burwell, Landward, and other places lying eastward from Burwell Block aforesaid, and from thence unto the mill near Anglesey Abby upon the uplands of Burwell Reach, Swaffham Prior, Swaffham Bulbeck, and Botsham in the county of Cambridge; and from thence unto the Ferry-place at Clayhith upon the uplands called Quyhall, the low ground called Low Fen, and the uplands of Horningsey and Clayhith in the said county, excluding the low grounds called Low Fen and Offene; and from the said Ferry-place unto Over Lode upon the uplands of Water-beach, Cottenham, Rampton, Wivelingham and Over in the said county of Cambridge, and upon the low grounds of Swacy in the said county, ex-
including the same westward from Erith unto the dam lately made upon the River Neane near Standground upon the uplands of Somersham and the Soake thereof, Warbois, Wistow, Berry, Ramsey, Upwood, Raveley, Wood-walton, Sawtrey, Connington, Glatton, and Holme, Caldecott, Denton, Stilton, Yaxley, Fassett and Standground in the county of Huntingdon, excluding the low grounds lying on the north side of the River of Ouse above Erith; and from the said dam untoPeterborough Bridge upon the said River of Neane; and from thence unto the Ferry-place near Waldron Hall upon the Uplands of Peterborough and the Soake thereof in the county of Northampton; and northward from the said Ferry-place near Waldron Hall unto Crowland Bridge upon the River of Welland, and from thence to Dowsedale upon the bank of Great Porsand, and from thence unto Guyhurne upon the Southea Bank, and from thence unto Tilnehurne upon the bank of the fen ground called Waldorsea, and from thence unto Elme Leame at Grangers House upon the bank of the fen ground called Coldham, and from thence unto the River of Neane near Thurlings in Upwell upon the bank of Needham called Bishops Dike, and from thence unto Well Creek at the north-west corner of Wassingham Fen, upon the bank of the grounds in Upwell and Outwell called Playfeild and Churchfeild, excluding the aforesaid fens and grounds called Waldorsea, Coldham, Needam, Playfeild and Churchfeild; and from thence unto Salters Lode upon the new Podyke Bank, and from thence unto the mouth of the River Wissey upon the River Ouse, and from thence unto Helgay Bridge upon the River Wissey, and from thence unto the uplands at the end of the bank of the grounds late of Edmond Skipwith, Esq. deceased, upon the said bank, and from thence unto Stoake Bridge upon the uplands of Roxham, Deerham, Weerham, Wretton and Stoake in the said county.
of Norfolk, except the imbanked grounds late of Edmond Skipwith, Esq. lying on the north side of the River of Ouse. And whereas the said Francis late Earl of Bedford was to have, for his recompence of effecting that difficult work, only ninety-five thousand acres of the said grounds, with convenient highways and passages to the same; and the new rivers, cuts and drains to be made by the said Earl and his assigns, and the banks of the same and the forelands in the inside of the said banks not to exceed sixty foot in breadth, which was a work of so great and public concernment, that his said late Majesty gave great encouragement to the said Francis late Earl of Bedford, and others, whom he had taken in to be adventurers and participants with him therein, upon the covenants, conditions and agreements contained and specified in and by a certain indenture of fourteen parts, bearing date the seven and twentieth day of February in the seventh year of the reign of his said late Majesty, and his Royal assurance to further it by his concurrence to an Act of Parliament for establishing thereof, and did by Letters Patents under the Great Seal of England incorporate the said late Earl, his adventurers and participants, to have succession for ever; and in order to the effecting thereof, the said late Earl and his adventurers and participants bestowed great sums of money for perfecting the same; and after his death, and some interruptions, William now Earl of Bedford, son and heir to the said Earl Francis, with divers of his adventurers and participants, by colour of a pretended Act of Parliament of the nine and twentieth day of May in the year of our Lord one thousand six hundred forty and nine, proceeded in the compleating and finishing the said works, and the commissioners appointed by that pretended Act did adjudge the same drained; but the same cannot be preserved without a perpetual constant care, great charge and orderly government, which being represented to the

APPENDIX.

Except Mr. Skipwith's ground.

Recites Francis Earl of Bedford's undertaking, and to have 95,000 acres.

Indenture of fourteen parts.

Incorporated.

Earl William's undertaking.

Act of May 1649.
APPENDIX.

King's most Excellent Majesty that now is, he hath been graciously pleased to declare more than an ordinary willingness to promote and countenance a work of so publick concernment, and many ways advantageous to this his kingdom. To the end therefore that a work of this nature may receive publick support and encouragement:

II. Be it enacted by the King's most Excellent Majesty, with the advice and assent of the lords spiritual and temporal, and commons in this Parliament assembled, and by the authority of the same, That the said William Earl of Bedford, son and heir of the said Francis Earl of Bedford, and the adventurers and participants of the said Earl Francis and Earl William, or either of them, their heirs and assigns, in such manner as is herein contained, shall be a body politick and corporate in deed and name, and have succession for ever, by the name of the Governor, Bailiffs and Commonalty of the Company of Conservators of the Great Level of the Fens; which corporation shall consist of one governor, six bailiffs, twenty conservators and commonalty, and shall have and use a common seal to be appointed by themselves, and assemble and meet together when, where, and as oft as they please, and appoint a Register, Receiver, one or more Serjeants at Mace, and other officers, and allow them salaries, and remove them and make new at their pleasure. And the said William Earl of Bedford is to be the first Governor; Richard Lord Gorges, Sir Richard Onslow, Knight, Sir William Terringham, Knight of the Bath, Samuel Sandys, Thomas Chicheley, and Samuel Fortrey, Esquires, the six first Bailiffs; Sir Gilbert Gerhard, jun. Knight, William Denton, William Cranie, Edmond Berry Godfrey, Arthur Evelyn, Samuel Smith, Roger Jennings, Robert Castle, Robert Hampson, Joseph Ayloffe, Esquires, Thomas Lord Culpepper, Sir John Hewett, Baronet, Arthur Onslow, Robert Phillips, Anthony St. John, Esquires, Sir Oliver St. John,
Sir Charles Harbord, Knights, Francis Hoblyn, Samuel Sandys, jun. and Robert Terringham, Esquires, the first Conservators. And the said governor, bailiffs, and conservators to continue until Wednesday in Whitsun week in the year of our Lord one thousand six hundred sixty and four, and from thenceforth until new elections by the said corporation, or the major part which shall be then present; and shall be capable to sue and be sued, and without licence of mortmain to purchase manors, lands, tenements, and hereditaments, not exceeding two hundred pounds per annum, and goods and chattels, and to dispose thereof in the name, and to the use of the said corporation; and the said governor, bailiffs and conservators, or any five or more of them, whereof the said governor or bailiffs or any of them to be two, shall and may lay taxes from time to time upon all the said ninety-five thousand acres only for support, maintenance and preservation of the said Great Level, and levy the same with penalties for non-payment, not exceeding a third part of the tax, and all other things do in order to the support, maintenance and preservation of the said Great Level and works made and to be made:

III. And whereas by the said Law of Sewers twelve thousand acres, parcel of the said ninety-five thousand acres, were designed and intended to his said late Majesty, and were set forth and allotted by bounds in severalty, and his said late Majesty was in possession thereof, and granted, assigned, allotted and set out by bounds two thousand acres, parcel of the said twelve thousand acres, by letters patents, unto Jerome Earl of Portland, his heirs and assigns, of which said two thousand acres the said Earl of Portland hath sold away about one

* This family were not ancestors, or indeed in any way related to the present noble family of Bentinck, who came into England with King William the Second, A. D. 1688. Richard Weston, Esq. was created the
thousand five hundred acres in several parcels to several persons, their heirs and assigns, for valuable considerations, and the residue thereof, being about five hundred acres, hath granted and conveyed unto his brother Benjamin Weston, Esq. and his heirs, upon several trusts agreed upon between the said Earl of Portland and Benjamin Weston, by writing for that purpose:

IV. Be it therefore enacted by the authority aforesaid, That the said two thousand acres, or such other lands of equal value as shall be set forth in exchange of the same, in case the forementioned two thousand acres, or any part thereof, shall hereafter be adjudged to have been unduly set out, shall be, and hereby are vested, settled and established in the said several and respective persons, (to whom the said Earl of Portland hath so conveyed or mentioned to convey the same) their heirs and assigns respectively, to each person, his heirs and assigns, his and their several and respective share and shares, that was so respectively to each of them conveyed or mentioned to be conveyed by the said Earl of Portland, to be held or enjoyed by them or each of them, his heirs and assigns, his and their own share and part only in severalty, according to the intent of the said conveyances thereof to them respectively made by the said Earl of Portland; upon the same trusts nevertheless for and concerning the said five hundred acres granted or mentioned to be granted to the said Benjamin Weston, which the said Earl of Portland and Benjamin Wes-

first Baron Weston and K. G.; afterwards in 1633, Earl of Portland and Lord High Treasurer: ob. 1634.
4. Thomas, uncle and heir, second son of Richard, first Earl: ob. 1688, when the title became extinct.

This family appears to have been possessed of considerable estates, particularly at Over in the county of Cambridge, and Wood-walton in the county of Huntingdon.
V. And be it further enacted by the authority aforesaid, That the eighty-three thousand acres, remainder of the said ninety-five thousand acres, with the said ways, passages, new rivers, cuts, drains, banks, and forelands, over and above the said ten thousand acres, residue of the said twelve thousand acres which were allotted in severalty, and of which his said late Majesty was in possession as aforesaid, are hereby vested and settled in the said Governor, Bailiffs and Commonalty of the Company of Conservators of the said Great Level of the Fens, and their successors: in trust nevertheless for the said William Earl of Bedford, and the adventurers and participants of the said Earl Francis and Earl William, or either of them, their heirs and assigns, in such manner and wise as is hereinafter more particularly and especially limited and provided; and according to such parts and proportions as they respectively now hold and enjoy, or by virtue and provision of this Act ought to hold and enjoy, subject and liable likewise to the payment of all taxes and charges as aforesaid, to be holden of the King's Majesty, his heirs and successors, of the manor of East-Greenwich, by fealty only in free and common socage, and not otherwise: and the said ten thousand acres, residue of the said twelve thousand acres, (whereof his said late Majesty was in possession as aforesaid) are hereby vested and settled in his Majesty that now is, and his assigns, subject and liable, with the
residue of the said ninety-five thousand acres, to the same taxes and charges before specified. And because the said Great Level of the Fens extends into the said six counties, besides the Isle of Ely, and forasmuch as commissioners of sewers cannot legally proceed in execution of their commission, but by a several jury of every county to enquire of the matters within their commission in that county, which hath heretofore inforced the said Earl, his participants and adventurers, commissioners and countries, to very great trouble, loss and expense, both of money and time; for avoiding which inconveniences, it is hereby further enacted by the authority aforesaid, That the said governor, bailiffs and conservators of the said corporation for the time being, or any five or more of them, whereof the said governor or bailiffs for the time being, or their successors, or any of them, to be two, for maintenance and preservation of the said Great Level by convenient outfalls to the sea, shall for ever hereafter be, and are hereby made and constituted commissioners of sewers for and of the said Great Level of the Fens: and the said governor, bailiffs and conservators, or any five or more of them, whereof the said governor or bailiffs, and their successors, or any of them, to be two, are hereby enabled and impowered from henceforth to use and exercise the power and authority of commissioners of sewers within the said Great Level of the Fens, and of the works made or to be made without the said Great Level, for conveying of the waters of the said Great Level by convenient outfalls to the sea, touching all matters and things whatsoever happening to be executed or done within the said Great Level, or the said works without the said Great Level, enquirable, punishable, or to be done by commissioners of sewers, and therein to act and proceed by one or more juries of good and lawful men, inhabiting within any part or place within the boundaries of the said Great
Level of the Fens, though in several counties, as if the said Great Level of the Fens lay within one of the said counties only, and shall have power to employ the said serjeants, or any of them for the time being, by warrant or precept from the said governor, bailiffs and conservators, and their successors, or any five or more of them, whereof the said governor or bailiffs, or any of them, to be two, under the common seal of the said corporation, to summon and return juries within the boundaries of any part of the said Great Level, and execute all precepts and process from them, from time to time, and all other things do, as fully as any sheriff within his respective county may or can do by warrant or precept from commissioners of sewers; which juries are to appear at the times and places set or appointed for them to appear before the said governor, bailiffs and conservators, and their successors, or any five or more of them, whereof the said governor and bailiffs, and their successors, or any of them, to be two; and are hereby impowered to inquire of, present and try all matters within the said Great Level, and of and concerning the said works made or to be made without the said Great Level, for conveying of the waters of the said Great Level by convenient outfalls to the sea, within the power of commissioners of sewers, as if the same lay within any one of the said counties, or as if the said Great Level were one distinct county of itself: And the said governor, bailiffs and conservators, or any five or more of them, whereof the said governor or bailiffs, or any of them, to be two, shall have further power, as well for the maintenance of the said Great Level as for laying and levying of taxes upon the said ninety-five thousand acres, to use and exercise, within the said Great Level, such and the like laws and customs, and constitute and appoint such and the like officers, from time to time, as are, or lawfully may be used in Rumney-Marsh in the county of Kent; they who
exercise the said power of commissioners of sewers first taking the oath which commissioners of sewers are by the law to take, the which oath the said governor and bailiffs, or any of them, are hereby impowered to admini-
ister from time to time without any further commis-
sion.

VI. And because the metes and boundaries of the said grounds within the said Great Level, as to the counties and parishes, are very uncertain and hard to be distin-
guished, be it therefore further enacted, That every writ, bill, plaint, count, declaration, information, presentment and indictment, of, for or concerning the said grounds within the said Great Level of the Fens, or any part or parcel of the same, or any trespass, offence or wrong done, acted or committed within the said Great Level, and proceedings thereupon, shall be good and sufficient in law, though the county, parish, town or place, or any of them, in such writ, bill, plaint, count, declaration, information, presentment or indictment be not rightly named, so as there be such other certainty or description of the place whereby the same is or may be commonly known.

VII. And be it further enacted, That no other com-
mmissioners of sewers shall intermeddle within the said Great Level, or with any the works made or to be made for the support, maintenance or preservation of the said Great Level, within or without the said Great Level, as aforesaid, otherwise than hereafter in this Act shall be provided.

VIII. And be it further enacted, That all conveyances by indenture of the said ninety-five thousand acres, or any part thereof, entered within the said register in a book to be kept for that purpose, shall be of equal force to convey the freehold and inheritance of the said ninety-five thousand acres, or any part thereof, as if the same conveyances by indenture were for valuable considera-
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No lease, grant, &c. to be of force, but from entry, except leases for seven years.

Taxes arrear to be levied by sale, other than, &c.

Whitsun week to sell.

No lease, grant, &c. to be of force, but from entry, except leases for seven years.

To execute estates.

IX. And be it further enacted, That the said governor, bailiffs and commonalty shall execute estates according to the aforesaid trust under their common seal, the taxes and penalties then in arrear being first paid, which for non-payment are by virtue of this Act to be levied by sale of the lands.

X. And be it further enacted, That for the levying such taxes and penalties as are now in arrear, or at any time since the thirtieth day of September in the year of our Lord one thousand six hundred fifty and eight, (other than such as are hereby otherwise directed to be levied) or which shall be set and imposed upon the said ninety-five thousand acres by virtue of this Act, and shall be in arrear upon the respective parts and proportions of the said ninety-five thousand acres, the said governor, bailiffs and conservators of the said corporation, and their successors for the time being, or any five or more of them, whereof the said governor and bailiffs for the time being, and their successors, or any of them, to be two, for levying such taxes and penalties which now are or shall be so in arrear, upon the respective parts and proportions of the said ninety-five thousand acres, shall, on Wednesday and Thursday in Whitsun week, or either of them, every year at the Shire-house in Ely aforesaid in the said Isle of Ely, have power only to sell so much of such
parts and proportions of the said ninety-five thousand acres, upon which any tax shall be in arrear, or penalties in such proportion, as the said governor, bailiffs and conservators of the said corporation, or their successors, or any five or more of them, whereof the said governor and bailiffs, or any of them, to be two, shall judge to be sufficient to raise such taxes and penalties, by any writing under the seal of the said corporation; and the person or persons to whom such sales shall be made, shall be a lawful purchaser and assignee of so much as shall be sold, to all intents and purposes whatsoever.

XI. Provided, that by any colour of any sale for non-payment of taxes, any tenant or tenants at will, or by lease indented, upon improved rent of any part of the said ninety-five thousand acres, shall not be removed from his or their possession, until he or they shall have taken his or their crop from off the premises so sold, paying reasonable rent, proportionable to the time that such possession shall from and after such sales be continued; and such tenant or tenants, as shall hold any part of the said ninety-five thousand acres by lease, as aforesaid, shall and may, if he or they shall think meet, continue out their respective terms, paying their rent to such purchaser in proportion to the quantity of acres so purchased; any thing herein contained to the contrary in any wise notwithstanding: Provided, that the said corporation, nor their successors, shall not sell any part or proportion of the said ninety-five thousand acres for any tax or penalty in arrear, which tax or penalties shall not be in arrear by the space of four months next before the sale, nor any more lands than only for the raising of such taxes and penalties.

XII. Provided also, That the said corporation shall give publick notice from time to time of the parts and proportions of the said ninety-five thousand acres, for
which any tax or penalties is or shall be in arrear, by affixing openly at the Shire-house or Market-place in Ely aforesaid, a schedule in parchment under the seal of the said corporation, containing such parts and proportions of the said ninety-five thousand acres, for which any tax or penalty is or shall be in arrear, with the name and names of the respective owner or owners, entered upon the tax roll, with the said corporation, of the said parts and proportions of the said ninety-five thousand acres so in arrear.

XIII. And be it further enacted, That the said corporation shall and may, from time to time, erect any new works within the said Great Level or without the said Great Level, for conveying the waters of the said Great Level by convenient out-falls to the sea; so always that if they cut any several grounds, they give full recompence and satisfaction for the same, in such manner as shall be hereafter in this act provided. And if any person or persons shall cut, throw down, or destroy any of the said works made or to be made, as aforesaid, the parties offending shall answer treble damages to the said corporation, and costs of suit, to be recovered in an action of trespass to be brought by the said corporation in any of his Majesty's courts of record; and if such cutting, throwing down, or destroying, shall be maliciously done, the same shall be punished, as for the cutting the podyke in marsh land.

XIV. And be it further enacted, That the said William Earl of Bedford, nominated to be governor, and every other from time to time into that office chosen, shall (before he take upon him or them the exercise of that office) take an oath, that he will well and truly execute that office in all things; the which oath shall and may be administered by the said bailiffs, or any one of them: and the said bailiffs, conservators, register, receiver, or other officer nominated as aforesaid, and every
other from time to time, into any of the respective offices to be chosen, shall (before he or they take upon him or them the exercise of the said respective offices) take the like oath for the true executing their respective offices; the which oath shall be administered by the said governor, bailiffs, and conservators, or any two or more of them, without any commission or further warrant.

XV. And for the continuance of the said corporation in succession for ever, Be it further enacted, That the said governor, bailiffs, conservators and commonalty, upon Wednesday in Whitsun week yearly, shall at a public meeting to be holden for the said corporation by the greater number then present, (whereof the said governor, or one of the bailiffs to be one) elect a new governor, bailiffs, and conservators respectively: provided, that none be capable to be, or continue governor or bailiffs, that hath not four hundred acres, or more, of the said ninety-five thousand acres, nor to be conservator that hath not two hundred acres, or more, of the said ninety-five thousand acres, nor any of the commonalty to have a voice in elections that hath not one hundred acres, or more, of the said ninety-five thousand acres. And that the said governor, bailiffs and conservators, or any of them, shall and may be removed by the said governor, bailiffs, and conservators, and commonalty, or the greater number of them present at their public meetings, whereof the said governor or one of the bailiffs to be one, and new chosen in the place of him or them so dead or removed: and the said governor, bailiffs and commonalty also shall have further power to have, demand, and receive an account from all and every the officers, agents, and servants, their executors and administrators heretofore employed, or hereafter to be employed, for the receiving and paying of money for or in relation to the carrying on of the works of the draining of the said Great Level, and shall
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and may sue for, and recover the same; and that all arrears of rent already incurred upon or out of any part of the said ninety-five thousand acres upon any contract or lease of the said premisses, or any part or parcel thereof, shall be received and recovered, as if the said pretended act had been a good and effectual act; and if any suit be commenced against the said corporation, or any person, for any matter or thing done in pursuance of this act, then he or they shall or may plead the general issue, and give the special matter in evidence, upon any trial to be had touching the same, which shall be as good and effectual in law, as if the same had been specially pleaded, and the jury upon the trial to give a verdict accordingly.

XVI. Provided always, and be it further enacted by the authority aforesaid, That as touching and concerning such part and parcel of the said eighty-three thousand acres, whereof any person or persons attainted, or that shall be attainted, was or were in possession at any time since the nine and twentieth day of May in the year of our Lord one thousand six hundred forty and nine, under pretended sales thereof respectively made by colour of the said pretended act, or under any other title or pretended title whatsoever, the King's most Excellent Majesty, his heirs, successors and assigns, shall have the same and like benefit, advantage and interest in all and every the said parts and parcels of the said eighty-three thousand acres, and no other than as the said persons so attainted, or which shall be attainted, could or ought to have by virtue of this act in case they had not been so attainted, or shall not be attainted. And whereas the shares, lots, parts, and proportions of and in the said ninety-five thousand acres, which in pursuance of the said indenture of fourteen parts, and by virtue or intention of the said act and law of sewers made at Lynn, do belong and appertain to the said Samuel Sandys the
elder, or his trustees, Sir William Teringham, Sir Richard Onslow, and other the assignees and trustees of Henry late Earl of Arundel and Surrey deceased, Arthur Earl of Anglesey, Thomas Lord Culpepper, Robert Phillips, Robert Scawen, and to divers other persons, the participants of the said Earl Francis, and parties to the said indenture, or their respective heirs, executors, administrators or assigns, are now possessed and enjoyed by divers persons, who took, contracted for, or accepted of, or by such who claim and derive their interest and title from and under such persons as did take, contract for, or accept of pretended estates or conveyances of the same, made, or pretended to be made by certain persons mentioned in and by the said pretended act of the nine and twentieth day of May one thousand six hundred forty and nine; to have authority to sell the shares, lots, parts and proportions of such of the adventurers and participants of the said Earl Francis, and of their respective heirs and assigns, as should refuse or make default of payment of such taxes, as should by colour and in pursuance of the said pretended act be imposed upon them respectively, in respect of their shares and lots, in or out of the said ninety-five thousand acres.

XVII. Be it therefore enacted by the authority aforesaid, That the said governor, bailiffs and commonalty of the said company of conservators of the said Great Level of the Fens, and their successors, shall actually stand seised and possessed of all and every the shares, lots, parts and proportions last mentioned, in trust nevertheless to and for the use and behoof of the said Samuel Sandys the elder, or his trustees in trust for him, Sir William Teringham, Sir Richard Onslow, and others the said assignees and trustees of Henry late Earl of Arundel and Surrey deceased, Arthur Earl of Anglesey, Thomas Lord Culpepper, Robert Phillips, Robert Scawen, and of their respective heirs and assigns, and to and for
To execute estates to them, the respective uses and behoofs of the said other persons, the participants of the said Earl Francis, and parties to the said indenture of fourteen parts, and of their respective heirs and assigns now out of possession of their respective shares, lots, parts, and proportions of the said ninety-five thousand acres, as heretofore in or about the month of October in the thirteenth year of the reign of the late King Charles of ever blessed memory, were respectively allotted, severed, set forth or divided, for or as the respective shares, lots, parts and proportions of such of the adventurers, the participants of the said Earl Francis, and parties to the said indenture of fourteen parts, their respective heirs, executors, administrators and assigns, from and under whom the said Samuel Sandys the elder, or his trustees, Sir William Terringham, Sir Richard Onslow, and others the assignees and trustees of Henry late Earl of Arundel and Surrey deceased, Arthur Earl of Anglesey, Thomas Lord Culpepper, Robert Phillips, Robert Scawen, and the said other persons, the participants of the said Earl Francis, and their respective heirs, executors, administrators and assigns, now out of the possession of their respective shares, lots, parts and proportions; and the said governor, bailiffs, and commonalty of the company of conservators, are hereby authorized and required to execute respective estates of the said shares, lots, parts and proportions accordingly, subject and liable nevertheless with the residue of the said ninety-five thousand acres, in equal proportion to all taxes and charges to be laid and imposed by virtue of this act, for preservation of the said Great Level from drowning. And whereas the persons now in possession of the said last mentioned shares, lots, parts and proportions of the said ninety-five thousand acres, whereof pretended estates and conveyances were taken,
contracted for, or accepted of, as aforesaid, do presume that they or those under whom they do respectively claim and derive their right, title or pretensions to the said shares, lots, parts and proportions respectively, have laid out and disbursed for taxes for and towards the maintenance, preservation and repair of the works of the said Great Level heretofore erected by the said Earl Francis and his participants, and for and towards their erection of new and necessary works, for the better and more effectual draining of the said Great Level, and for building upon the said shares, lots, parts and proportions, more monies than the clear rents, issues and profits of the said shares, lots, parts and proportions have amounted to since the said respective pretended estates and conveyances were first taken, contracted for or accepted, as aforesaid.

XVIII. Be it therefore enacted by the authority aforesaid, and it is hereby enacted, That the Chief Justice of the Court of King’s Bench, the Chief Justice of the Court of Common Pleas, the Chief Baron of the Court of Exchequer, and the Justices of the said Court of Common Pleas for the time being, or any two or more of them, are hereby constituted, appointed, and erected a judicature, or commissioners to hear, order, judge, decree, and determine upon bills and answers, to be exhibited, or otherwise as they shall think fit, between the said persons who are now in the possession of the said respective shares, lots, parts and proportions, and the respective heirs and assigns of the said persons now in possession, as aforesaid; and the said Sir Richard Onslow, and other the said assignees and trustees of the said Henry late Earl of Arundel and Surrey deceased, Arthur Earl of Anglesey, Thomas Lord Culpepper, the said Samuel Sandys the elder, or his trustees, Sir William Terringham, Robert Phillips, Robert Scawen, and the said other persons participants of the said Earl
Any two commissioners to adjudge to either party.

Power of the Court of Chancery.

Respect to monies expended by either party.

Francis, and their respective heirs and assigns, who are now out of the possession of the said shares, lots, parts and proportions respectively, and to whom respective estates are, by virtue of this act, to be executed of the same, as aforesaid; and the said judicature or commissioners, or any two or more of them are hereby authorized out of the said shares, lots, parts and proportions, to order, adjudge, decree and determine to either of the said parties respectively, such recompence and allowance as they the said judicature or commissioners, or any two or more of them shall see cause. And for the better enabling the said judicature or commissioners to proceed to the hearing, ordering, adjudging, decreeing and determining, and for putting in due and speedy execution such order, judgment, decree and determination, as they or any two or more of them shall make between the said parties;

XIX. It is hereby further enacted by the authority aforesaid, That they the said judicature or commissioners, or any two or more of them, shall have such and the like power and authority, as the High Court of Chancery hath in cases before the said court depending, and for putting in execution the decrees of the said court. And to the end that the said judicature may be the better enabled to judge of the rights and pretensions of either party;

XX. Be it further enacted by the authority aforesaid, That in every decree or determination which they shall make by virtue and in pursuance of this act, they shall have regard to the sum and sums of money actually disbursed and expended by either party in the works of draining the said Great Level, and in the preservation and reparation of the same; and also to the respective times of such disbursements and expense, defalking thereout such sum and sums of money as have been received by either party, their tenants or assigns, for the
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rents, issues and profits of the same, and abating out of the interests of the money disbursed by either party, so much as the interest of the money received by such party for the rents, issues and profits of the same doth amount unto. And to the intent that the persons, who by the true intent and meaning of this act are to be put in possession of any part of the said eighty-three thousand acres, may not, by undue delays, or by any other means or pretensions, be kept out of the possession of the same;

XXI. Be it further enacted by the authority aforesaid, That at any time or times, after the expiration of six months after the passing of this act, it shall and may be lawful to and for the said Samuel Sandys the elder, and his trustees for him, Sir Richard Onslow, and others the assignees and trustees of Henry late Earl of Arundel and Surrey deceased, Arthur Earl of Anglesey, Thomas Lord Culpepper, Sir William Terringham, Robert Phillips and Robert Scawen, their and every of their respective heirs and assigns, and to and for the participants of the said Earl Francis, parties to the said indenture of fourteen parts, their, and every of their respective heirs and assigns, whose lands, shares, lots, parts and proportions of and in the said ninety-five thousand acres, were sold, or pretended to be sold, for non-payment of taxes, by virtue of the said pretended act of the nine and twentieth day of May in the year of our Lord one thousand four hundred and forty-nine, to bring their respective action or actions of trespass, or trespass and ejectment, in his Majesty's Court of King's Bench, or Court of Common Pleas at Westminster, against any person or persons whatsoever, possessing, withholding, or occupying the same, although the said governor, bailiffs and conservators, or so many and such of them as are thereunto authorized by this present act, have not or shall not execute estates pur

2 D 2
Claim under fourteen parts indenture; as if the governor, bailiffs and conservators had duly executed estates.

Hold as if the governor, bailiffs and conservators had executed estates subject to the indenture.

Taxes arrear upon lands in dispute.

Commissioners to direct who shall pay taxes.

suant to this present act, to such person or persons hereby enabled to bring such action or actions; and such person or persons shall recover such lands, shares, lots, parts and proportions of the said ninety-five thousand acres, as they respectively shall make and derive title and claim unto, as participants of the said Francis Earl of Bedford, parties to the said indenture of fourteen parts, or as the respective heirs or assigns of the said respective participants, parties to the said indenture of fourteen parts, as if the said governor, bailiffs and conservators had duly executed respective estates of such respective lands, shares, lots, parts and proportions of the said ninety-five thousand acres, according to the true intent and meaning of this act. And such person or persons, his and their respective heirs and assigns, shall have and hold the same lands, shares, lots, parts and proportions, as fully and effectually as if the said governor, bailiffs and conservators had executed respective estates thereof, subject nevertheless to such decree as the said judicature or commissioners before nominated and appointed shall make touching or concerning the premises, and also subject to the payment of all taxes to be laid and imposed by virtue of this Act, and no other. And whereas there are several sums of money amounting to four thousand pounds or thereabouts, in arrear for taxes laid and imposed since the nine and twentieth day of September in the year of our Lord one thousand six hundred fifty and eight, upon several parts of the said ninety-five thousand acres, subjected by this Act to the judicature aforesaid, and for penalties incurred for non-payment of the same, by virtue or colour of some act or authority, or pretended act or authority;

XXII. Be it therefore enacted by the authority aforesaid, That the said Commissioners or judicatory, or any two of them aforesaid, shall have power and authority, and are hereby required, in such adjudication as they
shall make touching the lands subjected to their judicature as aforesaid, to direct, order and decree, upon what persons or lands the said sums of money so in arrear for taxes and penalties as aforesaid, shall be charged, and the said taxes and penalties shall be accordingly levied upon such person or lands, and in such manner, and by such ways and means as shall be directed, ordered and decreed by the judicature aforesaid, or any two of them; and as if such direction, order and decree had been particularly hereby enacted;

XXIII. And whereas particular persons and parishes do conceive and alledge, That the draining of one place hath drowned and made worse the lands in other places: and whereas divers persons likewise do alledge and complain, That the said ninety-five thousand acres in many places are not indifferently set out or allotted according to the law made at Lynn in the sixth year of the late King Charles, nor according to agreement made with the country; but in many places greater quantities have been taken from the owners, commoners and townships than ought to have been; and that some lands have been taken as belonging to one parish and county, which in truth did belong to another; and in many places the allotments have been taken very inconvenient for the townships, which ought not to have been by the said agreement: and whereas the draining aforesaid, and future maintenance of the said Great Level ought to be without prejudice to navigation: and because all complaints which have been made, and all prejudices which have been or shall be done to particular persons, parishes and places, cannot by this Act be sufficiently provided for and remedied;

XXIV. Be it further enacted by the authority aforesaid, That Sir John Tracy, Knight, Sir Charles Mordant, Sir Nicholas L'Strange, Baronets, Sir William Hovel, Knight, Edward Peppis, Humphrey Bedding-
field, Nicholas Stileman, Esquires, for the county of Norfolk;

Sir Nicholas Bacon, Knight of the Bath, Sir Lyonel Tolimach, Baronet, Sir John Duncombe, Knight, Sir Edmund Pooley, Knight, Sir George Reve, Knight and Baronet, Sir George Weneve, Knight, Thomas Waldgrave, Esq. for the county of Suffolk;

Sir Dudley North, Sir Thomas Wendy, Knights of the Bath, Levinus Bennet, Esq. Robert King, John Pepis, Doctors of the Law, Thomas Crouch, Francis North, Esquires, for the county of Cambridge;

Sir Thomas Sclater, Baronet, L'Strange Colthrop, John Millicent, Thomas Hall, John Sotheby, Esquires, John Bing, Esq. and William Wren, Esq. for the Isle of Ely;

Sir Francis Compton, Knight, Robert Appreece, Sutton Ashfield, Esquires, Anthony South, Doctor of the Law, Robert Payne, Richard Nayler, Ferrers, of Gedding, Esquires, for the county of Huntingdon;

Sir William Dudley, Knight and Baronet, Maurice Tresham, Francis Kirkham, Lewis Palmer, Christopher Thursby, Francis Lane, George Tresham, Esquires, for the county of Northampton;

Sir Charles Hussey, Sir John Newton, Baronet, Sir Thomas Meeres, Sir Anthony Irby, Knights, Sir Anthony Oldfield, Baronet, Richard Brownlow, Daniel Rhodes, Esquires, for the county of Lincoln, shall be and are hereby made and constituted the present Commissioners for the purposes herein mentioned.

XXV. And for the supplying the number of the Commissioners of the said respective counties, in case of death or other avoidance, or incapacity; be it also enacted, that within three months after such death or notice of such avoidance or incapacity of the remaining Commissioners of each respective county, of which such Commissioners who died or became incapable were or
the major part of them, shall from time to time nominate and appoint by deed under their hands and seals, to be enrolled in Chancery, some other person or persons residing within the said county of which the said Commissioners who died or became incapable were to be the Commissioners in the place and stead of him or them so dying or becoming incapable, which said Commissioners hereby constituted, or hereafter to be constituted in manner aforesaid, or any seven or more of them be, are and shall be hereby authorized and empowered from time to time to hear and determine such complaints, controversies, differences and grievances as are in this Act expressed (relating to, or concerning, or occasioned by the draining and maintaining the said Great Level) of any parish or township, or of any person or persons as well within or without the said Level, in such manner as is hereinafter expressed; and that the said Commissioners hereby constituted, or hereafter to be constituted in manner aforesaid, or any seven or more of them, shall from time to time have power and authority, and are hereby required, at or before the eight and twentieth day of September which shall be in the year of our Lord one thousand six hundred and sixty-six, to give or make satisfaction out of the said ninety-five thousand acres to such parish or township, person or persons, whose lands or interest therein, either within or without the said Level, shall, after the first day of May one thousand six hundred sixty and three, be made worse in quality or condition by the aforesaid draining or works, than they were before the undertaking the draining of the said Level, in the sixth year of the reign of our late King Charles of blessed memory, and proportionable to the losses the owners of or persons interested in such lands shall hereafter receive, by reason of their lands being made worse in quality or condition by any such works and draining as aforesaid, and shall also have power, at
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any time within four years from the four and twentieth
day of June in the year of our Lord one thousand six
hundred sixty and three, to alter, change and restore
such parts and parcels of the said ninety-five thousand
acres, as shall upon complaint be found and adjudged by
the said Commissioners, or any seven or more of them,
to be unequally, unduly, or inconveniently set forth, by
reason of any allotting either of greater quantities, or as
belonging to other counties, parishes or manors, or in
more inconvenient places than they were formerly al-
lotted and set out by a Law of Sewers made at St. Ives
the twelfth day of October in the thirteenth year of the
reign of King Charles the First, notwithstanding any
vesting of the said ninety-five thousand acres, or any
part thereof in the King's Majesty, or in the said Go-
vernor, Bailiffs and Commonalty, or in any other per-
sons before mentioned, or any estates executed by them
or any of them.

Provided, and be it enacted, That ninety-three acres
in Ravely and Upwood, seventy-six acres in Sothery,
fourty-four acres and one rood in Wicken, eighty-eight
acres in Cow-fenn, two hundred eighty-two acres in
Beezling, and thirty-seven acres in Upwell, set out to be
enjoyed as part of the said ninety-five thousand acres
since the making of the said law of St. Ives, in lieu of
like proportions altered and restored to the country, shall
be held and enjoyed by the said Corporation; subject
nevertheless to the trust in and by this Act declared, as
to the said eighty-three thousand acres, residue of the
said ninety-five thousand acres; and shall set forth to
the said Corporation, in trust for the participants or ad-
venturers, whose proportion shall be so altered or ex-
changed in lieu of such part as shall be also altered, ex-
changed or restored, such other proportions in such other
places within the said Level, as to the said Commissioners,
or any seven or more of them, shall seem just and
reasonable, according to the proportions and places which ought and might have been by Lynn and St. Ives Law aforesaid to be held and enjoyed of the manor of East Greenwich, to the end there may be no diminution of the said ninety-five thousand acres; and where it shall appear, upon complaint of the said Corporation before the said Commissioners, or any seven or more of them, that any of the proportions of the said ninety-five thousand acres heretofore set forth to Francis Earl of Bedford, his then participants and assigns, do fall short in the quantity of acres for which the same were set forth and allotted, according to the said Laws of Lynn and St. Ives, the said Commissioners, or any seven or more of them shall, within the said term of four years aforesaid, appoint the same to be supplied and made up out of the grounds where the same was so allotted to be set forth, to make up the said proportion of ninety-five thousand acres. And in case the said Earl of Bedford, and his participants, or the said Corporation, shall through or by reason of their undertaking or draining aforesaid, in the sixth year of his late Majesty’s reign of ever blessed memory, have done or hereafter shall do any act or acts, to the prejudice of navigation, and whereby navigation in the said rivers of Ouse and Grant, and all other rivers now navigable, passing through the said Level, and the River of West-water, being a branch of the River of Ouse, if it be consistent with the draining, or in any of them, or such drove-ways or bridges within and without the said Level, as have been made or caused to be made by the adventurers, and have been by them maintained, unless there be some agreement to the contrary, be or hereafter shall be interrupted, obstructed and made worse, that then the said Commissioners, or any seven or more of them, whereof the Vice Chancellor for the University of Cambridge, the Mayor of the town of Cambridge, and the Mayor of the town of King’s Lynn, for the time Navigation if made worse, 6 Car.

Drove-ways or bridges, if obstructed, interrupted, or made worse.
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Commissioners may decree to be amended, at the charges of the corporation.

Upon refusal, to tax the 95000 acres, for preserving of navigation, as 6 Car.

Upon refusal to pay, may distrain upon any part of the 95000 acres.

being, to be three, if they upon notice left at their respective habitations shall think fit to be present, from time to time, shall and may decree the same to be made good and amended, at the proper costs and charges of the said Corporation, within a convenient time as to their judgments shall seem meet: And in case it shall happen and so fall out, that the said Corporation shall neglect or refuse to repair and make good the same, according to the order and decree of the said Commissioners, and within the time limited by them, that then it shall and may be lawful to and for the said Commissioners, or any seven or more of them, by warrant under their hands and seals attested, to tax the said ninety-five thousand acres in such sum and sums of money as in their judgments shall seem meet, for the making, preserving and keeping the navigation in any of the aforesaid rivers, as the same was in the said sixth year of the said King Charles the First; which said sum or sums of money, so to be assessed or taxed by the Commissioners aforesaid, shall, within twenty days next after notice thereof given to the Governor or Treasurer of the said Corporation, be paid unto such person or persons as the said Commissioners shall nominate and appoint to receive the same.

And in case the said Governor or Treasurer of the said Corporation, after notice so given as aforesaid, shall refuse or neglect to pay the said sum or sums as aforesaid, that then the said Commissioners, or any seven or more of them, shall have full power and authority to empower the said person or persons to levy the said sum or sums of money by distress or distresses to be taken upon the said ninety-five thousand acres, or any part thereof, and to make sale of the said distress or distresses so taken, and sell the same, and render the overplus unto the said Governor or Treasurer, deducting the reasonable charges for their labour and pains therein: All which said sum or sums of money so to be taxed and levied by the autho-
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...rity aforesaid, shall be expended and laid out in preserving and keeping the said navigation as aforesaid, and maintaining the same according to the true intent and meaning of this statute, and not otherwise. And the said Commissioners, or any seven or more of them, are also hereby impowered and authorized, within the space of four years from the four and twentieth day of June in the year of our Lord one thousand six hundred sixty and three, to ascertain and divide the precincts and boundaries of such parts of the said respective counties, lordships, manors and parishes within the said Level, as have been by and since the undertaking defaced and made obscure, or by some other means remain uncertain and hard to be found out, and shall set down such bounds and divisions in writing, by such marks, boundaries and descriptions as to them shall seem meet, and shall certify the same under their hands and seals in the High Court of Chancery, according to which division of the said Commissioners, or any seven or more of them, the extent of the said respective counties, lordships, manors, and parishes in such places so bounded and divided, shall forever after the said certificate be deemed to be and none other: And in case the quantity of eight thousand acres lying together, or near together, or any greater quantity of ground lying together, or near together, within the said Level, shall become drowned, and so continue for the space of twelve months together, that then it shall be lawful for the said Commissioners for the time being, or any seven or more of them, from time to time and at all times, to assess taxes or sums of money upon the said ninety-five thousand acres, for the raising money for draining the same again, in such proportion as they, or any seven or more of them, shall think fit, together with a penalty for not paying the said taxes, the said penalty not exceeding a third part of such tax.

XXVII. And for default of payment of the said taxes...
or sums of money and penalties, be it enacted, That the lot and share of such participant or adventurer of and within the said ninety-five thousand acres, as shall be in arrear for the said tax, sum of money, or penalty, and unpaid by space of two months next after the day appointed for payment by the said Commissioners, or any seven or more of them, or so much thereof as they shall think fit, shall be sequestered by the said Commissioners, or any seven or more of them, for or towards the payment of such tax, sum of money, or penalty so in arrear, restoring the overplus of the money, for which such lot or share or any part thereof shall be sequestered, if any be; which sequestration shall be made in writing under the hands and seals of the said Commissioners for the time being, or any seven or more of them.

XXVIII. Provided always, and be it enacted by the authority aforesaid, That in case the said governor, bailiffs and corporation constituted by this Act, shall neglect or refuse to pay such tax or taxes and penalties, sum or sums of money, as shall from time to time hereafter be taxed and imposed by the said Commissioners before named or to be named by virtue of this Act, or any seven or more of them, pursuant to the powers given them by this Act; whereupon the goods and chattels of any person or persons, his or their tenant or tenants, of and in the said ninety-five thousand acres, or any part thereof, shall be distrained or sold, or his or their lands sequestered for the payment thereof, or that such person or persons, his or their tenant or tenants, shall thereupon pay the said tax or taxes and penalties so assessed and imposed as aforesaid, that then the said governor, bailiffs and corporation, immediately from and after notice to him or them given thereof, shall assess and tax the whole ninety-five thousand acres, for the satisfaction and payment of the tax, taxes and penalties, sum and sums of money, and all damages, that such person or persons,
his or their tenant or tenants, hath or have paid, borne or sustained as aforesaid.

XXIX. And be it further enacted by the authority aforesaid, that if the said governor, bailiffs and corporation shall not, within six months next after demand made by such person or persons, his and their heirs, executors and administrators, whose own, or tenant or tenants goods and chattels shall be distrained or sold, or lands sequestered as aforesaid, pay and satisfy unto him or them, such sum and sums of money, and damages, as he or they, or his and their respective tenant or tenants have respectively paid, borne and sustained, that then and from thenceforth such person and persons, his and their heirs and assigns, shall and may bring his and their action or actions of debt in any of the King's Majesty's Courts at Westminster, against the said governor, bailiffs and corporation, for the recovery thereof, and by virtue of this Act shall recover the same, and be allowed costs of suit expended therein.

XXX. And be it further enacted by the authority aforesaid, That the Commissioners so constituted or to be hereafter constituted as aforesaid, or any seven or more of them, for the better execution of the powers hereby given, shall and may inform themselves by examining witnesses upon oath, which hereby they, or any seven or more of them, shall have power to administer due execution of all, every or any of the powers or authorities hereby given them, and for the doing justice therein accordingly.

XXXI. Provided always, that the said Commissioners and every of them, before he or they take upon him or them the execution of any of the powers or authorities hereby given them, other than the administering the oath following to one another, which they shall have authority by this present Act to administer to one another, shall take the oath following (viz.)

For default of payment, action of debt against the corporation.

Commissioners may swear witnesses.

No commissioners to act till sworn.
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I A. B. shall and will, without favour or affection, hated or malice, truly and impartially, according to the best of my skill and knowledge, execute and perform all and every the powers and authorities established by this Act of Parliament.

Which oath any one of the said Commissioners are hereby authorized to administer.

XXXII. And be it further enacted by the authority aforesaid, That all judgments, orders, decrees, determinations, alterations, changes, restorations, and other acts done by the said Commissioners hereby constituted or hereafter to be constituted as aforesaid, or of any seven or more of them respectively, pursuant to the powers and authorities by this Act given, shall be final; and that the first time and place of their meeting shall be at or before the two and twentieth day of September in the year of our Lord one thousand six hundred sixty and three, at Ely.

XXXIII. And that afterwards the usual places where the said Commissioners shall sit to hear, order and determine the matters to them referred by this Act, shall, from the nine and twentieth day of September to the six and twentieth day of March in every year, be at the town of Huntingdon; and, from the five and twentieth day of March till the thirtieth day of September in every year, be at Ely, unless the said Commissioners hereby constituted, or hereafter to be constituted as aforesaid, or any seven or more of them, shall appoint some other place or places, being a market town or towns; and the said Commissioners, or any seven or more of them, shall, by warrant under their hands and seals, declare the places and times of their after-meeting, which warrant shall be published in the open market of such respective places where they last sat, between the hours of twelve and two, upon some market day, one month at the least before the
said time or times of meeting; to the end all persons concerned may have sufficient time and notice to make their appearance before them upon any cause of complaint, or other occasion; and shall have power and authority, by warrant under the hands and seals of any seven or more of them, to summon parties and witnesses to appear before them.

XXXIV. Provided, That none of the said Commissioners hereby constituted, or hereafter to be constituted as aforesaid, shall vote or give his judgment or determination in any matter or thing which concerns the division or bounds of the county, of or for which he is appointed Commissioner.

XXXV. Provided also, That no person who hath any part, share or interest in possession, or reversion of or in any manors or lands within the said Level, shall be a Commissioner.

XXXVI. And in case of descent, gift, devise or purchase of any such part, share or interest to or by any of the said Commissioners, it is hereby declared and enacted, That immediately after such descent, gift, devise or purchase to or by any such Commissioner, the said descent, gift, devise or purchase shall be an avoidance of his being a Commissioner; and shall make him incapable of being again nominated or appointed a Commissioner, whilst his interest doth remain.

XXXVII. Provided also, and the said Commissioners for the time being, or any seven or more of them, shall from time to time and at all times have power and authority to give and make satisfaction, out of the ninety-five thousand acres, to such person or persons whose lands or interest therein (by any new works hereafter to be made by the said Corporation without the said Level, for conveying of the waters of the said Level by convenient outfalls to the sea) shall be made worse in quality, condition or value, than they were before the said undertak-
APPENDIX.

Owners of wastes may improve.

ing in the said sixth year of the said late King Charles, proportionable to the loss and damage the parties shall receive thereby.

XXXVIII. And to the end that the owners of the commons and wastes in the said Level, and other towns, parishes and places unto which the works aforesaid or any of them do extend, may improve the same by making divisions and inclosures; be it provided and enacted by the authority aforesaid, That it shall and may be lawful for any person or persons, body politic or corporate whatsoever, their heirs and successors, that are or shall be lords of manors, or have or shall have right of common in the said wastes, to improve, set out, inclose, divide and sever such proportion or proportions as to them shall or may severally or respectively belong or appertain, or be adjudged and allotted out of the said commons and wastes within the said Level, or within any town, parish or place into which the works aforesaid or any of them do extend; and to hold such proportion in severalty at all times of the year; and all differences that shall arise concerning the boundaries of the wastes, rights of common, approvements, allotments, divisions and inclosures, shall from time to time and at all times be determined, adjudged and finally ended by the said Commissioners for the time being, or any seven or more of them, upon their view, or examination of witnesses upon oath, which they are hereby authorized to administer, or upon both, and hearing of the parties concerned, by their adjudication under their hands and seals in writings, which determination and judgment being certified into the petty bag; there to be filed and kept on record, shall be final and conclusive unto all parties: and the allotments, divisions and proportions so adjudged or decreed to be held by the said respective persons to whom they are so set out, shall be held by him or them, and his and their heirs, executors and assigns respec-

View or examination of witnesses,

to be certified into the petty bag.
tively, according to his or their tenure or tenures, estate, title or interest they had in the manors, tenements and lands for which they claimed the said proportions of common as aforesaid; paying such fines and rents, and doing such services in proportion for the same, as by custom or otherways they are to pay or do, and do for the manors, tenements and lands for which they claim the same proportion, having such respect to the yearly values of the one and the other, as shall (if need so require) be limited by seven or more of the Commissioners.

XXXIX. Provided also, and be it enacted, That it shall and may be lawful to and for such person and persons (as were heretofore owners of the one hundred seventy-five acres in Sutton, North and South Meadlands in the said Isle of Ely, set out by the said Law of St. Ives, as a recompence for draining the whole north and south Meadlands, containing about one thousand acres) their heirs or assigns, to sue and implead before the said Commissioners, or any seven or more of them, the owners and occupiers of the said north and south Meadlands, or elsewhere within the said Great Level, to draw them into contribution for their several and respective proportions of the said north and south Meadlands towards the said one hundred seventy-five acres: and the said Commissioners, or any seven or more of them, shall thereupon adjudge and decree unto the said owners of the said one hundred seventy-five acres, or such of them as they shall think fit, and to their heirs and assigns, such recompence and satisfaction, either in ready money, yearly rent or land, out of the residue of the said north and south Meadlands, as to the said Commissioners, or any seven or more of them shall seem meet, to be held and enjoyed by the said owners of the said one hundred seventy-five acres, their heirs and assigns.

XL. Provided always, and be it enacted, that it shall and may be lawful to and for Sir John Watts, Knight,
and others who derive any interest under the drainers of that Fen called Londoners Fen, his and their heirs and assigns, to sue and implead all and every person and persons, their executors and administrators, that have taken and received the rents and profits of his or their share and proportion of Londoners Fen, remaining from the share and proportion allotted and set out by the said Law of St. Ives, since the said Level was adjudged drained, and to sue for and recover the same in any of his Majesty's Courts at Westminster; and also that it shall and may be lawful to and for the said Sir John Watts, and the participants aforesaid, his and their heirs and assigns, heretofore owners of the several proportions in Londoners Fen, set out by St. Ives law for the adventurers recompence for draining the low grounds in Upwell, Outwell, and Welney, to pursue and prosecute before the said commissioners, or any seven or more of them, their claim, and sue for relief against the owners or occupiers of the fenny and low surrounded grounds lying in Upwell, Outwell, and Welney aforesaid, whose grounds did not all contribute, or not in equal proportion, to the said ninety-five thousand acres, to draw them into contribution in ease of the said Sir John Watts, and the participants aforesaid, and thereupon the said commissioners, or any seven or more of them, are hereby impowered to adjudge and decree unto the said Sir John Watts, and the participants aforesaid, his and their heirs and assigns, such proportion out of the said grounds, which have not equally contributed as aforesaid, as to the said commissioners, or any seven or more shall seem meet.

XLI. Provided always, and be it enacted, That it shall and may be lawful for the King's Majesty and the Queen's Majesty, their heirs, successors and assigns, to continue in the possession, usage and disposal of the bank called Dousedale Bank, being on the south side of his Majesty's demeans lands called Portsand, belonging to their manor of Crowland, being part thereof, and to have
such antient passages and currents as of right have been used and accustomed for the avoidance of water through the same into the river South-Eae, as if this Act had never been made.

XLII. Provided always, and be it enacted by the authority aforesaid, That it shall and may be lawful to and for every archbishop, bishop, dean, and chapter, and all colleges and halls in either university, and all bodies politic and corporate, who are or shall be lords of manors, or have or shall have right of soil or common in the wastes within this said Level, or within such other towns, parishes and places into which the works of the draining aforesaid do or shall extend, and who are by this Act impowered to improve, set out, inclose, divide and sever such proportion or proportions, as to them shall or may respectively belong or appertain out of the said commons and wastes within the said Level, to demise, by indenture, all and every the said such proportion or proportions, as to them shall or may respectively belong or appertain out of the said commons or wastes within the said Level, which have not by express words, and under any particular rent, been at any time formerly demised for any term or number of years not exceeding one and twenty years, so as upon every such demise or lease be reserved the fourth part of the true yearly value, to be ascertained by the commissioners aforesaid, or any seven of them, due and payable yearly during the said term, to him or them, and his and their successors.

XLIII. Provided always, and be it declared by and with the consent of all parties concerned, That neither this Act, nor any thing therein contained, shall extend or be construed to extend to alter the possession of Thomas Chicheley, Esq. of or from six hundred seventy-one acres, parcel of the lot now claimed to belong to the said trustees of Henry late Earl of Arundel and Surry, and two hundred thirty-one acres, parcel of the lot now claimed to
belong to the said Sir William Terringham, or from any part thereof, by him the said Thomas Chicheley now enjoyed under purchasers by sales, for non-payment of taxes upon the dispute between the old and new adventurers; but that the said corporation shall execute conveyances of the said respective proportion unto the said Thomas Chicheley, his heirs and assigns; any thing herein contained contrary thereof in any wise notwithstanding.

XLIV. Provided always, and be it enacted, That all such right or rights, as any lord or lords of any manor or manors, liberties, hundred or half-hundred, have heretofore had within their respective manor or manors, liberties, hundred or half-hundred, within or without the said Level, to waifes, strays, felons goods, privileges of arrests, escheats, and all other royalties, not prejudicial to the draining, be hereby saved to them, their heirs, successors and assigns, severally and respectively; any thing in this Act to the contrary thereof notwithstanding.

XLV. Provided always, That this Act, or any thing therein contained, shall not be interpreted to infringe or in any way to weaken an Act made the fourth year of the reign of King James, intitled, An Act for the Draining of certain Fens and Low Grounds within the Isle of Ely, subject to Hurt by surrounding, containing about Six Thousand Acres, compassed about with certain Banks commonly called and named the Ring of Waldersea and Coldham; but the said Act shall stand in full force and virtue; any thing in this present Act to the contrary notwithstanding.

XLVI. Provided also, That whereas divers lands, in and near adjoining unto the said Great Level, have been cut through for the better conveying of the waters from the same and for upholding or repairing the banks and works there, without making satisfaction to the respective owners of the said lands, for the damage they have sustained by such cutting, be it further enacted, That
the said commissioners for the time being, or any seven or more of them, upon complaint to them made of such damage sustained as aforesaid, without recompence for the same, shall be and are hereby impowered to award and decree such recompence and satisfaction to the party and parties grieved, according to their respective damages sustained by such cutting, as to the said commissioners for the time being, or any seven or more of them, shall be adjudged reasonable, the said recompence and satisfaction to be made and given by the said corporation within six months next after such award or decree made; and in default thereof the said commissioners, or any seven or more of them, shall and may and are hereby impowered to rate and tax the said ninety and five thousand acres, and to distraint thereupon for the payment of such rate or tax, and the distress taken thereupon to sell or dispose as they shall think fit, (rendering the overplus, if any be, to the owner) for the payment and satisfaction of such monies and damages as shall be so awarded; any thing in this Act to the contrary thereof notwithstanding.

XLVII. Provided nevertheless, That in case the judicature hereby established shall not, within twelve months from the first day of August next, hear and determine all the matters by this Act to them referred concerning the said ninety-five thousand acres, all and every such person and persons whose complaints shall be then undetermined, may make their applications to the Barons of his Majesty's Court of Exchequer, who are hereby established a court of judicature, and sufficiently authorized to hear and determine all such controversies and differences between the said parties in as large and ample manner, to all intents and purposes, as the judicature hereby established might have done, and such judgment, order or decree of the said Court of Exchequer shall be in all things observed, and be effectual as if the said barons had been made the only judicature by this Act.
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Lessees of the 10000 acres, capable of elections.

XLVIII. Provided always, and be it enacted by the authority aforesaid, That the lessees of the King's Majesty, his heirs and successors of the said ten thousand acres, or of any part thereof, and the assigns of such lessees, and every or any of them, shall be capable to be elected and chosen into the office or place, offices or places of governor, bailiffs and conservators aforesaid, and to vote in such elections and choice, and in all other matters, as fully to all intents and purposes as any other members of the corporation, owners of any part of the said ninety-five thousand acres, may be elected and chosen, vote in such election and choice, or in any other matter, so as such lessees and their assignees respectively have and be lessees or owners of double the quantity or number of acres, parcel of the said ten thousand acres, as by virtue of this Act is required to qualify any person to be elected and chosen into the office or place of governor, bailiff or conservator respectively, and to vote in such elections and choice, or in any other matter touching the said Level, and so as such leases or assignments they claim by be entered with the register; any thing before in this Act to the contrary notwithstanding.

XLIX. Provided always, and be it enacted by the authority aforesaid, That this Act shall not extend to impeach or make void any obligation given to David Offley, gentleman, conditioned for his quiet enjoyment of a certain parcel of land purchased by him in the said Level, but that the said David Offley may sue and prosecute his several action or actions upon the said obligation, as if he had been evicted or removed from his estate therein by due course of law.

L. And be it further enacted by the authority aforesaid, that if any breaches happen in any of the banks, sasses, sluices, tunnels or other works within the said Great Level, or in any the works made without the said Great Level, for carrying the waters of the said Great Level to their outfall at sea, by reason of some inevitable
accidents, the same shall be repaired and made good in convenient time, by and at the charges of the said corporation and their successors; but no other charge shall be laid upon the said corporation or their successors, for or in respect of such breaches, nor for or in respect of any breaches that have happened heretofore in any of the said banks, sasses, sluces, or other works; nor shall the said corporation be enforced to give to any other person any recompence for any loss or damage which hath or shall happen, by reason of their making necessary and sufficient banks for the defending of the said Level from being overflown, and for the leading of the waters of the said Level in their channels as now they run unto their outfall at sea.

LI. Provided nevertheless, and be it enacted, That where any participant under Francis Earl of Bedford, or the heirs or assigns of any such participant, hath exchanged his or their share or lot of the said ninety-five thousand acres, or any part thereof, for any other lands, parcel of the said ninety-five thousand acres, which were claimed and held under such pretended sales for non-payment of taxes since one thousand six hundred forty and nine, it shall and may be lawful to and for such participant and participants, and his and their heirs and assigns, to enter again upon the same lands so given in exchange, and to have and retain the same in his and their possession; any thing in this Act to the contrary notwithstanding: subject nevertheless in all things to such judgment and determination as the judicature hereby constituted shall make concerning the same.

LII. Provided always, That no ascertaining or dividing of the said drained or new improved lands by the said commissioners as aforesaid, shall conclude the King's Majesty, his heirs, successors or assigns, or any other person or persons, as to the bounds of parishes, to any other intent or purpose than subjecting the same to taxes and contributions, and episcopal jurisdictions, and not as to
the right of tithes or any other purpose whatsoever, nor shall be, or be used in evidence concerning the same.

LIII. Provided also, and be it further enacted by the authority aforesaid, That if any person or persons having right of common in any of the manors, wastes, commons or lands within the said Great Level of the Fens called Bedford Level, or any other person or persons whatsoever, at any time after such division or inclosure made or set out as aforesaid, shall break, throw down, disturb, obstruct, or by any means hinder or lay open the said improvements and inclosures, at, in or after the making thereof, or the hedges, ditches or fences of the same, or any part thereof shall destroy, and shall be thereof convicted by two credible witnesses upon oath before two justices of the peace of the county where such disturbance or destruction shall be made, every such person or persons so convicted as aforesaid, shall forfeit for every such offence the sum of twenty pounds, to be levied by distress upon the goods and chattels of every such offender or offenders, by warrant under the hands and seals of the said justices of the peace before whom such conviction shall be made, the one moiety to the informer, and the other moiety to such person or persons against whom the said offence is or shall be committed; or for want of such sufficient distress, the offender shall be committed to the House of Correction, or common gaol, for three months, without bail or mainprize, at the said justices discretion.

LIV. Provided always, and it is hereby enacted and declared by the authority aforesaid, That from and after the first day of August, which shall be in the year of our Lord one thousand six hundred sixty and eight, no tax or taxes exceeding two shillings the acre in any one year shall be assessed, laid or levied upon the said ten thousand acres by this Act vested in the King's Majesty, his heirs, successors and assigns, or upon any part thereof,
or upon the two thousand acres hereby vested in the assigns of the said Earl of Portland; but in case the taxes to be assessed upon the said eighty-three thousand acres hereby vested in the said corporation, shall not amount unto so much in proportion as two shillings an acre, according to the proportion for each acre; then a proportionable abatement shall be made out of the said two shillings per acre, which shall be charged yearly by an equal rate upon every acre of the said ten thousand acres, and the said two thousand acres according to the rate imposed upon every acre of the said eighty-three thousand acres, whether the same shall be assessed by an acre-tax or a pound-rate, or by any other way; any thing herein contained to the contrary notwithstanding.

LV. And it is further declared, that the assessing, laying, and levying of taxes upon the said ten thousand acres, or upon the said two thousand acres, or any part thereof, after the said first day of August which shall be in the said year of our Lord one thousand six hundred sixty and eight, by the way of an acre-tax, shall not extend nor be interpreted or construed to extend to compel or conclude the said corporation to assess, lay or levy any tax or taxes upon the said eighty-three thousand acres hereby vested in the said corporation, or upon any part thereof, by the way of an acre-tax.
An Act to provide for the development of certain rivers and waterways for recreational purposes; to constitute the Anglian Water Authority as the navigation authority for such rivers and waterways and to provide for the control of such rivers and waterways by the Authority; to provide for the transfer to the Authority of the undertaking of a navigation authority for the river Stour; to empower the Authority to make further discharges of water from the works constructed under the Ely Ouse-Essex Water Act 1968 and for that purpose to carry out works; to confer further powers on the Authority in relation to the performance of their functions; to extend to the area of the Authority certain enactments in force in parts of that area; and for other purposes. [17th March 1977]

WHEREAS the Anglian Water Authority (hereinafter in this Act referred to as "the Authority") were constituted in pursuance of the Water Act 1973 (hereinafter in this 1973 c. 37. Act referred to as "the Act of 1973") as the authority responsible for water conservation, the supply of water, land drainage, prevention of pollution, the provision of public sewerage and sewage disposal, water recreation and the management and improvement of salmon, trout and freshwater fisheries within an area which includes the counties of Cambridgeshire, Lincolnshire, Norfolk and Suffolk, and parts of the counties of
Bedfordshire, Buckinghamshire, Essex, Hertfordshire, Humberside, Leicestershire, Northamptonshire, Nottinghamshire and Oxfordshire and part of the London Borough of Havering:

And whereas there are within the area of the Authority a number of navigable rivers and other waterways in respect of which there are public rights of navigation:

And whereas for many years commercial navigation of these rivers and waterways has been diminishing but the use thereof for boating, angling and other forms of recreation has increased and will continue to increase:

And whereas it would be of public and local advantage to foster, improve and extend the use of these rivers and waterways for recreational purposes:

And whereas the Authority are the navigation authority in respect of some of the said rivers and waterways but there are no authorities exercising effective control over the remainder of such rivers and waterways:

And whereas it would be expedient for the Authority to have improved powers of management and control in respect of those rivers and waterways in respect of which they are the navigation authority:

And whereas it would also be expedient for the Authority to undertake responsibility for the management and control of certain rivers and waterways in respect of which they are not at present the navigation authority, and for provision to be made to enable them to undertake such responsibility in respect of other rivers and waterways suitable for use as recreational waterways, and for those purposes to confer upon them additional powers as in this Act provided:

And whereas it is expedient to empower the Authority to make discharges of water from the works constructed under the powers of the Ely Ouse—Essex Water Act 1968 into a tributary of the river Colne in the county of Essex to augment the yield of the Ardleigh reservoir and to meet increasing demands for a supply of water from consumers within the catchment area of the said river, and for that purpose to carry out certain works:

And whereas to enable the Authority to discharge their statutory functions with greater efficiency it is expedient that they should be granted the other additional powers conferred upon them by this Act and that certain statutory provisions in force in parts of the area of the Authority should be extended so as to apply to the whole of that area:

And whereas it is expedient that the other provisions in this Act should be enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:
May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I
PRELIMINARY

1. This Act may be cited as the Anglian Water Authority Act Short title.
1977.

2.—(1) In this Act, unless the subject or context otherwise Interpretation. requires, the following expressions shall have the meanings hereby assigned to them:—

"the Act of 1945" means the Water Act 1945;
"the Act of 1963" means the Water Resources Act 1963;
"the Act of 1972" means the Local Government Act 1972;
"the Act of 1973" means the Water Act 1973;
"the Act of 1976" means the Land Drainage Act 1976;
"the area of the Authority" means in relation to any function of the Authority the area which is for the time being the area of the Authority for the purposes of that function;
"the Authority" means the Anglian Water Authority;
"the chief executive" means the chief executive of the Authority and includes any person authorised to exercise his functions;
"district" has the same meaning as in the Act of 1972;
"enactment" includes an enactment in this Act or in any general or local Act and any order, byelaw or regulation for the time being in force within the area of the Authority;
"land" includes land covered with water and any interest in or right over land;
"the Minister" means the Minister of Agriculture, Fisheries and Food;
"the Ministers" means the Secretary of State and the Minister;
"Toppesfield Brook" means the ditch which is a tributary of the river Colne and is known as Toppesfield Brook in the parishes of Steeple Bumpstead, Finchingfield, Stambourne and Toppesfield in the district of Braintree in the county of Essex.

(2) In this Act, unless the subject or context otherwise requires, "navigation authority", "harbour authority" and "conservancy authority" have the same respective meanings as in the Act of 1963.
PART I
—cont.

(3) Unless the subject or context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended or replaced by any subsequent enactment, including this Act.

PART II

RECREATIONAL WATERWAYS

3. In this Part of this Act unless the subject or context otherwise requires—

"pleasure boat" means any vessel (including an amphibious craft) other than a seaplane or a vessel being used solely as a tug or for the carriage of goods;

"recreational waterways" means the waterways in respect of which the Authority are for the time being the navigation authority whether by virtue of this Act or some other enactment;

"the statutory navigations" means the navigations specified in Parts I and II of Schedule I to this Act;

"transferred undertaking" in relation to the statutory navigation specified in Part II of Schedule I to this Act means—

(a) all the property of the undertakers (both real and personal) which immediately before the passing of this Act was held or used solely for the purposes of the navigation;

(b) all powers, rights, functions, obligations and liabilities of the undertakers subsisting immediately before the passing of this Act solely for those purposes other than rights and duties for the rendering of personal service;

"the tribunal" means the Lands Tribunal;

"the undertakers" means in relation to the transferred undertaking the navigation authority for the waterway to which the undertaking relates;

"vessel" includes any ship, lighter, keel, barge, boat, raft, pontoon, tug, hovercraft, hydrofoil and craft of any kind howsoever navigated, propelled or moved and any seaplane on the surface of the water;

"waterway" means so much of any river, stream or other watercourse, whether natural or artificial and whether tidal or not, as is within the area of the Authority and includes part of a waterway and any cut, inlet, creek, lock, weir and barrier to the passage of vessels in a waterway.
4.—(1) On the passing of this Act the transferred undertaking shall by virtue of this Act be transferred to and vest in the Authority without payment.

(2) (a) The production of a copy of this Act together with a statutory declaration by the chief executive shall be sufficient authority to the Chief Land Registrar of Her Majesty's Land Registry to enter the name of the Authority as proprietor of any registered land forming part of the transferred undertaking or to any company in whose books any stock forming part of the transferred undertaking is standing to transfer the stock into the name of the Authority and to pay any dividend, interest or bonuses thereon to the Authority.

(b) A statutory declaration made under the last foregoing paragraph shall describe for the purpose of identification the land or stock to which it relates.

(c) In respect of unregistered land a statutory declaration by the chief executive containing the particulars required by the last foregoing paragraph shall be conclusive proof in favour of a successor in title to the Authority that the land to which it relates formed part of the transferred undertaking.

(d) In this subsection—

"company" includes the Bank of England and any corporation or person keeping books in which any stock is registered or inscribed; and

"stock" includes any share, bond, fund, annuity or other security.

5.—(1) Notwithstanding the transfer to the Authority of the transferred undertaking and the repeal of the enactments relating to that undertaking mentioned in Part II of Schedule 1 to this Act—

(a) any action, arbitration or proceeding or any cause of action, arbitration or proceeding pending or existing at the passing of this Act by or against or in favour of the undertakers shall not abate or be discontinued or be in any wise prejudicially affected by reason of the transfer to the Authority of the transferred undertaking or of anything in the last preceding section of this Act, but may be continued, prosecuted and enforced by, or against or in favour of, the Authority as and when it might have been continued, prosecuted or enforced by or against or in favour of the undertakers if the said section had not been enacted, but not further or otherwise;
(b) all agreements, conveyances, contracts, deeds and other instruments entered into or made with or by the undertakers and in force on the passing of this Act shall, as from that date, be as binding and of as full force and effect in every respect against or in favour of the Authority and may be enforced as fully and effectually as if the Authority had been a party thereto or bound thereby or entitled to the benefit thereof, but nothing in the said section or done thereunder shall prejudice or affect the right of the Authority to terminate any such agreement, conveyance or contract at such time and in such manner as it might have been terminated if the said section had not been enacted;

(c) all rents, rates and charges and other sums and debts on the passing of this Act due and payable or accruing due and payable to the undertakers shall be payable to and may be collected, recovered and enforced by the Authority in the same manner and with and by the same benefits and processes as those with and by which the undertakers might have collected, recovered and enforced them and shall be applied by the Authority for the purposes of their functions under this Part of this Act.

(2) References in this section to the undertakers shall include references to a body which was formerly such undertakers but has ceased to exist and to a body which no longer has any members but, if it had members, would be such undertakers.

6. So much of the enactments mentioned in Schedule 2 to this Act as relate to navigation is hereby repealed.

7. Notwithstanding the repeal by section 6 (Repeal of enactments relating to statutory navigations) of this Act of the enactments mentioned in that section the Authority—

(a) shall continue to be the navigation authority for the waterways specified in Part I of Schedule 1 to this Act; and

(b) shall be the navigation authority for the waterways specified in Parts II and III of the said Schedule.

8. The Authority shall take such steps as are reasonably practicable to maintain the main navigation channels and navigation works of the waterways specified in Schedule 1 to this Act to at least as good a standard for the purpose of navigation by pleasure boats as that to which they were maintained in the period of nine months immediately preceding 8th December, 1975.
9. Notwithstanding in the case of the statutory navigations the repeal by this Act of the enactments mentioned in Schedule 2 to this Act, members of the public shall have the like rights to navigate the waterways specified in Schedule 1 to this Act and to pass through and use any locks or other works constructed to facilitate navigation as they had before the passing of this Act but the exercise of such rights shall be subject to the following conditions and restrictions:—

(a) payment of any charges, tolls or dues lawfully demanded by the Authority under any enactment; and

(b) observance of any rules, regulations or bye-laws relating to the recreational waterway and for the time being in force.

10.—(1) The Secretary of State may, on the application of the Authority and on being satisfied that it is in the best interests of recreation and the occupation of leisure, make an order providing for—

(a) the creation of public rights of navigation in respect of any waterway in the area of the Authority which is not under the jurisdiction of or does not form part of the undertaking of a navigation authority, harbour authority or conservancy authority; or

(b) constituting the Authority as the navigation authority in respect of any waterway in the area of the Authority, not being a waterway which is—

(i) under the jurisdiction of or part of the undertaking of a navigation authority, harbour authority or conservancy authority; or

(ii) in any part seaward of the limits specified in Schedule 3 to this Act, for the waterways respectively also there specified.

(2) An order made under paragraph (a) of the last foregoing subsection creating public rights of navigation may create either all such rights or only such rights in respect of vessels of particular classes or descriptions as may be specified in the order.

(3) The provisions of Schedule 4 to this Act shall have effect with respect to applications and orders under this section.

(4) An order under this section may contain such transitional, incidental, supplementary and consequential provisions as the Secretary of State considers necessary or expedient, including (but without prejudice to the generality of this subsection) such provisions as he considers necessary or expedient with respect to the amendment, adaptation or repeal of enactments (including local enactments).
PART II—cont.

(5) If it is shown that the value of an interest of a person in land is depreciated or that a person has suffered damage by being disturbed in his enjoyment of land, in consequence of the creation of public rights of navigation by an order under paragraph (a) of subsection (1) of this section, that person shall be entitled to be paid by the Authority compensation equal to the amount of the depreciation or damage to be determined, in default of agreement, by the tribunal.

In this subsection "interest", in relation to land, includes any estate in land and any right over land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes sporting rights.

11.—(1) The Authority shall take such steps as are reasonably practicable to ensure that a recreational waterway is put to the best use for the purposes of recreation and the occupation of leisure having regard to its other lawful uses.

(2) The Secretary of State may give the Authority such general or special directions as he considers appropriate in relation to their functions under this Part of this Act, and it shall be the duty of the Authority to comply with those directions.

12.—(1) In the performance of their functions under section 20 of the Act of 1973 and under this Part of this Act the Authority may develop, improve, preserve and manage the recreational waterways as places for recreation and the occupation of leisure.

(2) In the exercise of their powers under subsection (1) of this section the Authority may maintain and improve existing works, buildings and other facilities and construct, lay out, equip and maintain all such further works, buildings and facilities, provide all such facilities, equipment and services and provide or do all such other acts or things as they may think necessary or expedient for that purpose.

(3) Without prejudice to the generality of the foregoing provisions of this section the Authority may—

(a) place, lay down, maintain and use moorings in the recreational waterways or on the banks thereof on land owned by or leased to the Authority or in which they have a sufficient interest and on any other land with the consent of the owner or lessee of such land;

(b) from time to time deepen, dredge, scour and improve and remove obstructions from the bed and banks of a recreational waterway.
(4) The Authority shall pay compensation to all persons for any damage sustained by them by reason of the exercise by the Authority of the powers of paragraph (b) of subsection (3) of this section. Any question as to the amount of the compensation to be so paid shall be determined by the tribunal.

(5) The powers conferred upon the Authority by this section may be exercised notwithstanding interference with public rights of navigation.

(6) As early as possible, and except in case of emergency not less than twenty-eight days, before any exercise of their powers under paragraph (b) of subsection (3) of this section within a distance of 50 metres of any subaqueous cable or telegraphic line belonging to or used by the Post Office the Authority shall give notice in writing to the Post Office of such intended exercise:

Provided that this subsection shall not apply in relation to any such subaqueous cable or telegraphic line unless the Post Office has supplied the Authority with a plan showing the position in which the subaqueous cable or telegraphic line is laid in or under a recreational waterway.

(7) In this section the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

13. In their application to the Authority for the purposes of this Part of this Act the powers of section 65 of the Act of 1963 for the acquisition of land compulsorily shall extend to enable the Authority to acquire such land only as they may require for placing and laying down moorings on any bank of a recreational waterway or in the bed of a recreational waterway adjacent to such a bank, being in either case land to which users of the moorings have a subsisting right of access.

14.—(1) The Authority may exercise the powers of section 65 of the Act of 1963 (as applied by the last preceding section of this Act) so as to purchase, by means of a compulsory purchase order, such new rights over land as are specified in the order; and in this section "new rights" means rights purchased in pursuance of the foregoing provisions of this subsection and which are not in existence when the order specifying them is made.

(2) (a) If the value of any interest in land to which this subsection applies is depreciated by the compulsory purchase of new rights, the person entitled to that interest shall be entitled to compensation from the Authority of an amount equal to the amount of the depreciation.

(b) This subsection applies to any interest in any land over which new rights are purchased, and to any interest in any land which, on the appropriate date, is held with that land.
PART II—cont.

(3) (a) Where the person entitled to an interest in land to which the last preceding subsection applies sustains loss or damage which—

(i) is attributable to the purchase of new rights; and

(ii) does not consist of depreciation of the value of that interest; and

(iii) is loss or damage for which, if his interest in the land over which the new rights are acquired had been compulsorily acquired under subsection (2) of section 65 of the Act of 1963 (as applied by the last preceding section of this Act) and in pursuance of a notice to treat served on the appropriate date, he would have been entitled to compensation by way of compensation for disturbance or injurious affection;

he shall be entitled to compensation from the Authority in respect of that loss or damage, in addition to compensation under the last preceding subsection.

(b) The modifications subject to which subsection (1) of section 44 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to compensation for injurious affection under this section, are that for the words "land is acquired or taken" there shall be substituted the words "a right over land is purchased" and for the words "acquired or taken from him" there shall be substituted the words "over which the right is exercisable".

(4) Subsections (2) and (3) of this section shall have effect without prejudice to any right to compensation under section 10 of the Compulsory Purchase Act 1965 but, subject to the provisions of this section, no person shall be entitled to compensation, in respect of the compulsory acquisition of new rights, otherwise than in accordance with subsections (2) and (3) of this section.

(5) The Acquisition of Land (Authorisation Procedure) Act 1946 and the Compulsory Purchase Act 1965 shall have effect with the modifications necessary to make them apply to the compulsory purchase of rights as they apply to the compulsory purchase of land so that, in appropriate contexts, references in those Acts to land are read as referring, or as including references, to the rights or to land over which the rights are or are to be exercisable, according to the requirements of the particular context.

(6) Without prejudice to the generality of the preceding subsection, in relation to the purchase of new rights—

(a) Part III of Schedule 1 to the said Act of 1946 (which provides for special parliamentary procedure in the case of the purchase of land of certain descriptions) shall have effect with the adaptations specified in Part I of Schedule 5 to this Act;
(b) Part I of the said Act of 1965 (which relates to compulsory purchases under the said Act of 1946) shall have effect with the modifications specified in Part II of Schedule 5 to this Act; and

(c) the enactments relating to compensation for the compulsory purchase of land shall apply with the necessary modifications as they apply to such compensation.

(7) In this section "compulsory purchase order" has the same meaning as in the said Act of 1946, and "the appropriate date" means the date of service of the notice to treat in pursuance of which the new right is acquired.

15.—(1) The Authority may temporarily prohibit, restrict or regulate the use or navigation of a recreational waterway for any of the following purposes:

(a) the construction, maintenance or alteration of any lock or other work in or adjoining the waterway; or

(b) to facilitate the holding of functions in connection with the use of the waterway as a place of recreation and the occupation of leisure:

Provided that the Authority shall not prohibit, restrict or regulate the use or navigation of a recreational waterway for a purpose specified in paragraph (b) of this subsection for more than one half-hour in any period of one hour or for more than eight periods each of one half-hour in any period of twenty-four hours.

(2) (a) Before exercising their powers under subsection (1) of this section the Authority shall, except in an emergency, publish a notice in one or more local newspapers circulating in the district in which the recreational waterway is situated.

(b) The notice shall be published not less than one month before the powers are to be exercised and shall state the extent to which, the period during and the purpose for which the use or navigation of the recreational waterway is to be prohibited, restricted or regulated.

(3) A copy of the notice published under subsection (2) of this section shall be conspicuously displayed in such one or more places on or adjacent to the recreational waterway to which it relates as the Authority consider appropriate for bringing its contents to the notice of persons using or navigating the waterway.

16.—(1) The Authority may in the performance of their functions under section 20 of the Act of 1973 and this Part of this Act appoint officers of the Authority to act as wardens or bailiffs for the purpose of enforcing or securing compliance with the
PART II—cont.

provisions of this Part of this Act and of any byelaws relating to the recreational waterways and made under section 79 of the Act of 1963 or under section 18 (Byelaws) of this Act.

(2) Without prejudice to the provisions of any other enactment any person who intentionally obstructs an officer of the Authority appointed under subsection (1) of this section duly acting for the purposes stated therein shall be liable on summary conviction for each offence to a fine not exceeding £20.

Charges.

17.—(1) In its application to charges in respect of the use by vessels of recreational waterways section 30 of the Act of 1973 shall have effect as if the exercise of the functions of the Authority in relation to the use of those waterways for navigation under this Part of this Act were services performed or facilities provided by the Authority for or in respect of all users of those waterways:

Provided that no charge shall be payable in respect of the use or navigation of a recreational waterway by a vessel belonging to or employed in the service of any highway authority, police authority or fire authority for the purpose of the exercise of their functions.

(2) A list showing the charges for the use by vessels of any recreational waterway which are for the time being in force shall be displayed at one or more convenient places on or adjacent to the waterway and copies of the list shall on request be supplied by the Authority free of charge.

Byelaws.

18.—(1) The Authority may make byelaws in relation to the recreational waterways for any matter falling within their functions as the authority responsible for maintaining and improving those waterways for the purposes of recreation and the occupation of leisure and for controlling the navigation of those waterways, and in particular, but without prejudice to the generality of those powers, for all or any of the following purposes:

(a) to secure the conservation and improvement of a recreational waterway and its amenities for the purposes of recreation and the occupation of leisure and to promote the ease, convenience or safety of navigation;

(b) to regulate vessels in a recreational waterway and their launching on or entry into, departure from and movement in the waterway, and, without prejudice to the generality of the foregoing, to prescribe the speed of vessels and rules for navigation;

(c) to prescribe recreational waterways—

(i) where vessels or a specified class of vessels may not moor, anchor or be otherwise secured;

(ii) which vessels of a specified class may not enter;
(iii) where activities of a specified type may not be carried on, or may only be carried on in accordance with specified conditions;

(d) to prescribe periods (including days and parts of a day) when vessels of a specified class or description may not navigate the whole or part of a recreational waterway;

(e) to provide for the registration of pleasure boats using or navigating a recreational waterway and prohibiting the use or navigation of a recreational waterway by pleasure boats which are not for the time being registered by the Authority;

(f) with a view to ensuring the safety of passengers in vessels in a recreational waterway and of other vessels or persons using such a waterway, to prescribe standards for any engines, appliances, fittings or equipment in such vessels, and to make provision with regard to the use and operation of such vessels, engines, appliances, fittings and equipment and, without prejudice to the generality of the foregoing—

(i) to make provision with regard to the construction, maintenance and use of engines used for the propulsion of powered boats and with regard to the storage and supply of fuel for such engines;

(ii) to require the provision of effective fire extinguishers;

(iii) to regulate appliances for cooking, heating, lighting or refrigeration, and the storage and supply of fuel for such appliances;

(g) to regulate the placing, maintenance and use of moorings in a recreational waterway;

(h) to regulate the use and to prevent the misuse of and damage to the bed and banks of a recreational waterway and to services, locks, landing places and other facilities (including moorings) provided by the Authority in or adjoining a recreational waterway;

(i) to promote the safety of persons and vessels in a recreational waterway including the provision of life-saving equipment;

(j) to prescribe a minimum age for persons in control of or navigating a powered boat or any class or description of powered boats;

(k) to regulate the conduct of persons using a recreational waterway or its banks whether for business, recreation, training or any other purposes;

(l) for the preservation of flora and fauna in, or on the banks of, a recreational waterway.
PART II

—cont.

(2) Different byelaws may be made under this section in relation to different recreational waterways and to different classes of vessels navigating or using any such waterway.

(3) Byelaws made under paragraph (e) of subsection (1) of this section may authorise the Authority—

(a) to make reasonable charges in respect of the registration of pleasure boats under those byelaws;

(b) to attach conditions to and provide for the revocation of the registration of such boats;

(c) to grant exemptions from the requirements of such byelaws as to registration.

(4) No byelaw made under this section shall render unlawful the doing on private land outside a recreational waterway of any act by, or with the lawful authority of, the owner or occupier which does not injure or endanger any person lawfully using a recreational waterway or enjoying the amenities thereof.

In this subsection “private land” means any land other than land to which the public has access (whether as of right or by express or implied permission).

(5) If any person contravenes, or fails to comply with, any byelaws made by virtue of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50; and if the contravention or failure to comply is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £10 for each day on which it is so continued.

(6) The power to make byelaws conferred by this section shall be in addition to and not in derogation of the power to make byelaws conferred by section 79 of the Act of 1963 (as extended by section 15 (Extension of section 79 of Act of 1963) of the Essex River Authority Act 1972 set out in Part III of Schedule 8 to this Act).

(7) Nothing in any byelaw made under this section shall prejudice or affect the operation of the relevant statutory provisions as defined in section 53 of the Health and Safety at Work Act 1974.

(8) In this section “powered boat” means a vessel which is mechanically propelled.

19. — (1) Notwithstanding the repeal of the enactments mentioned in Schedule 2 to this Act—

(a) any byelaws or regulations made by the appropriate authority regulating or controlling any of the waterways specified in Schedule 1 to this Act; and
(b) any tolls, rates and charges payable in respect of the use or navigation of any such waterway;

in force immediately before the passing of this Act shall continue to apply thereto until, in the case of the byelaws and regulations, they are varied or revoked by byelaws made under section 18 (Byelaws) of this Act, or under section 79 of the Act of 1963 (as extended and applied to the Authority), and, in the case of the tolls, rates and charges, the Authority otherwise determine, as if, in the case of the byelaws and regulations, they had been made under the said section 18 and, in the case of the tolls, rates and charges, they had been fixed under section 30 of the Act of 1973 as applied by section 17 (Charges) of this Act.

(2) In this section “the appropriate authority” means, in relation to any of the waterways specified in Schedule 1 to this Act, the authority who immediately before the passing of this Act were the navigation authority in respect of that waterway.

20.—(1) The Authority may enter into agreements with any other authority which is authorised to require registration of vessels navigating any waterway under the jurisdiction of that authority for the purpose of integrating the administration of provisions of any byelaws made under paragraph (e) of subsection (1) of section 18 (Byelaws) of this Act regarding the registration of pleasure boats with the administration by that authority of their provisions regarding the registration of vessels of the same class or description, and without prejudice to the generality of the foregoing any such agreement may provide—

(a) for treating registration certificates issued by one of the parties to the agreement as registration certificates issued by the other;

(b) for treating distinguishing marks or numbers assigned to vessels registered by one party to the agreement as having been assigned to that vessel by the other; and

(c) for apportioning any registration fees or other charges between the parties to the agreement.

(2) Any registration certificate issued by an authority who are a party to an agreement made under subsection (1) of this section shall for the purposes of the byelaws referred to in the said subsection be deemed to have been issued by the Authority under the said byelaws, and any mark, number or other distinguishing sign displayed on a vessel in accordance with the requirements of an authority who are a party to such an agreement shall be treated as complying with the requirements of the said byelaws.

21.—(1) Whenever any vessel is sunk, stranded or abandoned in any recreational waterway, or without lawful authority left or moored therein, the Authority may after giving (except in an
emergency) not less than three months' notice to the owner of the vessel, unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner, raise and remove the vessel.

(2) The Authority may recover from the owner of any such vessel all expenses reasonably incurred by the Authority in respect of the raising, removal and storage thereof or in raising, removing or storing any furniture, tackle and apparel thereof or any goods, chattels and effects raised or removed therefrom.

(3) If any vessel to which subsection (1) of this section applies be not within six weeks of its removal by the Authority proved to the satisfaction of the Authority to belong to any claimant it shall together with any such furniture, tackle and apparel vest in the Authority:

Provided that if within six months of its removal a claim is made to the vessel by a person who subsequently proves to the satisfaction of the Authority that he is the owner thereof then the Authority shall, if the vessel is unsold, permit the owner to retake it with any furniture, tackle, apparel, goods, chattels and effects thereupon upon payment of the expenses referred to in subsection (2) of this section or, if the vessel and the furniture, tackle and apparel thereupon have been sold, the Authority shall pay to such owner the amount of the proceeds of such sale after deducting the said expenses, and in case such proceeds shall be insufficient to reimburse the Authority such expenses the deficiency may be recovered by the Authority as a simple contract debt in any court of competent jurisdiction.

(4) In this section—

"owner" in relation to any vessel sunk, stranded, abandoned, left or moored as aforesaid means the owner of the vessel at the time of the sinking, stranding, abandonment, leaving or mooring thereof; and

"vessel" includes any part of a vessel.

Powers of entry.

22. Sections 111 and 112 of the Act of 1963 shall apply to the performance by the Authority of their functions under this Part of this Act.

PART III

ADDITIONAL AND EXTENDED POWERS

Discharge of water.

23. The Authority may by means of Work No. 17 authorised by section 7 (Power to Essex Authority to construct works) of the Ely Ouse-Essex Water Act 1968 discharge water into Toppesfield Brook.
24.—(1) The Authority for the purposes of improving or regulating the flow in the section of Toppesfield Brook to which this section applies may by agreement with the owner and occupier of the land—

(a) dredge, cleanse and scour the said section;
(b) reduce or remove any shoals, shelves, banks or other accumulations therein;
(c) alter or remove or cause to be altered or removed any weirs, sluices, culverts, fords or other impediments or obstructions whatsoever therein or on the banks thereof;
(d) construct any new bridges, culverts, fords or other works therein or on the banks thereof which may be required to accommodate the owner or occupier of the land.

(2) An agreement entered into under subsection (1) of this section may provide for the execution by the Authority of works in, on, under or over that land for or in connection with or ancillary to the purposes mentioned in the said subsection, or any of them, including the widening, deepening, culverting, straightening, diverting, altering the course of, fencing, or otherwise improving or maintaining the section of the Toppesfield Brook to which this section applies and the filling, wholly or partially, thereof.

(3) Paragraph 7 of Schedule 8 to the Act of 1963 shall apply to the exercise of the powers of this section as it applies to the exercise of compulsory powers and shall have effect as if—

(a) for references therein to the order there were substituted references to this Act; and
(b) for references to the coming into operation of the order there were substituted references to the passing of this Act.

(4) This section applies to the section of Toppesfield Brook between National Grid map reference points TL 67398 37860 and TL 74610 36110.

25.—(1) The Authority may by agreement with the highway authority, alter, reconstruct or replace—

(a) the bridge or culvert and the approaches thereto which carries the road (classified road No. B1057) over Toppesfield Toppesfield Brook at National Grid map reference TL 68460 36880 either on the same site or on a new site within two hundred yards of the first-mentioned site; and
(b) the culvert carrying a public footpath over the brook at National Grid map reference TL 70140 36519.
PART III—cont.

Power to construct tunnels.

26.—(1) The Authority may by agreement with the owner and occupier of the land carry out any works in, on, under or over Toppesfield Brook and the approaches thereto made necessary by the exercise of the power conferred by subsection (1) of this section, and subsections (2) and (3) of the last preceding section shall apply to any agreement entered into under this subsection.

(2) The power to lay pipes conferred on the Authority or on a statutory water company to which this section applies by the provisions of the Third Schedule to the Act of 1945, as incorporated in any enactment relating to the supply of water by the Authority or such a company or, in the case of the Authority, as applied by any enactment relating to the conservation of water, shall be deemed to include a power to construct tunnels; and the expression "main", as defined in section 1 of that schedule, shall be construed accordingly.

(2) This section applies to a statutory water company (as defined in the Act of 1973) whose limits of supply are within the water supply area of the Authority.

(3) Notwithstanding anything in, or omitted from, any enactment by which the provisions referred to in subsection (1) of this section are incorporated or applied as there mentioned, section 93 of the said Third Schedule shall have effect in relation to the exercise of powers to construct tunnels by virtue of the foregoing provisions of this section as if that section were incorporated without modification in each such enactment.

Flood prevention.

27.—(1) If the Authority determine that any building, wharf or other structure forms part of or makes a contribution to the efficiency of the defences of any part of their area against flooding by the sea or other tidal waters, they may serve a notice (hereinafter in this section referred to as "a flood prevention notice") upon the occupier of such building, wharf or other structure designating such building, wharf or other structure as a structure to which this section applies (hereinafter in this section referred to as a "designated structure") and such notice shall be in the form set out in Schedule 6 to this Act or in a form to the like effect.

(2) (a) Any person on whom a flood prevention notice has been served may, within twenty-eight days after the receipt of the notice, object to the notice on the grounds that the designated structure in respect of which the notice was served does not form a part of or (as the case may be) does not make a contribution to the efficiency of the defences of any part of the area of the Authority against flooding by the sea or other tidal waters and, unless the notice is withdrawn, the objection shall be referred to and determined by arbitration.
(b) The arbitrator may confirm, vary or rescind the notice and if he varies the notice, the notice, as so varied, shall be deemed to be the notice served on the occupier under subsection (1) of this section.

(3) (a) An occupier of a designated structure shall not begin to alter, demolish or otherwise interfere with the structure in such a manner as would or might impair the effectiveness of that structure as a structure forming part of or making a contribution to the efficiency of the defences of the area against flooding by the sea or other tidal waters unless, not less than twenty-eight days before doing so, he serves on the Authority a notice (in this section referred to as a "works notice") describing the operations he is proposing to carry out in relation to the designated structure and giving particulars (including, where necessary, a plan and section) of any works proposed to be carried out.

(b) The Authority may serve a counter-notice prohibiting the carrying out of all or some of the operations described in the works notice for such period not exceeding three months as may be specified in the counter-notice.

(c) A counter-notice shall be served within twenty-eight days from the date of service on the Authority of a works notice and, if no counter-notice is served within that period or if the counter-notice is subsequently withdrawn, the occupier of the designated structure in respect of which the works notice has been served may carry out the operations described in the works notice or, as the case may be, those to which the counter-notice relates.

(4) (a) The Authority may on any land on which a designated structure is situated erect and thereafter maintain, repair or replace one or more notices of such size or type and in such position or positions and giving such information as in the opinion of the Authority will draw to the notice of persons concerned with the designated structure the fact that a flood prevention notice is in force in respect of that structure.

(b) Subsection (1) of section 111 of the Act of 1963 in its application to the Authority shall have effect as if the power thereby conferred to enter upon and survey land included a power to exercise the powers conferred by paragraph (a) of this subsection, but the Authority shall not enter upon such land for the purpose of erecting a notice until the flood prevention notice has come into effect and unless not less than three days' notice has been given to the occupier of the designated structure.

(c) Section 112 of the Act of 1963 in its application to the Authority shall have effect as if reference therein to section 111 of that Act were references to that section as extended by paragraph (b) of this subsection.
(5) Not less than twenty-eight days before in any case, in respect of any structure to which this subsection applies, serving a flood prevention notice pursuant to subsection (1) of this section, the Authority shall consult the navigation authority, harbour authority or conservancy authority concerned; and if (on so consulting prior to serving a flood prevention notice) the Authority are so required by such navigation authority, harbour authority or conservancy authority, the Authority shall also consult that authority before thereafter in respect of that structure—

(a) serving any counter-notice pursuant to subsection (3) (b) thereof; or

(b) erecting any notice pursuant to subsection (4) (a) thereof.

This subsection applies to any building, wharf or other structure occupied by, or lying wholly or partly within the jurisdiction of, a navigation authority, harbour authority or conservancy authority.

(6) (a) The contents of a flood prevention notice given or deemed to have been given under this section shall be registrable as a local land charge as if they were such prohibitions or restrictions as are registrable in pursuance of the provisions of paragraph (b) of subsection (7) of section 15 of the Land Charges Act 1925 (which, as amended, is set out in Schedule 4 to the Land Charges Act 1972), and subject to the provisions of that section shall be binding upon the occupier for the time being of the land upon which the designated structure stands is situated.

(b) The Authority shall send a copy of any such contents to the proper officer of the council of each district or London borough in which the designated structure to which the flood prevention notice relates is situated, and the proper officer shall cause it to be registered in the register of local land charges in such manner as may be prescribed by rules made in reference to local land charges under subsection (6) of section 15 of the said Act of 1925; and the power conferred by the said subsection (6) to make rules for giving effect to the provisions of the said section 15 shall be exercisable for giving effect to the provisions of this paragraph.

(c) Where a flood prevention notice has been varied or rescinded by an arbitrator under paragraph (b) of subsection (2) of this section, the Authority shall within seven days of the receipt of the arbitrator's award send a copy of the award to the proper officer of the district or London borough in which the designated structure to which the notice relates is situated and he shall make an appropriate alteration in the register of local land charges.

(7) Any person who—

(a) carries out, or causes or permits to be carried out, operations in relation to a designated structure in respect of which a works notice is required by paragraph (a) of
subsection (3) of this section without serving such a notice on the Authority, or before the expiration of twenty-eight days from the service of a works notice, or during the time when a counter-notice is in force, shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400, or on conviction on indictment to a fine; and if the offence is continued after conviction he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £50 for each day on which the offence is without reasonable excuse continued, or on conviction on indictment to a fine;

(b) intentionally obstructs members or officers of the Authority in the exercise of any of the powers of the Authority under subsection (4) of this section, or without reasonable excuse removes or obstructs such a notice as is referred to in that subsection, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

(8) Where a building, wharf or other structure is unoccupied, the owner thereof shall be deemed, for the purposes of this section, to be the occupier.

28.—(1) (a) Subsection (2) of section 78 of the Act of 1963 in its application to the area of the Authority shall include proposals to excavate minerals, and accordingly (but without prejudice to the provisions of subsection (3) of this section) any person intending to excavate minerals in the area of the Authority shall give notice to the Authority of his intention (in this section referred to as "an excavation notice").

(b) An excavation notice shall be in the form specified in Schedule 7 to this Act or in a form to the like effect.

(2) Subsections (3) to (7) of the said section 78 shall apply to a conservation notice given in respect of an excavation notice as they apply to a conservation notice given under the said subsection (3).

(3) This section shall not apply to a proposal to excavate minerals in respect of which planning permission was granted before 31st December, 1976, or to a proposal to excavate minerals in a mine (as defined for the purposes of the Mines and Quarries Act 1954).

(4) In this section "excavate minerals" means—

(a) the carrying out of any works or operations connected with the excavation; and
c. I

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PART III—cont.

(b) where minerals are being excavated at the date when a conservation notice is given, and the excavation is being carried out according to a scheme whereby the whole of the land comprised in a planning permission is to be worked in stages, an extension of the excavation from the land comprised in one such stage to land comprised in another and "excavation" shall be construed accordingly;

but does not include dredging or any similar work or operation carried out in tidal waters—

(i) by a harbour authority; or

(ii) in pursuance of a licence granted for the purpose by a harbour authority.

Power to Authority to carry out trial borings, etc.

29.—(1) (a) The Secretary of State may on the application of the Authority authorise them—

(i) to place and leave on or in any land any apparatus for use in connection with any survey of that or any other land (whether from the air or on the ground) and to remove such apparatus; and

(ii) to search and bore on or in any land for the purpose of ascertaining the nature of the subsoil or the presence of water therein or the quantity or quality of such water:

Provided that notice of any such application shall be given by the Authority to the owner and occupier of the land and that notice of any application under sub-paragraph (ii) of this paragraph shall be given by the Authority to the British Gas Corporation specifying the situation of the land.

(b) For the purposes of this subsection where the surface of any land (whether it is above or below the surface of any adjoining land) has been raised by the deposit thereon of refuse or waste or other materials, any material lying below the surface as so raised shall be deemed to be part of the subsoil of that land.

(2) Before giving his authority the Secretary of State shall consider any representations made to him by the owner or occupier of the land within fourteen days after the receipt of the notice given to him under the proviso to paragraph (a) of the foregoing subsection and, unless the representations are disposed of by agreement between the Authority and the owner or occupier, shall either—

(a) cause a local inquiry to be held; or

(b) afford to the owner or occupier and to the Authority an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.
(3) The British Gas Corporation may object to the carrying out of boring on the ground that it would be seriously detrimental to the carrying on of their undertaking and in that event the boring shall not be carried out except with the authority of the Secretary of State for Energy.

(4) (a) Paragraph (b) of subsection (1) of section 111 of the Act of 1963 in its application to the Authority shall have effect as if the power thereby conferred to enter upon and survey land included a power to exercise the powers conferred by subsection (1) of this section.

(b) Section 112 of the Act of 1963 in its application to the Authority shall have effect as if references therein to section 111 of that Act were references to that section as extended by paragraph (a) of this subsection.

(5) Section 112 of the Act of 1976 shall have effect in relation to the exercise by the Authority of the powers of this section as it has effect in relation to the exercise of the powers conferred by any enactment contained in that Act.

30.—(1) (a) Every undertaking given to the Authority by the owner of a legal estate in land (hereinafter referred to in this and any other enactment as “the owner”) and every agreement made between the Authority and the owner, being an undertaking or agreement—

(i) given or made in connection with the land; and

(ii) expressed to be given or made in pursuance of this section; and

(iii) which defines that land as land the legal estate in which at the date of execution is vested in the owner;

shall be binding (without any limit of time) upon the owner and all persons deriving title by, through or under him.

(b) The proper officer of the council of each district or London borough in which the land to which any such undertaking or agreement relates is situate shall on receipt of a copy thereof cause it to be registered in the register of local land charges in such manner as is prescribed by the rules made in reference to local land charges under subsection (6) of section 15 of the Land Charges Act 1925 (which, as amended, is set out in Schedule 4 to the Land Charges Act 1972). 1925 c. 22. 1972 c. 61.

(c) For the purpose of effecting the registration of an undertaking or agreement under paragraph (b) of this subsection (but for no other purpose) any such undertaking or agreement as is referred to therein shall be deemed to relate to a restriction on the user or mode of user of land or buildings enforceable by a local authority under a covenant or agreement made with them.
PART III—cont.

(2) Without prejudice to the generality of subsection (1) of this section it is hereby declared that an undertaking or agreement made binding thereby may consist of or include provision—

(a) for covenants by the owner to carry out any works or do any thing on or in relation to the land in question (including the making of any payment of a sum or sums of money);

(b) whereby the owner for valuable consideration agrees not to exercise a right conferred by any enactment.

(3) Any person against whom such an undertaking or agreement is enforceable shall be entitled to require from the Authority a copy thereof.

31.—(1) Where in any area forming part of the water supply area of the Authority within which immediately before 1st April, 1974, a supply of water was furnished by former statutory water undertakers under powers conferred by local enactments not incorporating or applying provisions authorising the laying and maintenance of water mains by reference to the powers to lay and maintain sewers conferred by Part II of the Public Health Act 1936—

(a) section 19 of the Third Schedule to the Act of 1945 was incorporated with the local enactments under which the supply of water was furnished, paragraph (b) of subsection (1) of that section as set out in paragraph (6) of Article 9 of the Water Authorities, etc. (Miscellaneous Provisions) Order 1974 shall be substituted for paragraph (b) of subsection (1) of that section as so incorporated;

(b) the said section 19 was not so incorporated, the section as modified by the said paragraph (6) shall be deemed to be so incorporated.

(2) The powers of this section shall cease to have effect upon the revocation or repeal of the Water Authorities, etc. (Miscellaneous Provisions) Order 1974.

32. Section 25 (For protection of Essex County Council) of the Bath Side Bay Development Act 1972 is hereby amended by the addition at the end of paragraph (2) of the following words:—

"Nothing in this paragraph shall prejudice or affect the operation of section 29 of the Land Drainage Act 1976."

PART IV

MISCELLANEOUS AND GENERAL

33. Section 229 of the Act of 1972 shall apply to the Authority as if they were a local authority.
34. In its application to the Authority section 120 of the Act of 1963 shall have effect as if the reference in subsection (1) of that section to that Act included references to the Act of 1976, the Rivers (Prevention of Pollution) Acts 1951 to 1961 and any local enactment (including this Act and any local enactment applied to the Authority by this Act) relating to any of the functions of the Authority.

35.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under any local enactment relating to the Authority and for the time being in force within the area of the Authority.

(2) Subsections (2) to (5) of section 250 of the Act of 1972 shall apply in relation to any such inquiry but with the omission of the word “local” from subsection (4).

(3) In this section “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975.

36. In arbitrations under a provision of this Act mentioned Arbitration, in the first column of the following table the reference shall be to a single arbitrator to be appointed by agreement between the parties, or, in default of agreement, to be appointed by the person mentioned in the second column of that table on the application of any party after giving notice in writing to the other party or parties:

<table>
<thead>
<tr>
<th>Provision of Act</th>
<th>Person appointing arbitrator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section 5 (Continuation of proceedings, etc.)</td>
<td>President of the Chartered Institute of Public Finance and Accountancy.</td>
</tr>
<tr>
<td>Section 27 (Flood prevention)</td>
<td>President of the Institution of Civil Engineers.</td>
</tr>
<tr>
<td>Section 28 (Extension of section 78 of Act of 1963 to excavation of minerals)</td>
<td>President of the Royal Institution of Chartered Surveyors.</td>
</tr>
<tr>
<td>Section 39 (For protection of electricity undertakers)</td>
<td>President of the Institution of Civil Engineers.</td>
</tr>
</tbody>
</table>

37. Upon the coming into force of the Local Land Charges Local land Act 1975 the following amendments to this Act shall have effect:

(1) For subsection (6) of section 27 (Flood prevention) there shall be substituted the following:

“(6) A flood prevention notice shall be a local land charge.”
PART IV
—cont.

(2) For paragraphs (b) and (c) of subsection (1) of section 30
(Undertakings and agreements binding successive
owners) there shall be substituted the following:
"(b) An undertaking or agreement given or made in
pursuance of this section shall be a local land
charge.;"

(3) For paragraph (a) of the proviso to subsection (2) of
section 64 (Guarantees in respect of water supplies for
new buildings) of the Welland and Nene (Empingham
Reservoir) and Mid-Northamptonshire Water Act 1970,
as set out in Part III of Schedule 8 to this Act there shall
be substituted the following:
"(a) any such agreement shall be a local land charge;
and"

(4) For subsection (6) of section 68 (Closing of
flood
dams) of the Thames Barrier and Flood Prevention Act
1972 as set out in Part III of the said Schedule 8 there
shall be substituted the following:
"(6) A notice given under this section shall be a
local land charge.".

For protection of nature
cconservation.

38.—(1) In the performance of its functions under this Act,
the Authority shall consult the Nature Conservancy
Council before undertaking, or giving permission to others to undertake,
any operations which might be detrimental to the flora, fauna or
geological or physiographical features of any land to which this
section applies.

(2) This section applies to—
(a) land forming part of a nature reserve (within the meaning
of section 15 of the National Parks and Access to the
Countryside Act 1949) maintained or managed by the
Nature Conservancy Council under section 1 of the
Nature Conservancy Council Act 1973; or
(b) land notified to the Authority as a site of special scientific
interest under section 22 (3) of the Act of 1973.

For protection of electricity
undertakers.

39.—(1) In this section—
"electricity work" means any electric line, apparatus,
building, structure or other work of any nature belonging
to or maintained by the electricity undertakers;
"electricity undertakers" means the Central Electricity
Generating Board, the Eastern Electricity Board, the
East Midlands Electricity Board and the Yorkshire
Electricity Board, or any of them, as the case may be.

(2) In the exercise of the powers of section 12 (General powers
of Authority in relation to recreational waterways), section 21
(Removal of vessels) and section 24 (Power to improve and
regulate flow of Toppesfield Brook) of this Act the Authority shall not damage or injuriously affect any electricity work or, without the consent of the electricity undertakers, interfere with or remove any such work and the powers of the said sections shall be so exercised as not to render unreasonably inconvenient the access to any electricity work or operational land (as defined in section 222 of the Town and Country Planning Act 1971) of the electricity undertakers.

(3) Nothing in this section shall impose on the Authority any duty or any liability with respect to damage to any electricity work unless it be shown that the Authority knew or ought reasonably to have known of the presence and positioning of that work.

(4) Any difference which may arise between the Authority and the electricity undertakers under this section shall be determined by arbitration.

40. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the Authority to take, use or in any manner interfere with any land or hereditaments of whatsoever description—

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(b) belonging to a government department or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department:

Provided that nothing in this section shall affect the application of section 27 (Flood prevention) of this Act to any such land to the extent of any interest therein for the time being held otherwise than by or on behalf of the Crown.

41. Nothing in this Act shall affect the application to any operation of sections 34 to 36 of the Coast Protection Act 1949 (which require the consent of the Board of Trade or the Secretary of State to certain operations and contain other provisions for the safety of navigation).
PART IV—cont.
Repeals and re-enactment of certain enactments.

42.—(1) Subject to the provisions of subsection (2) of this section—

(a) the enactments specified in column (1) of Part I of Schedule 8 to this Act (being enactments which are rendered unnecessary by subsection (2) of this section or by other provisions of this Act or the Act of 1963) are hereby repealed to the extent specified in column (2) of that Part;

(b) the enactments specified in Part II of the said Schedule (being other enactments which are rendered unnecessary to the Authority by the said subsection (2) or by provisions of the Act of 1976) shall cease to have effect in relation to the Authority.

(2) (a) Notwithstanding the provisions of subsection (1) of this section, the provisions set out in Part III of Schedule 8 to this Act (being provisions replacing with modifications certain of the enactments specified in Part I or Part II of the said Schedule 8, and under which functions are exercisable by the Authority as respects parts only of their area) shall—

(i) so far as they relate to the Authority alone, have effect as amended and set out in that Part;

(ii) so far as they relate to the Authority as one among other authorities, have effect, in their application to the Authority, as set out in that Part;

and shall, except where a contrary intention is expressed, be construed in all respects as conferring functions exercisable by the Authority throughout the area of the Authority.

(b) In the said Part III, unless the subject or context otherwise requires—

(i) expressions to which meanings are assigned by subsections (1) and (2) of section 2 (Interpretation) of this Act, or by the Act of 1963, shall have the same respective meanings;

(ii) subsection (3) of the said section 2 shall have effect as respects any reference in the said Part to any enactment, as that subsection has effect in relation to the other provisions of this Act; and

(iii) "the Act of 1974" shall mean the Control of Pollution Act 1974;

and expressions to which meanings are assigned by any Act any provisions of which are replaced by provisions of the said Part III shall have those respective meanings:

Provided that if any difference arises between the meaning assigned to any expression (except the expression "the Authority") by or by virtue of sub-paragraph (i) of this paragraph and any meaning assigned to any such expression by any such Act, the latter meaning shall prevail.
SCHEDULES

SCHEDULE I

PART I

Statutory Navigations in respect of which the Authority are the Navigation Authority

1. The New River Ancholme from Ferriby Sluice in the Parish of South Ferriby in the District of Glanford and the County of Humberside to Bishops Bridge formerly known as Bishops Briggs in the Parish of Glentham in the District of West Lindsey in the County of Lincolnshire.

2. The River Nene Navigation from the outfall of the Northampton Arm of the Grand Union Canal at Cotton End in the Parish, District and County of Northampton to Bevis Hall in the Parish of Wisbech St. Mary in the District of Fenland in the County of Cambridgeshire.

3. The River Welland from Fosdyke Bridge in the Parish of Fosdyke in the District of Boston in the County of Lincolnshire to National Grid reference point TF 350345.

PART II

Statutory Navigation to be transferred to the Authority

4. The River Stour from Brundon Mill in the Parish of Sudbury in the District of Babergh in the County of Suffolk to the Cattawade Barrage partly in the Parish of Brantham in the same District and partly in the Parish of Lawford in the District of Tendring in the County of Essex.

PART III

Other waterways in respect of which the Authority are to be the Navigation Authority and which are to become recreational waterways

5. The River Great Ouse system comprising—

(a) The River Great Ouse from National Grid reference point TF 6028 0712 to Denver Sluice in the Parish of Denver in the District of West Norfolk in the County of Norfolk:

(b) The Old Bedford River from the Old Bedford Sluice in the said Parish of Denver to Welches Dam Lock in the Parish of Manea in the said District of Fenland:

(c) The Hundred Foot River, otherwise known as the New Bedford River, from Denver Sluice aforesaid to its confluence with the River Great Ouse in the Parish of Earith in the District of Huntingdon in the County of Cambridgeshire:
(d) The River Great Ouse, also known as the Ten Mile River and the Ely Ouse River, from Denver Sluice aforesaid to Popes Corner in the Parish of Thetford in the District of East Cambridgeshire in the County of Cambridgeshire:

(e) The Old West River from Popes Corner aforesaid to its confluence with the Hundred Foot River in the said Parish of Earith:

(f) The River Great Ouse, also known as the Bedford Ouse, from the Hundred Foot River in the said Parish of Earith to Kempston Mill in the Parish of Kempston Urban in the District of Bedford in the County of Bedfordshire:

(g) The River Little Ouse from Brandon Staunch in the Parish of Weeting-with-Broomhill in the District of Breckland in the County of Norfolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Brandon Creek in the Parish of Southery in the said District of West Norfolk:

(h) The River Lark from Judes Ferry in the Parish of Mildenhall in the District of Forest Heath in the County of Suffolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Pypers Hill in the Parish of Littleport in the said District of East Cambridgeshire:

(i) The River Cam from Bottisham Lock in the Parish of Horningsea in the District of South Cambridgeshire in the County of Cambridgeshire to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Popes Corner aforesaid:

(j) Reach Lode from Reach in the Parish of Reach in the said District of East Cambridgeshire to its confluence with the River Cam in the Parish of Wicken in the same district:

(k) Burwell Lode from Burwell in the Parish of Burwell in the said District of East Cambridgeshire to its confluence with Reach Lode in the same parish:

(l) Wicken Lode from Wicken Fen in the said Parish of Wicken to its confluence with Reach Lode in the Parish of Swaffham Prior in the said District of East Cambridgeshire:

(m) The River Wissey from one mile upstream of Stoke Ferry Bridge in the Parish of Stoke Ferry in the said District of West Norfolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, in the Parish of Fordham in the same district.

6. The River Welland from Hudd's Mill in the Parish of Stamford in the District of South Kesteven in the County of Lincolnshire to Fosdyke Bridge in the said Parish of Fosdyke.
Sch. 1—cont.

(d) The River Great Ouse, also known as the Ten Mile River and the Ely Ouse River, from Denver Sluice aforesaid to Popes Corner in the Parish of Thetford in the District of East Cambridgeshire in the County of Cambridgeshire:

(e) The Old West River from Popes Corner aforesaid to its confluence with the Hundred Foot River in the said Parish of Earith:

(f) The River Great Ouse, also known as the Bedford Ouse, from the Hundred Foot River in the said Parish of Earith to Kempston Mill in the Parish of Kempston Urban in the District of Bedford in the County of Bedfordshire:

(g) The River Little Ouse from Brandon Staunch in the Parish of Weeting-with-Broomhill in the District of Breckland in the County of Norfolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Brandon Creek in the Parish of Southery in the said District of West Norfolk:

(h) The River Lark from Judes Ferry in the Parish of Mildenhall in the District of Forest Heath in the County of Suffolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Pypers Hill in the Parish of Littleport in the said District of East Cambridgeshire:

(i) The River Cam from Bottisham Lock in the Parish of Horningsea in the District of South Cambridgeshire in the County of Cambridgeshire to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Popes Corner aforesaid:

(j) Reach Lode from Reach in the Parish of Reach in the said District of East Cambridgeshire to its confluence with the River Cam in the Parish of Wicken in the same district:

(k) Burwell Lode from Burwell in the Parish of Burwell in the said District of East Cambridgeshire to its confluence with Reach Lode in the same parish:

(l) Wicken Lode from Wicken Fen in the said Parish of Wicken to its confluence with Reach Lode in the Parish of Swaffham Prior in the said District of East Cambridgeshire:

(m) The River Wissey from one mile upstream of Stoke Ferry Bridge in the Parish of Stoke Ferry in the said District of West Norfolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, in the Parish of Fordham in the same district.

6. The River Welland from Hudd's Mill in the Parish of Stamford in the District of South Kesteven in the County of Lincolnshire to Fosdyke Bridge in the said Parish of Fosdyke.
Sch. 1
—cont.

(d) The River Great Ouse, also known as the Ten Mile River and the Ely Ouse River, from Denver Sluice aforesaid to Popes Corner in the Parish of Thetford in the District of East Cambridgeshire in the County of Cambridgeshire:

(e) The Old West River from Popes Corner aforesaid to its confluence with the Hundred Foot River in the said Parish of Earith:

(f) The River Great Ouse, also known as the Bedford Ouse, from the Hundred Foot River in the said Parish of Earith to Kempston Mill in the Parish of Kempston Urban in the District of Bedford in the County of Bedfordshire:

(g) The River Little Ouse from Brandon Staunch in the Parish of Weeting-with-Broomhill in the District of Breckland in the County of Norfolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Brandon Creek in the Parish of Southery in the said District of West Norfolk:

(h) The River Lark from Judes Ferry in the Parish of Mildenhall in the District of Forest Heath in the County of Suffolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Pypers Hill in the Parish of Littleport in the said District of East Cambridgeshire:

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(k) Burwell Lode from Burwell in the Parish of Burwell in the said District of East Cambridgeshire to its confluence with Reach Lode in the same parish:

(l) Wicken Lode from Wicken Fen in the said Parish of Wicken to its confluence with Reach Lode in the Parish of Swaffham Prior in the said District of East Cambridgeshire:

(m) The River Wissey from one mile upstream of Stoke Ferry Bridge in the Parish of Stoke Ferry in the said District of West Norfolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, in the Parish of Fordham in the same district.

6. The River Welland from Hudd's Mill in the Parish of Stamford in the District of South Kesteven in the County of Lincolnshire to Fosdyke Bridge in the said Parish of Fosdyke.
7. The River Glen from Tongue End in the Parish of Bourne in the District of South Holland in the County of Lincolnshire to its confluence with the River Welland in the Parish of Surfleet in the same district.

SCHEDULE 2

REPEAL OF ENACTMENTS RELATING TO STATUTORY NAVIGATIONS

An Act passed in the seventh year of the Reign of His Majesty King George the Third, Chapter 98, intituled "An Act for the more effectual Draining the Lands lying in the Level of Ancholme, in the County of Lincoln, and making the River Ancholme navigable from the River Humber, at or near a Place called Ferraby Sluice, in the County of Lincoln, to the Town of Glamford Briggs, and for continuing the said Navigation up or near to the said River, from thence to Bishop Briggs in the said County of Lincoln."

An Act passed in the thirty-fourth year of the Reign of His Majesty King George the Third, Chapter 102, intituled "An Act for improving the Outfall of the River Welland, in the County of Lincoln, and for the better Drainage of the Fen Lands, Low Lands and Marshes discharging their waters through the same into the Sea; and for altering and improving the Navigation of the said River Welland by means of a New Cut, to commence below a certain place called the Reservoir, and to be carried from thence through the inclosed Marshes and open Salt Marshes into Wyberton Roads, between the Port of Boston and a place called The Scalp and for disposing of the bare or white Sands adjoining the said River, and for building a Bridge over the said Cut."

An Act passed in the forty-second year of the Reign of His Majesty King George the Third, Chapter cxvi, intituled "An Act for Altering and enlarging the Powers of an Act, passed in the Seventh year of the Reign of His present Majesty, intituled, 'An Act for the more effectual draining the Lands lying in the Level of Ancholme, in the County of Lincoln, and making the River Ancholme navigable from the River Humber, at or near a Place called Ferraby Sluice, in the County of Lincoln, to the Town of Glamford Briggs, and for continuing the said Navigation, up or near to the said River, from thence to Bishop Briggs, in the said County of Lincoln'."

An Act passed in the forty-seventh year of the Reign of His Majesty King George the Third, intituled "An Act to Amend and render more effectual an Act passed in the Thirty fourth year of His Majesty for improving the Outfall of the River Welland, in the County of Lincoln."

An Act passed in the fifth year of the Reign of His Majesty King George the Fourth, Chapter xcvi, intituled "An Act for explaining, amending and rendering more effectual an Act of his late Majesty for improving the Outfall of the River Welland in the County of Lincoln."
An Act passed in the sixth year of the Reign of His Majesty King George the Fourth, Chapter cxv, Intituled "An Act for altering and enlarging the Powers of Two Acts of his late Majesty King George the Third, for draining Lands within the Level of Ancholme, in the County of Lincoln, and making certain parts of the River Ancholme Navigable."

An Act passed in the third and fourth years of the Reign of His Majesty King William the Fourth, Chapter cix, Intituled "An Act to alter and amend three several Acts made in the seventh and forty-second years of the Reign of King George the Third, and the sixth year of the Reign of his late Majesty King George the Fourth, for draining Lands within the Level of Ancholme, in the County of Lincoln, and making certain parts of the River Ancholme navigable."

1852 c. cxxviii. The Nene Valley Drainage and Navigation Improvement Act 1852 other than section 36.

The Nene Valley Drainage and Navigation Improvement Act 1854. 

1862 c. clxiv. The Nene Valley Act 1862.

An Act passed in the fourth and fifth years of the Reign of Her Majesty Queen Anne, Chapter 2, Intituled "An Act for making the River Stower Navigable, from the Town of Manningtree in the County of Essex to the Town of Sudbury in the County of Suffolk."

An Act passed in the twenty-first year of the Reign of His Majesty King George the Third, Chapter 75, Intituled "An Act for appointing new Commissioners for continuing to carry into Execution the Trusts and Powers of an Act passed in the Fourth and Fifth years of the Reign of her late Majesty Queen Anne, intituled an Act for making the River Stower Navigable from the Town of Manningtree in the County of Essex to the Town of Sudbury in the County of Suffolk; in the Room and Place of those named in the said Act who are since dead; and for explaining and amending the said Act; and for other purposes therein mentioned."

Section 10.

SCHEDULE 3

PARTS OF WATERWAYS EXCLUDED FROM CERTAIN ORDERS UNDER SECTION 10 (POWER TO MAKE ORDERS WITH REGARD TO RECREATIONAL WATERWAYS) OF THIS ACT

References in this Schedule to Grid References shall be construed as references to National Grid reference points.

1. The river Blackwater to a straight line projected from the centre line of Heybridge Basin lock (Grid Ref.: TL 87220684) to Northey Island seawall at Grid Ref.: TL 87380694.

2. Flag Creek to a point at Grid Ref.: TM 09941780.
3. Thorngton Creek to the sluice at the head thereof at Greatmarsh. Grid Ref.: TM 10931838.

4. Walton Channel to the sluice at the head thereof at Walton-on-the-Naze. Grid Ref.: TM 25312214.

5. Kirby Creek to the footbridge at Kirby Quay, Kirby-le-Soken. Grid Ref.: TM 22742250.


7. Martlesham Creek to the sluice at the head thereof at Grid Ref.: TM 25894720.

8. The river Deben to Wilford Bridge, Melton. Grid Ref.: TM 29115014.


10. The river Alde to the sluice west of Snape Bridge, Snape. Grid Ref.: TM 39095763.


12. Cley Channel to the sluice at the head thereof on the A149 road. Grid Ref.: TG 04354378.

13. Blakeney Channel and Agar Creek (including Morston Creek) to the Quay, Blakeney. Grid Ref.: TG 02634403.


15. Wells Creek and Stonemeal Creek at Wells-next-the-Sea.


18. Thornham Creek to a point at Grid Ref.: TF 73124384.


21. Tetney Haven to the bridge over Tetney locks. Grid Ref.: TA 34200215.

22. East Halton Skitter to the sluice at the head thereof. Grid Ref.: TA 14462289.
SCHEDULE 4

ORDERS UNDER SECTION 10 (POWERS TO MAKE ORDERS WITH REGARD TO RECREATIONAL WATERWAYS) OF THIS ACT

1. Where the Authority apply to the Secretary of State for an order under subsection (1) of section 10 (Power to make orders with regard to recreational waterways) of this Act, the Authority shall submit to the Secretary of State a draft of the order, and shall publish at least once in each of two successive weeks, in one or more local newspapers circulating in the district where the waterway to which the order relates is situated, a notice—

(a) stating the general effect of the order as prepared in draft;

(b) specifying a place in each district to which the order relates where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of the first publication of the notice; and

(c) stating that any person may, within that period, by notice in writing to the Secretary of State object to the making of the order.

2. Not later than the date on which the notice is first published in pursuance of the preceding paragraph, the Authority shall serve a copy of the notice together with a copy of the draft order—

(a) on every local authority (as defined in the Act of 1972) within whose area any waterway to which the order relates is situated;

(b) on any internal drainage board having jurisdiction over any waterway to which the order relates;

(c) on the Charity Commissioners for England and Wales.

3. The Authority shall also publish a notice in the London Gazette stating that the draft order has been submitted to the Secretary of State, naming every local authority on whom a notice is required to be served under the last preceding paragraph, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name of the newspaper or newspapers in which the notice under paragraph 1 of this Schedule was published and the date of an issue containing the notice.
4. The Authority shall, at the request of any person, furnish him with a copy of the draft order on payment of such charge as the Authority think reasonable.

5. The Secretary of State may make the order either in the terms of the draft order or in those terms as altered in such manner as he thinks fit; but where he proposes to make any alteration, and considers that any persons are likely to be adversely affected by it, the Authority shall give and publish such additional notices, and in such manner, as the Secretary of State may require.

6. If before the end of the period of twenty-eight days referred to in paragraph 1 of this Schedule, or of twenty-five days from the publication in the London Gazette of the notice under paragraph 3 of this Schedule, or of any period specified in notices under the last preceding paragraph, notice in writing of an objection is received by the Secretary of State from any person on whom a notice is required to be served under this Schedule, or from any other person appearing to the Secretary of State to be affected by the order as prepared in draft or as proposed to be altered, and the objection is not withdrawn, the Secretary of State, before making the order, shall either—

(a) cause a local inquiry to be held; or

(b) afford to the objector and to the Authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

7.—(1) After making the order, the Secretary of State shall, if an objection has been duly made by any body on whom notice is required to be served under paragraph 2 of this Schedule and has not been withdrawn, serve notice of the making of the order and the effect thereof on every such body who has duly made objection which has not been withdrawn.

(2) Where a notice is required to be served under the preceding sub-paragraph, the order shall not have effect before the expiry of a period of twenty-eight days from the date of service of that notice; and if within that period any such body gives notice to the Secretary of State objecting to the order, and the objection is not withdrawn, the order shall be subject to special parliamentary procedure.

8. After making the order, the Secretary of State shall publish in the London Gazette, and in such other manner as he thinks best adapted for informing persons affected, a notice stating that the order has been made, and naming a place where a copy thereof may be seen at all reasonable hours:

Provided that, in the case of an order to which sub-paragraph (1) of the last preceding paragraph applies, the notice shall not be published until the expiry of the period of twenty-eight days referred to in sub-paragraph (2) of that paragraph, and shall state whether or not the order is to be subject to special parliamentary procedure.

9.—(1) If any person aggrieved by an order under section 10 (Power to make orders with regard to recreational waterways) of this Act desires to question its validity on the grounds that it is not within the
powers of the said section, or that any requirement of this Schedule has not been complied with in relation to the order, he may, within six weeks after the first publication of the notice required by the last preceding paragraph, make an application for the purpose to the High Court; and if any such application is duly made, the court, if satisfied that the order is not within the powers of the said section or that the interests of the applicant have been substantially prejudiced by any requirements of this Schedule not having been complied with, may quash the order either generally or in so far as it affects the applicant.

(2) The preceding sub-paragraph shall not apply to any order which is confirmed by Act of Parliament under section 6 of the Statutory Orders (Special Procedure) Act 1945, and shall have effect in relation to any other order which is subject to special parliamentary procedure by virtue of the provisions of this Schedule as if, for the reference to the first publication of the notice required by the last preceding paragraph, there were substituted a reference to the date on which the order becomes operative under the said Act of 1945.

(3) Except as provided by sub-paragraph (1) of this paragraph, the validity of an order under the said section 10 shall not, either before or after the order has been made, be questioned in any legal proceedings whatsoever.

SCHEDULE 5

ADAPTATION OF ENACTMENTS IN CONNECTION WITH COMPULSORY PURCHASE OF RIGHTS

PART I

ADAPTATION OF PART III OF SCHEDULE 1 TO THE ACT OF 1946

1. In paragraph 9 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 (which relates to land belonging to local authorities, statutory undertakers or the National Trust) for references to the purchase of land there shall be substituted references to the purchase of rights over land.

2. In paragraph 10 of that Schedule (which relates to land belonging to statutory undertakers)—

(a) for the words "comprised in" there shall be substituted the words "over which a right is to be acquired by virtue of";

(b) after the words "purchase of" there shall be inserted the words "a right over";

(c) for the words "it can be purchased and not replaced" there shall be substituted the words "the right can be purchased"; and

(d) for sub-paragraph (ii) there shall be substituted the following:—

"(ii) that any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them". 
3. In paragraph 11 of that Schedule (which relates to land forming part of a common, open space or allotment) for sub-paragraph (1) there shall be substituted the following:

"(1) In so far as a compulsory purchase order authorises the purchase of a right over land forming part of a common, open space or fuel or field garden allotment, it shall be subject to special parliamentary procedure unless the Secretary of State is satisfied—

(a) that the land, when burdened with that right, will be no less advantageous to those persons in whom it is vested and to the persons, if any, entitled to rights of common or other rights, and to the public, than it was before; or

(b) that there has been or will be given in exchange for the right additional land which will, as respects the persons in whom there is vested the land over which the right is to be purchased, the persons, if any, entitled to rights of common or other rights over that land and the public, be adequate to compensate them for the disadvantages which result from the purchase of the right, and that the additional land has been or will be vested in the persons in whom there is vested the land over which the right is to be purchased and subject to the like rights, trusts and incidents as attach to that land apart from the compulsory purchase order; or

(c) that the land affected by the right to be purchased does not exceed 250 square yards in extent and that the giving of other land in exchange for the right is unnecessary, whether in the interests of the persons, if any, entitled to rights of common or other rights or in the interests of the public;

and certifies accordingly".

4. In sub-paragraph (3) of the said paragraph 11, after the words "the land” there shall be inserted the words “over which any right is to be” and at the end of the sub-paragraph there shall be inserted the words “so far as their continuance would be inconsistent with the exercise of that right”.

5. In paragraph 12 of that Schedule (which among other things relates to ancient monuments), after the words “purchase of” there shall be inserted the words “rights over”.

PART II

ADAPTATION OF PART I OF THE ACT OF 1965

6. In the Compulsory Purchase Act 1965 (hereafter in this Schedule 1965 c. 56. referred to as “the Act”) section 7 (which relates to compensation) shall be omitted.
7. For section 8 of the Act (which relates to cases in which a vendor cannot be required to sell part only of a building or garden) there shall be substituted the following:—

"8.—(1) Where in consequence of the service on a person in pursuance of section 5 of this Act of a notice to treat in respect of a right over land consisting of a house, building or manufactory or of a park or garden belonging to a house (hereafter in this subsection referred to as 'the relevant land')—

(a) a question of disputed compensation in respect of the purchase of the right would apart from this section fall to be determined by the Lands Tribunal (hereafter in this section referred to as 'the Tribunal'); and

(b) before the Tribunal has determined that question the person satisfies the Tribunal that he has an interest which he is able and willing to sell in the whole of the relevant land and—

(i) where that land consists of a house, building or manufactory, that the right cannot be purchased without material detriment to that land; or

(ii) where that land consists of such a park or garden, that the right cannot be purchased without seriously affecting the amenity or convenience of the house to which that land belongs;

the compulsory purchase order to which the notice to treat relates shall, in relation to that person, cease to authorise the purchase of the right and be deemed to authorise the purchase of that person's interest in the whole of the relevant land including, where the land consists of such a park or garden, the house to which it belongs, and the notice shall be deemed to have been served in respect of that interest on such date as the Tribunal directs.

(2) Any question as to the extent of the land in which a compulsory purchase order is deemed to authorise the purchase of an interest by virtue of the preceding subsection shall be determined by the Tribunal.

(3) Where in consequence of a determination of the Tribunal that it is satisfied as mentioned in subsection (1) of this section a compulsory purchase order is deemed by virtue of that subsection to authorise the purchase of an interest in land, the acquiring authority may, at any time within the period of six weeks beginning with the date of the determination, withdraw the notice to treat in consequence of which the determination was made; but nothing in this subsection prejudices any other power of the authority to withdraw the notice.

(4) The modifications subject to which subsection (1) of section 38 of the Land Compensation Act 1973 is to have effect, as applied by subsection (2) of that section to the duty of the Tribunal in determining whether it is satisfied as mentioned in
subsection (1) of this section, are that at the beginning of paragraphs (a) and (b) there shall be inserted the words ‘a right over’, for the word ‘severance’ there shall be substituted the words ‘right on the whole of the house, building or manufactory or of the house and the park or garden’ and for the words ‘part proposed’ and ‘part is’ there shall be substituted respectively the words ‘right proposed’ and ‘right is’.

8. The following provisions of the Act (which state the effect of a deed poll executed in various circumstances where there is no conveyance by persons with interests in the land), namely:—

section 9 (4) (Failure of owners to convey);
paragraph 10 (3) of Schedule 1 (Owners under incapacity);
paragraph 2 (3) of Schedule 2 (Absent and untraced owners); and
paragraphs 2 (3) and 7 (2) of Schedule 4 (Common land);

shall be so modified as to secure that, as against persons with interests in the land which are expressed to be overridden by the deed, the right which is to be purchased compulsorily is vested absolutely in the acquiring authority.

9. Section 11 of the Act (Powers of entry) shall be so modified as to secure that, as from the date on which the acquiring authority has served notice to treat in respect of any right, it has power, exercisable in the like circumstances and subject to the like conditions, to enter for the purpose of exercising that right (which shall be deemed for this purpose to have been created on the date of service of the notice); and sections 12 (Penalty for unauthorised entry) and 13 (Entry on sheriff’s warrant in the event of obstruction) of the Act shall be modified correspondingly.

10. Section 20 of the Act (Compensation for short term tenants) shall apply with the modifications necessary to secure that persons with such interests as are mentioned in that section are compensated in a manner corresponding to that in which they would be compensated on a compulsory acquisition of the interests but taking into account only the extent (if any) of such interference with such interests as is actually caused, or likely to be caused, by the exercise of the right in question.

11. Section 22 of the Act (Protection of acquiring authority’s possession of land where by inadvertence an interest in the land has not been purchased) shall be so modified as to enable the acquiring authority, in circumstances corresponding to those referred to in that section, to continue to be entitled to exercise the right in question, subject to compliance with that section as respects compensation.
SCHEDULE 6

FORM OF FLOOD PREVENTION NOTICE
ANGLIAN WATER AUTHORITY ACT 1977
FLOOD PREVENTION NOTICE

To the occupier
of the premises known as ................................................. (a)

1. You are hereby informed that the Anglian Water Authority have determined that .......................................................... (b) being part of the above-mentioned premises, forms part of, or contributes to the efficiency of, the tidal defences of some part of the Anglian Water Authority's area against flooding by sea water or tidal water.

2. By virtue of section 27 (Flood prevention) of the Anglian Water Authority Act 1977 the service of this notice causes the said ................................................. (c) to become a designated structure for the purposes of the said section.

3. A copy of the said section is enclosed with this notice.

Date ..................................................................................

(Signature of officer authorised to serve this notice).

(a) Sufficient description of premises of which the designated structure is part which may refer to a plan.
(b) Description of the wall, building, etc., forming the designated structure, which may refer to a plan.
(c) Brief, but sufficient, description of designated structure, e.g., "wall", "wharf", etc.
SCHEDULE 7

NOTICE OF INTENTION TO EXCAVATE MINERALS

Notice is hereby given that (a) .....................................................

intends on or after (b) ..................................................... to begin to excavate minerals [at the place[s] marked] [in the area shown] on the accompanying map.

Details of *(the) [each] proposed extraction are as follows:—

(c) ..................................................................................

*It is proposed to dispose of any water entering [the] [a] workings during or after the excavation of the minerals in the following manner:—

(d) ..................................................................................

I declare that to the best of my knowledge the statements made above are true.

Communications about this notice should be addressed to *(a) .....................................................] [e] .....................................................
at *(f) ...........................................................................

Signed..........................................................................

*[(On behalf of .....................................................)]

Date ..........................................................................

* Delete where inappropriate.
† Enclose an Ordnance Survey map on which the (or each) place in question is marked on, as the case may be, the area in question is delineated or coloured. Unless otherwise agreed with the water authority, the map scale should be not less than six inches to one mile.
(a) Insert name of person who intends to excavate the minerals.
(b) The date inserted should be such as to allow the water authority a reasonable period to consider the matter, say, not less than one month. Compliance with the requirements of any conservation notice which the water authority may decide to serve under section 78 (3) of the Water Resources Act 1963 (as 1963 c. 38, extended by section 28 of the Anglian Water Authority Act 1977) may entail additional expense if the work is begun before such notice can be served.
(c) Give relevant details, e.g., (depth and geological strata) of the (or each) proposed excavation, describe briefly the way in which the (or each) proposed excavation will be carried out and in which the minerals will be removed.
(d) Give details of the proposals, if any, e.g., the extent to which the water will be caused or allowed to run off the site, the extent to which it will be abstracted for use for any purpose and the proportion which will be discharged after use and where it will be discharged.
(e) Insert name of professional adviser or agent.
SCHEDULE 8

PART I

ENACTMENTS REPEALED

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<td>Section 34 (Power to reinstate owners or occupiers of property).</td>
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PART II

ENACTMENTS CEASING TO HAVE EFFECT IN RELATION TO THE AUTHORITY

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PART III

ENACTMENTS APPLIED THROUGHOUT THE AREA OF THE AUTHORITY

Ely Ouse-Essex Water Act 1968

41.—

(4) Sections 19, 20 and 22 of the Third Schedule to the Act of 1945 as applied generally to the Authority by subsection (3) of section 69 of the Act of 1963 and section 9 of the Act of 1973 shall have effect as if the expression "main" included—

(a) any pipe used by the Authority in the performance of any of their new functions as defined in section 3 of the Act of 1963; and

(b) discharge pipes or drains.

42.—(1) For the purpose of constructing, altering, enlarging, repairing, cleaning, examining or operating any works carried out in the performance of any of their functions, except that of supplying water, the Authority may cause the water in any such work to be discharged into any available watercourse and for that purpose may lay and maintain all necessary discharge pipes and apparatus.

(2) In the exercise of the powers conferred by this section the Authority shall do as little damage as may be and shall pay compensation to all persons for any damage sustained by them or liability to which they may become subject by reason of the exercise of those powers and, for the purposes of this subsection, any extra expenditure which it becomes reasonably necessary for any public authority (including a statutory undertaker) to incur for the purpose of properly discharging their statutory functions shall be deemed to be damage sustained by them. Any question as to the amount of the compensation to be so paid shall be determined by arbitration.

(3) (a) The Authority shall take all necessary steps to secure that any water discharged by them under this section shall be as free as may be reasonably practicable from mud and silt, from solid, polluting, offensive or injurious matters and from any matter prejudicial to fish or spawn, or to spawning beds or food of fish, and, if they fail to do so, shall be guilty of an offence.

(b) Sections 46 and 47 of the Act of 1945, shall apply to any such offence as if it were an offence against that Act.

(4) Except in a case of emergency, and except in so far as may be otherwise agreed in writing between the Authority and the other water authority, the following provisions shall have effect:

(a) not less than seven days before commencing to discharge any water into a watercourse within the area of some other water authority through a pipe exceeding nine inches in diameter the Authority shall give notice of their intentions to the other authority;
(b) the Authority shall have due regard to any representations which may be made to them by the other water authority as to the time, mode and rate of discharge with a view to avoiding or minimising injury or inconvenience therefrom:

Provided that whenever the Authority propose to discharge water on a number of occasions during a period, the giving by them of a general notice to that effect, accompanied by such particulars as it is reasonably practicable for them to give, shall constitute sufficient compliance by them with the provisions of paragraph (a) of this subsection.

Essex River and South Essex Water Act 1969

41.—(1) An order under section 67 of the Act of 1963 conferring compulsory powers for the purpose of carrying out engineering or building operations may, in any case where such operations consist of or include the construction of works for making any discharge into any source of supply for the purpose of augmenting the water resources therein, authorise the Authority to make such discharge.

(2) In its application to a draft order submitted to the Secretary of State which proposes to authorise the Authority to exercise such a power as is referred to in the foregoing subsection, sub-paragraph (b) of paragraph 2 of Schedule 8 to the Act of 1963 shall have effect as if the only land in relation to which compulsory powers for that purpose are being sought were the land on or from which the discharge is to be made.

42.—(1) Where it appears to the Authority that water in any underground strata in their area has been or is likely to be polluted they may carry out such operations as they consider necessary or expedient—

(a) for removing the matter causing or likely to cause the pollution and for disposing of it in such manner as the Authority consider appropriate; and

(b) for preventing, remedying or mitigating the pollution of such water:

Provided that nothing in this section shall authorise the carrying out of any operations in or at any mine (as defined for the purposes of the Mines and Quarries Act 1954) vested in the National Coal Board 1954 c. 70, or at any premises on which there is situated a tip of that Board that is, or is deemed to be, a closed tip as defined for the purposes of the Mines and Quarries (Tips) Act 1969 without the prior consent of the 1969 c. 10 Board, which shall not be unreasonably withheld and which may be given subject to such reasonable conditions as the Board may think fit.

(2) Subsection (5) of section 3 of the Act of 1963 shall apply in relation to the powers conferred by this section as if they had been included among the functions transferred to the Essex River Authority by section 5 of that Act; and those powers shall be included among the transferred functions of the Authority accordingly.
(3) In paragraph (a) of subsection (2) of section 135 of the Act of 1963 the reference to functions relating to river pollution includes in relation to the Authority the powers conferred on them by this section.

(4) Nothing in this section shall be construed as derogating from any duty of the Authority to enforce the provisions of the Rivers (Prevention of Pollution) Acts, 1951 to 1961 or, to the extent to which they are for the time being in force, of the Act of 1974 in their area.

43.—(1) The Authority may for the purpose of enabling them to perform any of their functions, except those conferred upon them by the Act of 1974 (section 93 whereof contains provisions corresponding to those in this section), require—

(a) the occupier, and any person having an interest in any land within or without their area, and any person who, either directly or indirectly, receives rent in respect of such land, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest in that land, whether as freeholder, mortgagee, lessee or otherwise, or the name and address of any person known to him to receive either directly or indirectly the rent in respect of that land; and

(b) any person who has sold or otherwise disposed of, leased or let any land within or without their area to state in writing the name and address of the person to whom he has sold or otherwise disposed of, leased or let that land.

(2) Any person who without reasonable excuse, having been required by the Authority in pursuance of this section to give to them any information, fails to give that information or knowingly makes any misstatement in respect thereof shall be liable to a fine not exceeding ten pounds.

(3) For the purposes of this section—

"land" means any corporeal hereditament, including a building, and includes any interest in or right over land;

"interest" includes any legal estate or interest in land or in any rentcharge issuing out of land.

1970 c. vii.

Guarantees in respect of water supplies for new buildings.

64.—(1) Where in pursuance of section 37 of the Act of 1945 the owner of any land (in this section including any interest in or right over land) requires the Authority to construct any works for the purpose of affording a supply of water to any new buildings which he proposes to erect, the Authority instead of requiring the owner to give an undertaking to pay in respect of each year such sum as is provided in paragraph (a) of the proviso to subsection (1) of the said section 37, may agree with him for the payment by him to the Authority of a sum in composition of any liability to make annual payments which he would incur if such an undertaking were given.
If the Authority and the owner of any land have entered into an agreement in pursuance of section 37 of the Act of 1945, then such agreement shall be binding not only upon the Authority and the owner joining in the agreement but also upon the successors in title of any owner so joining and upon any person claiming through, or under, them:

Provided that—

(a) any such agreement shall be treated as a local land charge for the purposes of the Land Charges Act, 1925; and

(b) any person upon whom such agreement is binding shall be entitled to require from the Authority a copy thereof.

Where the Authority are required to lay mains or to construct works to bring water to any area for the purpose of affording a supply to any premises and the Authority (in anticipation of further development in the area in which such supply is required) provide and lay mains or construct other works of greater capacity than may be necessary to bring to the area the quantity of water to be supplied to such premises, and within the period of twelve years from the completion thereof a requisition is made for a supply to any other premises, and it appears to the Authority to be desirable to use the mains or works aforesaid, or any part thereof, for the purpose of affording such last-mentioned supply, the Authority may, before complying with such requisition—

(a) in the case of a requisition made under section 29 of the Third Schedule to the Act of 1945 in its application to the Authority, require that for the purpose of determining the validity of the requisition there shall be brought into account the portion of the expense incurred by them in providing and laying the mains aforesaid, or the part thereof (as the case may be) which would be used by the Authority to afford the supply to which the requisition relates, as if that portion of such expense would be incurred by the Authority in providing and laying mains necessary for compliance with the requisition; and

(b) in the case of a requisition made under section 37 of the Act of 1945, require the person making the requisition to undertake to pay in respect of each year a sum calculated in accordance with the proviso to subsection (1) of the said section 37 in respect of the portion of the expense incurred by them in constructing the works aforesaid comprising service reservoirs or mains, or the part thereof (as the case may be), which would be used by the Authority to afford the supply to which the requisition relates, as if that portion of such expense would be incurred by the Authority in constructing the service reservoirs and providing and laying mains necessary for compliance with the requisition:

Provided that, if the person making the requisition so desires, the Authority may, instead of requiring the payment of an annual sum as aforesaid, agree with him for the payment by him to the Authority of such capital contribution as they may determine towards the cost.
so incurred by the Authority in constructing such works aforesaid comprising service reservoirs or mains, or the part thereof, which would be used by the Authority to afford the supply to which the requisition relates.

Essex River Authority Act 1972

4. The power of the Authority to purchase land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners, lessees and occupiers of land that may be acquired by the Authority under any enactment.

5.—(1) The Authority may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired by the Authority under any enactment with respect to his reinstatement.

(2) Any such agreement or arrangement may provide for the exchange of land; and for that purpose the Authority may pay or receive money for equality of exchange.

7.—(1) If the Authority—

(a) acquire land by agreement; or

(b) enter into an agreement to acquire land; or

(c) have acquired land by agreement before the passing of this Act; for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction arising under covenant or otherwise (other than a restriction imposed by or under any enactment) as to the user thereof or the building thereon the Authority may, subject to the provisions of this section, by resolution suspend the operation of such restriction during the period in which they are the owners of the land.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Authority shall—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time, not being less than three months from the date of the first publication of the notice, within which and the manner in which objections to the suspension of the restriction can be made;
(b) on or before the date of the first publication of the said notice—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who appears to them, after diligent inquiry, to be entitled to the benefit of the restriction to which the resolution relates; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the appropriate Minister and a copy thereof to the Authority within the period specified in the notice.

(5) If any objection is duly made as aforesaid and is not withdrawn, the resolution shall be of no effect unless and until it is confirmed by the appropriate Minister and, before confirming the resolution, the appropriate Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and, after considering the report of the person who held the inquiry, may confirm the resolution.

(6) (a) If no objection is duly made under subsection (4) of this section or if all objections so made are withdrawn, the restriction shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection or, if more than one, the last objection or the date on which the Authority acquire the land, whichever is the latest.

(b) If objection is duly made as aforesaid and the appropriate Minister confirms the resolution the restriction shall be suspended on and after such date as the appropriate Minister shall determine not being earlier than the date on which the Authority acquire the land.

(7) If in the opinion of the Authority there is doubt whether any such land as is mentioned in subsection (1) of this section is affected by any restriction to which that subsection relates or whether any such restriction is enforceable, the Authority may—

(a) in three successive weeks publish in one or more local newspapers circulating in the locality in which the land is situated a notice describing the land and stating generally the effect of this subsection and of subsections (8) and (9) of this section and specifying the time, not being less than three months from the date of the first publication of the notice, within which and the manner in which any person claiming to be entitled to enforce a restriction against the use of the land may intimate such claim to the Authority and shall produce to them his documents of title in support of his claim;

(b) on or before the date of the first publication of the notice referred to in paragraph (a) of this subsection—

(i) serve a copy of that notice by registered post or the recorded delivery service on every person who they consider after reasonable inquiry may reasonably be expected
to claim to be entitled to the benefit of a restriction against the land; and

(ii) affix a copy or copies of that notice to some conspicuous object or objects on the land.

(8) If any person is entitled to the benefit of a restriction against the land but fails to comply with the requirements of such notice, the restriction shall, so far as concerns such person and his successors in title, be deemed to have been suspended under the foregoing provisions of this section, but without prejudice to any claim for compensation under subsection (9) of this section.

(9) The Authority shall pay compensation in accordance with the provisions of section 10 of the Compulsory Purchase Act 1965, in respect of any entitlement to the benefit of a restriction suspended under the powers of this section and loss suffered in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Land Compensation Act 1961.

(10) If the Authority dispose of any land affected by a restriction suspended under the powers of this section they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(11) Nothing in this section shall apply to—

(a) any restriction arising under a covenant granted to the National Trust for Places of Historic Interest or Natural Beauty restricting the development or use of land;

(b) any restriction for—

(i) the protection of or for preventing interference with the use of or for securing access to operational land or apparatus of any statutory undertakers;

(ii) the prevention of pollution of water which any statutory water undertakers are for the time being authorised to take;

(iii) the protection or benefit of the British Airports Authority in relation to their undertaking as represented by the aerodromes which they for the time being own or manage;

contained in any deed, wayleave, agreement or other instrument.

In this paragraph "operational land" in the case of the Post Office has the same meaning as in paragraph 93 (4) of Schedule 4 to the Post Office Act 1969, and, in the case of any other statutory undertakers, has the same meaning as in section 222 of the Town and Country Planning Act 1971.

(12) In this section "the appropriate Minister" means the Minister of the Crown having power to authorise the compulsory purchase of the land for the purpose for which the Authority have acquired or agreed to acquire that land.
12.—(1) If any person is guilty of any act or neglect whereby water in any underground strata in the area of the Authority is contaminated or likely to be contaminated by any poisonous, noxious or polluting matter (whether liquid or solid) he shall be guilty of an offence:

Provided that nothing in this subsection shall be construed as penalising—

(i) any act which is in accordance with good agricultural practice;

(ii) the reasonable use of oil or tar on any highway, so long as the person responsible for the construction or maintenance (as the case may be) of the highway takes all reasonable steps for preventing the oil or tar, or any liquid or matter resulting from the use thereof, from polluting any such water;

(iii) the deposit or disposal of house, trade, industrial or other similar refuse (whether liquid or solid) on land which was lawfully being used for that purpose at the passing of this Act if the character of the refuse deposited or disposed of after the passing of this Act is not materially different from that which was being deposited or disposed of before that date;

(iv) the interment of human remains in a burial ground (as defined in subsection (8) of section 128 of the Town and Country Planning Act 1971);

(v) any act done or neglect arising outside the former area of the Essex River Authority before the passing of the Anglian Water Authority Act 1977, or any act or neglect within that former area before the passing of this Act;

(vi) the discharge of effluent or other matter in respect of which the consent of the Authority is required by section 72 of the Act of 1963 (or, after it has come into force, section 32 of the Act of 1974) if that consent has been duly given or, if the consent has been refused, it has been allowed on appeal to the Secretary of State under subsection (6) of the said section 72 (or under section 39 of the Act of 1974, as the case may be) and in either case if the discharge complies with such conditions (if any) as may have been imposed by the Authority or the Secretary of State (as the case may be);

(vii) the disposal of any matter (whether liquid or solid) to which the said section 72 (or the said section 32, as the case may be) does not apply if it has been approved under subsection (2) of this section, or the disposal of any matter under and in accordance with the conditions of a disposal licence issued in pursuance of section 5 of the Act of 1974 or the conditions of a resolution in force under section 11 of that Act; or

(viii) any act committed in the course of the carrying on without negligence by the National Coal Board of colliery production activities or colliery activities (as respectively defined in the Coal Industry Nationalisation Act 1946) or the filling in of any mine of coal (as defined in the said Act of 1946) or any part thereof in the interests of public safety.
(2) (a) Subject to paragraph (d) of this subsection, if any person (in this subsection referred to as "the applicant") who proposes to dispose of any matter (whether liquid or solid) within the area of the Authority applies to the Authority for approval of the disposal thereof and supplies to the Authority such particulars as the Authority may reasonably require as to—

(i) the site on which the matter is to be disposed of;
(ii) the method of disposal;
(iii) the nature and the quantity of the matter to be disposed of; and
(iv) any other relevant information;
the Authority may either approve the proposals subject to such stipulations (if any) as they may reasonably consider necessary to prevent an offence being committed under subsection (1) of this section or refuse their approval:

Provided that if within three months of receiving such an application the Authority have neither approved the proposals with or without stipulations nor refused their approval, they shall be deemed to have approved the proposals in the terms of the application.

(b) If the applicant is dissatisfied by the refusal of the Authority to approve his proposals or by any stipulations which they make in their approval, he may within twenty-eight days of receiving notification of the decision of the Authority refer the matter to the Secretary of State.

(c) On any such reference the Secretary of State may deal with the application as if it had been made to him in the first place, and accordingly may make such decision in the matter as he considers appropriate.

(d) Subsections (5) and (6) of section 39 and subsection (2) of section 54 of the Act of 1963 shall apply (with the necessary modifications) to references under this section as they apply to appeals under Part IV of that Act.

(e) This subsection shall not apply to the disposal of controlled waste (within the meaning of that expression for the purposes of section 3 of the Act of 1974) except as respects activities to which, by virtue of subsection (1) of section 4 of that Act, section 3 of that Act does not apply.

(3) (a) Any person who contravenes this section, or (in circumstances not constituting such a contravention) does not comply with a stipulation subject to which proposals made under this section have been approved, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100, or on conviction on indictment to a fine.

(b) Proceedings in respect of an offence against this section shall not be instituted except with the consent of the Attorney-General or by the Authority.
(4) (a) In any proceedings for an offence under this section it shall be a defence for the person charged to prove—

(i) that the commission of the offence was due to an accident or to some other cause beyond his control; and

(ii) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence by himself or by any person under his control; or

(iii) that, in so far as the prosecution is based on an allegation that the contravention was due to neglect, it was impracticable to avoid or prevent the contravention.

(b) Proceedings under this section shall not be instituted against a local authority in respect of the disposal outside the former area of the Essex River Authority within twelve months after the passing of the Anglian Water Authority Act 1977 of domestic refuse, trade refuse or the contents of cesspools even if either the disposal is on other land than was in use for that purpose before the date of the passing of that Act, or, if the disposal is on land so used, the matter disposed of is materially different in character from the refuse disposed of before that date; but this paragraph shall cease to have effect as from the date on which the Authority notify the local authority that the deposit of such material must be discontinued.

In this paragraph "local authority" means the Greater London Council or the council of a London borough or a district.

(5) (a) An approval granted by the Authority under this section shall for the purposes of subsection (7) of section 1 of the Deposit of Poisonous Waste Act 1972 have effect only so as to prevent a person, who has deposited waste or caused or permitted waste to be deposited in such a manner or in such quantity as to threaten the pollution or contamination of any water supply contained in any underground strata, being treated as having contravened subsection (1) of the said section 1.

(b) Where proceedings are being or have been instituted against a person under the said Act of 1972, no proceedings shall be instituted under this section against him in respect of the same offence.

(6) The functions of the Authority under this section shall be deemed to be part of their transferred functions, as defined in section 3 of the Act of 1963.

(7) For the purposes of subsection (3) of section 108 of the Act of 1974 (which provides for consequential amendments and repeals of enactments) this section shall be deemed to be a provision of a local Act passed before the Act of 1974.

13. Schedule 2 of the Salmon and Freshwater Fisheries Act 1975 Reduced in its application to the Authority shall have effect as if after paragraph 2 thereof there were added the following new paragraph:

"2A. Where more than one licence is granted by a water authority to one person the Authority may charge for any licence 1975 c. 51, after the first such amount less than the amount which would otherwise be payable so as to think fit"
15.—(1) Section 79 of the Act of 1963 shall in its application to the Authority and their area have effect as if—

(a) the purposes for which the Authority may make byelaws under subsection (3) included the improvement of the amenities of such of the inland waters in the area of the Authority as may be specified in the byelaws and the good rule of, and the regulation of the conduct of, those resorting to such inland waters so specified and the adjoining land;

(b) in subsection (4) paragraph (e) and the words "and not falling within the said section 2 (3)" in paragraph (d) were omitted.

(2) (a) The Secretary of State may on the application of the Authority by order provide that—

(i) paragraph (a) of subsection (4) of the said section 79 shall not apply to such tidal waters in the area of the Authority;

(ii) paragraph (b) of the said subsection (4) shall not apply to such inland waters in the area of the Authority;

as may be specified in the order; but no such order shall be made in respect of any of the waterways specified in Schedule 3 to the Anglian Water Authority Act 1977, or in respect of any inland water in relation to which functions are exercisable by a navigation authority, harbour authority or conservancy authority except with the consent of that authority.

(b) Before the Authority apply for an order under this subsection they shall consult every local authority within whose area any tidal waters or inland waters to which the order relates are situated and every navigation authority, harbour authority and conservancy authority having waters under their jurisdiction which adjoin such tidal waters or inland waters.

(c) An order made under this subsection may contain such incidental and supplementary provisions, including provisions for amending, adapting or repealing local enactments, as the Secretary of State considers necessary or expedient.

(d) The provisions of Schedule 2 to this Act shall have effect with respect to applications and orders made under this section.

(3) Byelaws made under subsection (3) of the said section 79 which apply to tidal waters in the area of the Authority by virtue of an order made under paragraph (a) (i) of subsection (2) of this section shall not prohibit such tidal waters from being used for boating but may, for the purpose of protecting persons lawfully and peaceably using such tidal waters for boating, swimming or other recreational purposes, provide for the exclusion from such stretches of the tidal waters as may be specified in the byelaws of boats of such types or sizes as may also be so specified.

(4) Before making any byelaws under subsection (3) of the said section 79 applying to any tidal waters in the area of the Authority to which an order made under paragraph (a) (i) of subsection (2) of this section relates the Authority shall consult with the authorities on whom notice of the application for the order was served under paragraph 2 (b) of Schedule 2 to this Act.
(5) Subsection (5) of section 111 of the Act of 1963 shall in its application to the Authority have effect as if after the word "pollution" there were inserted the words "and of any byelaws made under section 79 (3) of this Act".

(6) Any person duly authorised by the Authority may require any person whom he has reasonable grounds for believing to have committed an offence against any byelaws made under subsection (3) of section 79 of the Act of 1963 to furnish his name and address and if any person, on being required to furnish his name and address, fails to state his name and address correctly, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

18.—(1) Subject to the provisions of this section, the Authority during and for the purposes of executing any work carried out in the performance of any of their functions may temporarily stop up, alter, divert or otherwise interfere with any watercourse or highway or any private right of way, and, in the case of any highway or right of way, may for any reasonable time divert the traffic therefrom and prevent all persons other than those bona fide going to or from any land, house or building abutting on the highway or right of way from passing along and using the same.

(2) The Authority shall provide reasonable access for foot-passengers, with or without animals, bona fide going to or from any such land, house or building.

(3) (a) The powers of subsection (1) of this section shall not be exercised in relation to—

(i) any highway outside the area of the former Essex River Authority;

(ii) a trunk road except with the consent of the Secretary of State but such consent shall not be unreasonably withheld; and

(iii) any other highway without the consent of the highway authority, and, in the case of a road which is vested in any person other than the highway authority, that person, but such consent shall not be unreasonably withheld and may be given subject to such reasonable conditions (other than a condition requiring a monetary payment) as the highway authority or other person may require, and any difference arising between the Authority and the highway authority or other person under this sub-paragraph may be referred to and determined by an arbitrator to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

(b) The powers of subsection (1) of this section shall not be exercised in relation to any watercourse without providing a proper substitute before interrupting the passage of water in or through such watercourse, and the Authority shall make compensation for any damage caused to any person by the exercise of such powers in relation to any water-course, the amount of such compensation being, in case of dispute, determined by the Lands Tribunal.
SCH. 8—cont.

(c) The powers of subsection (1) of this section shall not be exercised so as unreasonably to obstruct or interfere with access to any station or depot of passenger road transport operators.

(d) The temporary stopping up or diversion of any highway or right of way under the powers of this section shall not prejudice or affect any right of statutory undertakers—

(A) to place, maintain, inspect, repair, renew or remove any apparatus in the highway or right of way; or

(B) for the purpose of such placing, maintenance, inspection, repair, renewal or removal to enter upon or break open that highway or right of way.

(4) Except in the case of emergency the Authority shall, not less than seven days before stopping up any highway under the powers of this section, cause notice to be published in one or more newspapers circulating in the district in which the highway is situate of their intention so to do and such notice shall contain a description of the alternative route or routes available for traffic.

(5) So long as any highway remains stopped up a notice describing the alternative route or routes available for traffic shall be kept posted in a conspicuous manner at each end of the highway and at the points at which it will be necessary for vehicles to diverge from the highway.

The Authority may subject to subsections (2), (3) and (4) of section 70 of the Act of 1963 sell to any person in their employment any house provided by them for such persons subject to such covenants and conditions as they think fit to impose in regard to the maintenance or use of the house and upon any such sale they may, if they think fit, agree to the price being paid by instalments or to the price or part thereof being secured by a mortgage of the premises.

The Authority shall have power to make advances to, and to guarantee the repayment of advances made to, persons who are in their employment or who propose to enter their employment for the provision of housing accommodation for such persons, and for this purpose the provisions of sections 43 and 45 of the Housing (Financial Provisions) Act 1958, and Part II of the Housing Subsidies Act 1967, shall, subject to any necessary modifications, apply to the Authority as if they were a county council.

Provided that if the Authority permit any such person or his dependant to remain in occupation of the premises for twelve months
or longer they shall before the expiration of the period of twelve months grant him a tenancy of the premises on such terms and conditions as they consider to be appropriate in the circumstances of the case.

22.—(1) The Authority may within or outside the area of the Authority provide and maintain recreational, social and welfare facilities for their employees.

(2) For the purposes aforesaid the Authority may—
   (a) erect or maintain buildings;
   (b) make such charges as they think fit for the use of facilities provided under this section;
   (c) make regulations for the management of such premises.

(3) No power conferred upon the Authority by this section shall be exercised in such a manner—
   (a) as to be at variance with any trust subject to which any land or building is held, managed or controlled by the Authority without an order of the High Court or of the Charity Commissioners, or of the Secretary of State for Education and Science or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of the donor or that other person; or
   (b) as to contravene any covenant or condition (other than a covenant or condition which was subsisting immediately before the date of the gift or lease to the Authority) subject to which a gift or lease of any land or building has been accepted by or granted to the Authority without the consent of the donor, grantor, lessor or other person entitled in law to the benefit of the covenant or condition.

(4) The Authority may contribute towards expenses incurred by any other person in providing and maintaining within or outside the area of the Authority any of the facilities for their employees mentioned in subsection (1) of this section and any such contribution may be by means of a loan on such terms and conditions as the Authority think fit.

24.—(1) The Authority may establish a fund to be called “the insurance fund” with a view to providing a sum of money which shall be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may be specified in a resolution of the Authority (in this section referred to as “the specified risks”).

(2) The establishment of an insurance fund under this section shall not prevent the Authority from insuring in one or more insurance offices against the whole or any part of all or any of the specified risks.

(3) When the insurance fund shall amount to the prescribed amount the Authority shall discontinue the appropriations to the fund under subsection (4) of this section but, if the fund is at any time reduced below the prescribed amount, the Authority shall recommence and continue such appropriations until the fund be restored to the prescribed amount.
and, if at any time the Authority reduce the prescribed amount so that there are more moneys in the insurance fund than the sum so prescribed, such moneys as are in excess of the prescribed amount shall be transferred to the revenue account and any moneys so transferred shall be apportioned between the several divisions of that account in such proportions as the Authority consider equitable.

(4) The Authority may from time to time appropriate to the insurance fund such sums as they think fit from the revenue account and shall show the same in their accounts under the separate heading or division in respect of the particular service of the Authority which if the specified risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

(5) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses, damages, costs and expenses in respect of the specified risks, or any of them, all moneys for the time being standing to the credit of the insurance fund shall, unless applied in any other manner authorised by any enactment, be invested, and the interest and other annual proceeds received by the Authority in respect of such investments shall be carried to and form part of the insurance fund.

(6) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Authority in respect of the specified risks which are payable out of the insurance fund in the order of the dates on which such losses, damages, costs or expenses become ascertained, and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses the amount of such deficiency shall be paid out of the revenue account and charged under the separate headings or divisions in respect of such services of the Authority and in such proportions as the Authority may determine having regard to the risks through which such deficiency arises.

(7) Any covenant or obligation binding on the Authority to insure against any risk shall (except in so far as the terms of such covenant or obligation otherwise specifically provide) be deemed to be satisfied by a resolution of the Authority under subsection (1) of this section and that risk shall be one of the specified risks.

(8) In this section—

"insurance office" means—

(i) an insurance company; or

(ii) an underwriter being a member of an association of underwriters; and

"the prescribed amount" means such sum as may from time to time be prescribed by the Authority.

28.—(1) If any person, without lawful authority or excuse, wilfully and without the consent of the Authority alters or interferes with any apparatus, appliance, instrument or equipment belonging to the Authority and installed for the purposes of or in connection with the exercise by the Authority of any of their functions or any structure containing
or any fence, wall or other erection surrounding such apparatus, appliance, instrument or equipment he shall be liable on summary conviction to a fine not exceeding fifty pounds and the Authority may recover from him summarily as a civil debt the expense of making good or replacing the apparatus, appliance, instrument or equipment, structure, fence, wall or other surrounding erection.

(2) No proceedings shall be taken under this section for an offence in respect of which proceedings could be taken under any of the following enactments—

Paragraphs (a) and (c) of subsection (1) of section 12 of the Salmon and Freshwater Fisheries Act 1975;

Byelaws made under section 34 of the Act of 1976;

Sections 67 and 68 of the Third Schedule to the Act of 1945 (as applied to the Authority by subsection (3) of section 69 of the Act of 1963 and section 9 of the Act of 1973).

29.—(1) In proceedings under any enactment, a document purporting to be certified by the chief executive as a copy of a resolution passed, order made, or report received, by the Authority or a committee thereof on a specified date shall be evidence that that resolution, order or report was duly passed, made or received by the Authority or committee on that date.

(2) In proceedings under any enactment, a document purporting to be certified as aforesaid as a copy of the appointment of, or of an authority given to, an officer of the Authority or a committee thereof on a specified date shall be evidence that that appointment was duly made, or that that authority was duly given, by the Authority or committee on that date.

(3) In this section "officer" includes a servant and an agent.

31. Section 265 of the Public Health Act 1875 shall apply to the Authority as if—

(a) references in that section to a local authority were references to the Authority or to a committee of the Authority;

(b) references in that section to a member of a local authority were references to a member of the Authority and included references to a member of a committee of the Authority;

(c) for the words "for the purpose of executing this Act" there were substituted the words "for the purpose of carrying out any of the functions of the Authority except functions under the Act of 1974 (section 86 whereof contains provisions corresponding to those in this section)";

(d) for the words "out of the fund or rate applicable by such authority to the general purposes of the Act" there were substituted the words "by the Authority";

(e) at the end of that section as amended by subsection (2) of section 27 of the Local Government (Miscellaneous Provisions) Act 1976 there were added the words "as applied to the accounts of water authorities by paragraph 39 of Schedule 3 to the Water Act 1973".
SCHEDULE 2

ORDERS PROVIDING THAT SECTION 79 (4) (a) OR (b) OF THE ACT OF 1963 SHALL NOT APPLY TO SPECIFIED TIDAL WATERS OR INLAND WATERS

1. Where the Authority apply to the Secretary of State for an order under subsection (2) of section 15 (Extension of section 79 of Act of 1963) of this Act, the Authority shall submit to the Secretary of State a draft of the order, and shall publish at least once in each of two successive weeks, in one or more newspapers circulating in the locality where the tidal waters specified in the order are situated, a notice—

(a) stating the general effect of the order as prepared in draft;

(b) specifying a place in the area of the Authority where a copy of the draft order and of any relevant map or plan may be inspected by any person free of charge at all reasonable times during the period of twenty-eight days beginning with the date of the first publication of the notice; and

(c) stating that any person may, within that period, by notice in writing to the Secretary of State object to the making of the order.

2. Not later than the date on which the notice is first published in pursuance of the preceding paragraph, the Authority shall serve a copy of the notice—

(a) on every local authority within whose area any tidal waters or inland waters to which the order relates are situated; and

(b) on any navigation authority, harbour authority or conservancy authority exercising functions in relation to the tidal waters or inland waters to which the order relates.

3. The Authority shall also publish a notice in the London Gazette stating that the draft order has been submitted to the Secretary of State, naming every local authority on whom a notice is required to be served under the last preceding paragraph, specifying a place where a copy of the draft order and of any relevant map or plan may be inspected, and giving the name of the newspaper in which the notice under paragraph 1 of this schedule was published and the date of an issue containing the notice.

4. The Authority shall, at the request of any person, furnish him with a copy of the draft order on payment of such charge, as the Authority think reasonable.

5. The Secretary of State may make the order either in the terms of the draft order or in those terms as altered in such manner as he thinks fit; but where he proposes to make any alteration, and considers that any persons are likely to be adversely affected by it, the Authority shall give and publish such additional notices, and in such manner, as the Secretary of State may require.
6. If before the end of the period of twenty-eight days referred to in paragraph 1 of this schedule, or of twenty-five days from the publication in the London Gazette of the notice under paragraph 3 of this schedule, or of any period specified in notices under the last preceding paragraph, notice in writing of an objection is received by the Secretary of State from any person on whom a notice is required to be served under this schedule, or from any other person appearing to the Secretary of State to be affected by the order as prepared in draft or as proposed to be altered, and the objection is not withdrawn, the Secretary of State, before making the order, shall either—

(a) cause a local inquiry to be held; or

(b) afford to the objector and to the Authority an opportunity of appearing before, and being heard by, a person appointed by the Secretary of State for the purpose.

64. The power of the Authority under section 23 of the Act of 1976 to enter into an agreement with any local authority or navigation authority for the carrying out by that authority, on such terms as to payment and otherwise as may be specified in the agreement, of any work for the purpose of defence against the sea or other tidal water which the Authority are authorised to carry out, shall be exercisable anywhere in the area of the Authority, irrespective of whether it is a work in connection with the main river.

68.—(1) This section applies to any opening which is situated in the area of the Authority and which consists of—

(a) an opening from the river, or from the sea or other tidal water, to any dock, lock, canal or watercourse;

(b) any other opening provided for access to any land; or

(c) an opening used or intended to be used for or in connection with any abstraction from, or discharge to, the river, the sea or other tidal water;

being an opening which is furnished with one or more caissons, lock gates, gates, doors, dams, dam boards, sluice gates, sluices, valves or any other similar structures, appliances or apparatus (hereafter in this section referred to as "flood dams") which in the opinion of the Authority form, when in a closed position, an effectual and necessary part of the defences of their area against floods or inundations from the overflow of the river or from the sea or other tidal water.

(2) Whether or not the Authority in the exercise of their functions under the Act of 1976 have provided or contributed to, or maintain, the flood dams of an opening to which this section applies, they may, after consultation (if reasonably practicable) with the occupier of the land on which such opening is situated, by notice given to him in writing require him to comply with such arrangements and conditions as the Authority consider necessary, and as may be specified in the notice, for securing that the flood dams are closed at such times, and are kept closed throughout such periods, as may be so specified, and
generally requiring him to keep the flood dams closed whenever necessary for preventing floods or inundations from the overflow of the river or from the sea or other tidal water through the opening:

Provided that in giving any notice under this section to—

(a) the Central Electricity Generating Board in respect of any such opening as is referred to in paragraph (c) of subsection (1) of this section and is maintained by that board for the purposes of the cooling water system of an electricity generating station, the Authority shall have proper regard to the need for securing that compliance with the requirements of the notice will cause no unnecessary interference with the generation of electricity at such generating station;

(b) any navigation authority, harbour authority or conservancy authority the Authority shall have proper regard to the need for securing that compliance with the requirements of the notice will cause no unnecessary interference with navigation or with the carrying on of the undertaking, or the exercise of the functions, of that authority.

(3) (a) If any flood dams of an opening to which this section applies have not been closed, or have not been kept closed, at any time in compliance with the requirements of a notice given under this section and for the time being in force, then—

(i) without prejudice to any right of entry conferred under any other enactment, any person duly authorised by the Authority may enter on the land on which the opening is situated and close the flood dams or cause them to be closed;

(ii) the occupier of the said land shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding four hundred pounds or on conviction on indictment to a fine or imprisonment for a term not exceeding two years or both:

Provided that where the commission by any person of an offence under this subsection is due to the act or default of some other person that other person shall be guilty of the offence, and a person may be charged and convicted of the offence by virtue of this proviso whether or not proceedings are taken against the first-mentioned person.

(b) Where a person who is charged with an offence under this subsection proves to the satisfaction of the court—

(i) that he exercised all due diligence to secure that the provisions of this subsection would not be contravened; and

(ii) that the offence was due to the act or default of another person; the first-mentioned person shall, subject to the next following paragraph, be acquitted of the offence.

(c) A person shall not, without the leave of the court, be entitled to rely on the defence provided by the last foregoing paragraph unless, not later than seven clear days before the date of the hearing, he has
served on the prosecutor a notice in writing giving such information identifying, or assisting in the identification of, the other person in question as was then in his possession.

(4) The Authority may from time to time, by notice in writing given to the occupier of the land after consultation (if reasonably practicable) with him, alter or revoke any notice previously given under this section.

(5) The occupier of any land in respect of which a notice has been given under this section and is for the time being in force shall keep a copy of the notice displayed in a prominent position on that land.

(6) (a) The requirements of a notice given under this section shall be registrable as a local land charge as if they were such prohibitions or restrictions as are registrable in pursuance of the provisions of paragraph (b) of subsection (7) of section 15 of the Land Charges Act, 1925, and subject to the provisions of that section shall be binding upon the occupier for the time being of the land.

(b) The Authority shall send a copy of any such requirements to the proper officer of the council of each London borough or district in which the land to which the requirements relate is situated and the proper officer shall cause it to be registered in the register of local land charges in such manner as may be prescribed by rules made in reference to local land charges under subsection (6) of section 15 of the said Act of 1925; and the power conferred by the said subsection (6) to make rules for giving effect to the provisions of the said section 15 shall be exercisable for giving effect to the provisions of this paragraph.

(7) Any person aggrieved by a notice given to him under this section may within fourteen days of the receipt of such notice appeal to the Minister on the ground that the notice is unreasonable in character or extent, and on any such appeal the Minister may confirm, vary or rescind the notice.

(8) A person entitled under this section to enter on any land may take with him such other persons and such equipment as may be necessary and, if the land is unoccupied, he shall, on leaving it, leave it as effectually secured against trespassers as he found it.

* * * * *

(11) (a) Any reference in this section to flood dams being in a closed position shall include a reference to flood dams being secured in such a manner and in such a position as, in the opinion of the Authority, will most effectively seal the opening in respect of which they are furnished against floods or inundations from the overflow of the river, or from the sea or other tidal water, through that opening, and the word "closed" shall be construed accordingly.

(b) Where any land on which there is an opening to which this section applies is unoccupied, the owner thereof shall be deemed for the purposes of this section to be the occupier.
Sch. 8
—cont.

Penalty for obstructing execution of Act.

70. A person who wilfully obstructs or impedes any person acting—

(a) in the execution of this Act or of any order or byelaw made thereunder; or

(b) in compliance with any notice or direction given under this Act;

shall be guilty of an offence and, if no other penalty for such offence is provided by or under this Act, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

71.—(1) Where a body corporate is guilty of an offence under this Act, or under any byelaws made under or in pursuance of this Act, and that offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, the foregoing subsection shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
An Act to establish an authority to be known as the Broads Authority; to make provision with respect to its powers; to make provision with respect to the area commonly known as the Broads and with respect to the Great Yarmouth Port and Haven and its Commissioners; to provide for the making of grants to the Authority by the Secretary of State; and for connected purposes.

[15th March 1988]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:—

PART I

THE BROADS AUTHORITY

1.—— The Broads Authority.

(1) There shall be a body corporate, to be known as the Broads Authority, which shall perform the functions conferred on it by this Act.

(2) In this Act the Broads Authority is referred to as “the Authority”.

(3) The Authority shall consist of—

   [ (a) nine members appointed as follows—
       two by Norfolk County Council;
       one by Suffolk County Council;
       one by Broadland District Council;
       one by Great Yarmouth Borough Council;]
one by North Norfolk District Council;  
one by Norwich City Council;  
one by South Norfolk District Council;  
one by Waveney District Council;

(b) ten members appointed by the Secretary of State; and

(c) two members appointed by the Authority from those members of its Navigation Committee (established under section 9 of this Act) who are not already members of the Authority.

(4) A member appointed by a participating authority (that is to say by one of the local authorities mentioned in subsection (3)(a) above) shall be appointed from among the members of that authority.

(5) The members appointed under subsection (3)(b) shall include persons appointed by the Secretary of State after consultation with such bodies appearing to him to represent the following interests, that is to say—

(a) boating;
(b) conservation;
(c) farming and landowning;
(d) land based recreation

as he considers appropriate, and in making such appointments the Secretary of State shall have regard to the desirability of maintaining an overall balance under this subsection (5) between those interests.

(6) […]

(7) Schedule 1 to this Act shall have effect for the purposes of supplementing this section.

Notes

1 Substituted by Norfolk and Suffolk Broads Act 1988 (Alteration of Constitution of the Broads Authority) Order 2005/1067 art.3(a) (June 1, 2005)
2 Substituted by Norfolk and Suffolk Broads Act 1988 (Alteration of Constitution of the Broads Authority) Order 2005/1067 art.3(b) (June 1, 2005)
3 Substituted by Broads Authority Act 2009 c. i Sch.7 para.1(1) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
4 Repealed by Broads Authority Act 2009 c. i Sch.8(1) para.1 (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

Commencement

Pt I s. 1: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent

Pt I s. 1(1)-(7): England, Wales
2.— Functions of Authority: general.

(1) It shall be the general duty of the Authority to manage the Broads for the purposes of—
   [a] conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
   [b] promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and
   [c] protecting the interests of navigation.

(2) So far as it relates to navigation, subsection (1) above is subject to the Commissioners' functions in respect of navigation within the Haven.

(3) In this Act “the Broads” means, subject to—
   (a) the variations made by Part I of Schedule 2 to this Act; and
   (b) any variation made in accordance with the provisions of Part II of that Schedule;
   the area coloured pink on the deposited map.

(4) In discharging its functions, the Authority shall have regard to—
   (a) the national importance of the Broads as an area of natural beauty and one which affords opportunities for open-air recreation;
   (b) the desirability of protecting the natural resources of the Broads from damage; and
   (c) the needs of agriculture and forestry and the economic and social interests of those who live or work in the Broads.

(5) Part I of Schedule 3 to this Act shall have effect to amend certain provisions of the law relating to planning and connected matters, the main purpose of the amendments being to provide for the Authority to be the sole district planning authority in respect of the Broads.

(6) The Authority shall have the miscellaneous functions set out in Part II of Schedule 3.

(7) The Authority shall have power to do anything which is necessary or expedient for the purpose of enabling it to carry out its functions, or for incidental purposes, including power—
   (a) to acquire, manage, reclaim and dispose of land or other property;
   (b) to carry out any building or other operations; and
   (c) to carry on any business or undertaking.

Notes

1 Substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 5 s.64(2) (October 1, 2006)
The Broads Plan.

(1) The Authority shall, before the end of the period of three years beginning with the operative date, prepare and publish a plan (to be known as “the Broads Plan”) setting out its policy with respect to the exercise of its functions.

(2) The Authority shall review the Broads Plan at least once in every five years.

(3) If, as a result of any such review, the Authority is of the opinion that it is appropriate to vary the Broads Plan, it shall do so in such manner as it thinks fit.

(4) The Authority shall publish a report on the result of any review carried out under this section and the report shall set out the variations (if any) which the Authority has made following the review.

(5) Before preparing or varying the Broads Plan the Authority shall—
   (a) publish a draft of its proposals; and
   (b) consult each of the appointing authorities, the internal drainage board for each internal drainage district which is wholly or partly within the Broads and such other bodies as appear to it to represent interests likely to be concerned.

(6) The Authority shall send to the Secretary of State a copy of any plan, or variation, published under this section.

Commencement
Pt I s. 3: April 1, 1989 (SI 1988/955 art. 4)

Extent
Pt I s. 3(1)-(6): England, Wales

Conservation of areas of natural beauty.

(1) The Authority shall—
   (a) before the end of the period of two years beginning with the operative date, prepare a map showing any areas within the Broads whose natural beauty it is, in the opinion of the Authority, particularly important to conserve; and
   (b) at least once in every five years, review the particulars shown on the map and make such variations (if any) as it considers necessary.

(2) The Authority shall cause any map prepared or varied under this section to be printed and copies of it to be on sale to the public at such reasonable prices as the Authority may determine.

(3) Before preparing or varying any such map, the Authority shall consult—
   (a) [Natural England]1; and
   (b) such bodies as appear to the Authority to represent persons who have an interest in matters affecting the area, or any part of the area, in question.
(4) [Natural England]² shall issue, and from time to time review, guidance for the Authority with respect to the exercise of its functions under this section; and in considering for the purposes of this section whether any area is one the natural beauty of which it is particularly important to conserve, the Authority shall act in accordance with that guidance.

(5) [Before issuing, or reviewing, any guidance under subsection (4) above, [Natural England]² must consult such bodies appearing to it to represent interests concerned as it considers appropriate.]

Notes
1 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.110(2) (October 1, 2006)
2 Words substituted by Broads Authority Act 2009 c. i Sch.7 para.2 (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
3 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.110(4) (October 1, 2006)

Commencement
Pt I s. 4: April 1, 1989 (SI 1988/955 art. 4)

Extent
Pt I s. 4(1)-(5)(b): England, Wales
(4) Where the Authority is given any notice under this section it shall forthwith send copies of the notice to the Ministers [and Natural England] ¹.

(5) Any person authorised in writing by the Ministers may, at any reasonable time and (if required to do so) on producing evidence that he is authorised, enter any land for the purpose of assisting the Ministers in deciding whether or not to make an order under this section affecting that land.

(6) Any person authorised in writing by the Authority may, at any reasonable time and (if required to do so) on producing evidence that he is authorised, enter any land for the purpose of ascertaining whether an offence has been committed under this section.

(7) Nothing in subsection (5) or (6) above shall authorise any person to enter a dwelling.

(8) Where any person intends to exercise his right of entry under this section in respect of land which is occupied he shall, except where his purpose is to ascertain if an offence has been committed under this section, give reasonable notice to the occupier.

(9) Any person intentionally obstructing another in the exercise of the right of entry conferred by this section shall be liable on summary conviction to a fine not exceeding level two on the standard scale.

Notes

¹ Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.111  (October 1, 2006)

Commencement

Pt I s. 5: April 1, 1989  (SI 1988/955 art. 4)

Extent

Pt I s. 5(1)-(9): England, Wales

6.— Byelaws: general.

(1) The Authority may make byelaws under this section for the purpose of securing that persons resorting to land to which the byelaws apply do not—
   (a) damage the land or anything in, on or under it; or
   (b) interfere unduly with the enjoyment of the land by other persons.

(2) Byelaws under this section may only be made in respect of land within the Broads—
   (a) of which the Authority is the owner or occupier;
   (b) to which the general public have a right of access; or
   (c) which is commonly used by the general public.

(3) Byelaws under this section may, in particular—
   (a) prohibit or restrict the use of land (other than any highway or other road or any land within the navigation area or the Haven), either generally or in any manner specified in the byelaws, by traffic of any description so specified;
   (b) contain provisions prohibiting the depositing of rubbish and the leaving of litter;
(c) regulate or prohibit the lighting of fires; and
(d) make provision as to the conditions of use of parking places provided by the Authority and prohibit or restrict persons from plying for hire with vehicles at any such parking places.

(4) Before making, varying or revoking any byelaws under this section, the Authority shall consult [Natural England] 1.

(5) Subsections (3) to (8) and (11) of section 236, and section 238, of the Local Government Act 1972 (procedure for making byelaws) shall apply in relation to byelaws made by the Authority under this section as they apply in relation to byelaws made by a local authority; but the Secretary of State may confirm the byelaws with such modifications as he thinks fit.

(6) Where the Secretary of State proposes to make any such modification which appears to him to be substantial, he shall inform the Authority and require it to take such steps as he considers necessary for informing persons likely to be concerned with the modification.

(7) Where the Secretary of State has informed the Authority of his intention to make a modification which appears to him to be substantial, he shall not confirm the byelaws until such period has elapsed as he thinks reasonable for the Authority, and for others who have been informed of his proposal, to consider and comment on it.

(8) The Secretary of State may hold a local inquiry before deciding whether or not to confirm any byelaws made under this section.

(9) Section 12 of the Local Government (Miscellaneous Provisions) Act 1982 (enforcement of byelaws) shall apply in relation to byelaws under this section as if the Authority were a relevant local authority.

(10) Any byelaws made under this section may provide for any person contravening any of their provisions to be guilty of an offence and liable—
(a) on summary conviction to such fine (not exceeding level three on the standard scale) as may be specified in the byelaws; and
(b) in the case of a continuing offence, such further fine (not exceeding one tenth of level three for each day during which the offence continues after conviction) as may be so specified.

(11) The Authority may, for the purpose of advising and assisting members of the public using the Broads and of securing compliance with any byelaws made under this Act, appoint one or more of its officers to act as wardens.

Notes
1 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.112(a) (October 1, 2006)

Commencement
Pt I s. 6: April 1, 1989 (SI 1988/955 art. 4)

Extent
Pt I s. 6(1)-(11): England, Wales
7.— Alteration of constitution of Authority.

(1) Where the Authority has, following the passing by it of a special resolution, made a written proposal to the Secretary of State—
   (a) for the appointment of one or more additional members of the Authority by a specified appointing authority or by some other specified body or individual;
   (b) for a variation in the number of members of the Authority who may be appointed by a specified appointing authority;
   (c) for an appointing authority to cease to be entitled to appoint to membership of the Authority; or
   (d) for the appointment of one or more of the members of the Authority to be made jointly by two or more appointing authorities;
the Secretary of State may, if he thinks fit, by order amend this Act in such manner as he considers necessary or expedient for the purpose of giving effect to the proposal.

(2) Where the area which constitutes the Broads for the purposes of this Act is varied by an order made under Schedule 2 to this Act, the Secretary of State may, if he thinks fit, by order amend this Act (so far as it is concerned with the constitution of the Authority) in such manner as he considers necessary or expedient in consequence of the order under Schedule 2.

(3) Before making any order under this section, the Secretary of State shall consult each of the appointing authorities and such bodies appearing to him to represent boating interests as he considers appropriate.

(4) Any order under this section may, in addition to making any provision which is authorised by section 24(3) of this Act, amend any local enactment in such manner as the Secretary of State thinks necessary or expedient in consequence of giving effect to the proposal in question or (as the case may be) of the order under Schedule 2.

(5) In this section—
   “amend” includes repeal;
   “special resolution” means a resolution of the Authority—
   (a) passed at a meeting specially convened for the purpose; and
   (b) in favour of which at least three quarters of the members of the Authority voted at that meeting; and
   “specified” means specified in the proposal in question.

Commencement
Pt I s. 7: April 1, 1989 (SI 1988/955 art. 4)

Extent
Pt I s. 7(1)-(5) definition of "specified": England, Wales
PART II

NAVIGATION

8.— The navigation area.

(1) In this Act “the navigation area” means, subject to any variation for the time being in force by virtue of an order under subsection (3) below—
   (a) those stretches of the rivers Bure, Yare and Waveney, and their tributaries, branches and embayments (including Oulton Broad) which, at the passing of this Act, were in use for navigation by virtue of any public right of navigation;
   (b) the banks of the waterways which make up those stretches; and
   (c) Haddiscoe New Cut and its banks;
but does not include any part of the Haven or any part of any bank which lies above the level of mean high water spring tides (in the case of a tidal waterway) or above the mean water level (in any other case).

(2) In this Act “the Norwich navigation” means that part of the river Wensum which is downstream from Foundry Bridge together with that part of the river Yare which is both downstream from its confluence with the river Wensum and within the navigation area.

(3) In response to any proposal made to him by the Authority for the variation of the navigation area in a manner which does not affect its boundary with the Haven, the Secretary of State may by order vary the navigation area in accordance with the proposal.

(4) Before making any such proposal, the Authority shall consult the Navigation Committee.

(5) Subject to any provisions made by or under this Act, the navigation area shall be open to any person (upon payment by him of all navigation charges) for—
   (a) navigation;
   (b) the shipping and unshipping of goods; and
   (c) the embarking and landing of passengers.

(6) The navigation area shall not be open for the navigation of any hovercraft or any other prescribed class or description of craft.

(7) Subsection (5) above does not apply in relation to Haddiscoe New Cut.

(8) The Secretary of State shall not prescribe any class or description of craft for the purposes of this section if at any time before the passing of this Act craft of that class, or (as the case may be) description, have been habitually used within any part of the Broads.

(9) In this section—
   “craft” includes any vessel or other means of transport;
   “navigation charges”, in relation to any person, means all charges due from him under or by virtue of this Act in respect of navigation within the navigation area; and
   “prescribed” means prescribed by order made by the Secretary of State.

(10) The Great Yarmouth Port and Haven Acts and Orders 1866 to 1986 shall not apply in relation to any part of the navigation area.
Amendments Pending
Pt II s. 8(1)(d): added by Broads Authority Act 2009 c. i Sch. 7 para. 3(1) (date to be appointed)
Pt II s. 8(7): repealed by Broads Authority Act 2009 c. i Pt 3 s. 36(2)(a)(ii)(aa) (date to be appointed)
Pt II s. 8(7): repealed by Broads Authority Act 2009 c. i Sch. 8(2) para. 1 (date to be appointed)

Commencement
Pt II s. 8: April 1, 1989 (SI 1988/955 art. 4)

Extent
Pt II s. 8(1)-(10): England, Wales

9.— The Navigation Committee.

(1) The Authority shall appoint a committee of the Authority to be known as the Navigation Committee.

(2) The Navigation Committee shall consist of thirteen members appointed by the Authority.

(3) [Five] of the members of the Navigation Committee shall be appointed by the Authority from among the members of the Authority.

(4) […]

(5) Of the other [eight] members of the Navigation Committee, all of whom shall be appointed from among persons who are not members of the Authority—

(a) two shall be appointed after consultation with such bodies appearing to the Authority to represent the owners of pleasure craft available for hire or reward as it considers appropriate;
(b) one shall be appointed after consultation with such bodies appearing to it to represent nationally the owners of private pleasure craft as it considers appropriate;
(c) one shall be appointed after consultation with such bodies appearing to it to represent the owners of private pleasure craft which use any part of the Broads as it considers appropriate;
(d) two shall be appointed after consultation with such bodies appearing to it to represent persons who are likely to be required to pay ship, passenger or goods dues imposed by it as it considers appropriate; […]
(e) one shall be appointed after consultation with such bodies appearing to it to represent other users of the navigation area as it considers appropriate [ ; and ]

((f) one shall be appointed after consultation with the Great Yarmouth Port Authority.)]

(6) In addition to consulting the Navigation Committee in accordance with requirements imposed by other provisions of this Act, the Authority shall—

(a) consult the Navigation Committee—

(i) before delegating any function of the Authority in relation to the navigation area to any person;
(ii) before appointing any member of the Navigation Committee under this section;
(iii) before proposing, determining or bringing into force any new policy, plan, strategy or procedure or any change to an existing policy, plan, strategy or procedure which may significantly affect the use or enjoyment of the whole or any part of the navigation area;
(iv) before determining any application for planning permission which may significantly affect the use or enjoyment of the whole or any part of the navigation area and which materially conflicts with any policy, plan, strategy or procedure of the Authority;
(v) on the preparation of the annual budget, including in particular any income or expenditure attributable to the navigation area;
(vi) (except in case of urgency) before incurring expenditure which may have a significant effect on the use or enjoyment of the whole or any part of the navigation area and which has not been specifically provided for in the annual budget approved by the Authority;
(vii) before applying for any amendment of or alteration to the Navigation Committee's constitution as set out in this section or the Authority's constitution as set out in section 1 of this Act or any change to the functions of the Authority in relation to the navigation area as set out in Part II of and Schedule 5 to this Act and under Parts 2 and 3 of the 2009 Act; and
(b) report to the Navigation Committee upon the exercise of powers in relation to the navigation area by the Authority or any officer of the Authority since the last meeting of the Navigation Committee.

(7) The Authority shall keep under review the extent to which its functions in relation to the navigation area are delegated to the Navigation Committee.

(8) […]

(9) In exercising its functions the Authority shall have regard to any representations made to it by the Navigation Committee on matters relating to the navigation area and, where the Authority resolves not to adopt any recommendations made to it by the Navigation Committee, it shall provide full reasons for doing so.

(10) Schedule 4 to this Act shall have effect for the purposes of supplementing this section.

Notes
1 Word substituted by Norfolk and Suffolk Broads Act 1988 (Alteration of Constitution of the Broads Authority) Order 2005/1067 art.4(a) (June 1, 2005)
2 Repealed by Norfolk and Suffolk Broads Act 1988 (Alteration of Constitution of the Broads Authority) Order 2005/1067 art.4(b) (June 1, 2005)
3 Word substituted by Norfolk and Suffolk Broads Act 1988 (Alteration of Constitution of the Broads Authority) Order 2005/1067 art.4(c)(i) (June 1, 2005)
4 Added by Norfolk and Suffolk Broads Act 1988 (Alteration of Constitution of the Broads Authority) Order 2005/1067 art.4(c)(ii) (June 1, 2005)
5 Substituted by Broads Authority Act 2009 c. i Sch.7 para.4(1) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
6 Repealed by Broads Authority Act 2009 c. i Sch.8(1) para.1 (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
### Amendments Pending

Pt II s. 9(8): words inserted by Planning Act 2008 c. 29 Pt 11 s. 224(2)(a) (date to be appointed)

Pt II s. 9(8A): added by Planning Act 2008 c. 29 Pt 11 s. 224(2)(b) (date to be appointed)

### Commencement

Pt II s. 9: June 6, 1988 (1988 c. 4 Pt IV s. 26(2); SI 1988/955 art. 2)

### Extent

Pt II s. 9-(10): England, Wales

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**10.— Functions of Authority and others in relation to the navigation area.**

(1) The Authority shall—

(a) maintain the navigation area for the purposes of navigation to such standard as appears to it to be reasonably required; and

(b) take such steps to improve and develop it as it thinks fit.

(2) […]

[(2A) The Authority may carry out works and do other things in relation to any adjacent waters in or over which it has sufficient rights or interest for the improvement of navigation on those waters.] ±

(3) The Authority may make byelaws under this section for the good management of the navigation area, the conservation of its natural beauty and amenities and the promotion of its use for purposes of recreation.

(4) For the purposes of subsection (3) above, the navigation area shall be taken to include any part of a bank which would otherwise be excluded by virtue of section 8(1) of this Act.

(5) The Authority shall have the additional functions in relation to the navigation area set out in this Act and, in particular, those set out in Part I of Schedule 5 to this Act.

(6) In discharging its functions in relation to the Norwich navigation the Authority shall have particular regard to the interests of seagoing freight vessels.

[(7) The Authority shall appoint a person to be known as the navigation officer and may appoint a person to act as deputy to the navigation officer.] ±

(8)-(9) […]

[(10) The person appointed as the navigation officer shall be an officer of the Authority.] ±

(11)-(12) […]

[(13) The navigation officer and any deputy appointed under subsection (7) above shall be a warden for the purposes of section 6 of this Act.] ±

(14)-(15) […]
(16) Part III of Schedule 5 shall have effect for the purpose of supplementing this section and of making further provision in relation to the navigation area.

(17) Before—
   (a) making, varying or revoking any byelaws under subsection (3) above;
   (b) making any appointment under subsection (7) above;
   (c) […]
the Authority shall consult the Navigation Committee.

Notes
1 Repealed by Broads Authority Act 2009 c. i Sch.8(1) para.1 (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
2 Added by Broads Authority Act 2009 c. i Sch.7 para.5(1) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
3 Substituted by Broads Authority Act 2009 c. i Sch.7 para.5(2) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
4 Substituted by Broads Authority Act 2009 c. i Sch.7 para.5(4) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
5 Substituted by Broads Authority Act 2009 c. i Sch.7 para.5(6) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

Amendments Pending
Pt II s. 10(2): repealed by Broads Authority Act 2009 c. i Pt 3 s. 36(2)(a)(ii)(bb) (date to be appointed)

Commencement
Pt II s. 10: April 1, 1989 (SI 1988/955 art. 4)

Extent
Pt II s. 10(1)-(17)(c): England, Wales

11.— Licences required for construction of works.
(1) No person shall construct, alter, renew or extend any works, or undertake any dredging, within or adjacent to the navigation area, unless—
   (a) neither the work in question nor the manner in which it is carried out will interfere with navigation in any part of the navigation area or of the Haven or be likely to do so; or
   (b) that person—
      (i) holds a licence under this section authorising the work (a “works licence”);
      (ii) complies with the conditions (if any) attached to the works licence; and
      (iii) carries out the work in accordance with the approved plans, sections and particulars.
(2) On an application duly made to it in accordance with the requirements of this section, the Authority may grant a works licence subject to such conditions (if any) as it considers appropriate.
(3) Where the Authority refuses to grant a works licence which has been duly applied for it shall give reasons (in writing) for its refusal.

(4) Where the Authority grants a works licence subject to any condition it shall give reasons (in writing) for imposing the condition.

(5) Any applicant for a works licence aggrieved by—
   (a) the Authority's refusal to grant the licence applied for;
   (b) any condition subject to which the licence is granted; or
   (c) any modification required by the Authority in the plans, sections and particulars submitted by the applicant;
may refer the matter for determination by a person appointed for the purpose by agreement between the Authority and the applicant or, failing such agreement, by the Secretary of State; and on any such reference the person so appointed may confirm the decision of the Authority or give the Authority such directions as he thinks appropriate.

(6) No matter may be referred for determination under subsection (5) above unless the applicant has given the Authority written notice of his intention to do so.

(7) That notice must be given before the end of the period of 28 days beginning with the date on which the refusal, or other decision, in question was made.

(8) Subsection (1) above does not apply in relation to—
   (a) the renewal of any works in existence immediately before the operative date; or
   (b) any works of a statutory undertaker;
but in carrying out any work within the navigation area a statutory undertaker shall comply with any reasonable direction given by the Authority for the purpose of protecting navigation within the navigation area or the Haven.

(9) An application for a works licence shall be made to the Authority in writing and shall be accompanied by the appropriate plans, sections and particulars.

(10) The Authority may, before granting an application for a works licence, require modifications to be made to the plans, sections or particulars submitted by the applicant.

(11) Where an application for a works licence has been duly made and within three months of the date of the application the Authority has neither refused the application nor granted the licence applied for, the application shall be deemed to have been refused.

(12) The Authority may require an applicant for a works licence, on making his application, to pay a reasonable fee in respect of the administrative expenses of dealing with the application; and different fees may be specified in relation to different cases or classes of case.

(13) Before determining any application for a works licence the granting of which would significantly affect the use or enjoyment of the whole or any part of the navigation area, the Authority shall consult the Navigation Committee.

(14) Not less than 28 days before determining any application for a works licence in respect of works which the Authority considers might interfere with the navigation of seagoing freight shipping, the Authority shall give notice of the application to—
   (a) the General Council of British Shipping (or such other body as appears to the Authority to represent nationally the interests of such shipping); and
   (b) the Commissioners.
(15) In this section “the approved plans, sections and particulars” means the plans, sections and particulars approved in connection with the application in question.

Notes

1 Substituted by Broads Authority Act 2009 c. i Sch.7 para.6 (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

Commencement
Pt II s. 11: April 1, 1989 (SI 1988/955 art. 4)

Extent
Pt II s. 11(1)-(15): England, Wales

Law In Force

12.— Contravention of section 11(1).

(1) Any person who, without reasonable excuse, contravenes section 11(1) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.

(2) Where it appears to the Authority that any person is contravening section 11(1) it may by notice require him to take, within such reasonable time as may be specified in the notice, such steps to bring the contravention to an end as may be so specified.

(3) The steps specified in a notice under this section may include the removal of any works and the restoration of the site in question to its former state.

(4) If any person to whom notice is given under this section fails without reasonable excuse to comply with the requirements of the notice, the Authority may take the required steps and recover from him, as a civil debt, all reasonable costs incurred by it in taking those steps.

Commencement
Pt II s. 12: April 1, 1989 (SI 1988/955 art. 4)

Extent
Pt II s. 12(1)-(4): England, Wales

PART III

FINANCE
13.— Navigation charges.

(1) The Authority may determine and recover tolls in respect of vessels moored, used or navigated on adjacent waters as well as in the navigation area. 1

(3) The Authority shall consult the Navigation Committee before determining the level of any tolls or other charges to be imposed in respect of the navigation area or adjacent waters. 2

(4) No charges shall be taken or recovered by the Authority in respect of anything (including any farm animal) which—

(a) is carried on any waterway within the navigation area by the owner of land which abuts such a waterway; and

(b) is for use in connection with any agricultural activity carried out on other land which he owns and which also abuts that waterway, another such waterway or any part of the Haven.

Notes

1 S.13(1) substituted for s.13(1) and (2) by Broads Authority Act 2009 c. i Sch.7 para.7(1) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

2 Substituted by Broads Authority Act 2009 c. i Sch.7 para.7(2) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

Commencement

Pt III s. 13: April 1, 1989 (SI 1988/955 art. 4)

Extent

Pt III s. 13(1)-(4)(b): England, Wales

14.— Authority's power to make levies on participating authorities.

(1) The Authority may, in respect of each financial year beginning after it is established, make levies on each of the participating authorities—

(a) to meet that part of the Authority's estimated expenditure in that financial year for which provision is not otherwise made;

(b) to enable it to discharge in that financial year any liabilities for the discharge of which provision is not otherwise made; and

(c) to meet contingencies, and provide an adequate working balance, during that financial year.

(2) In determining any amount to be raised for any financial year by way of levy under this section, the Authority shall not be required to treat any reserve which is maintained by it as available to be applied by it during that year.

(3) In determining the amount which it requires to raise by way of levy under this section for any financial year, the Authority shall determine the aggregate amount which it so requires to raise.
Norfolk and Suffolk Broads Act 1988

(4) Norfolk County Council shall contribute 30 per cent. of that aggregate amount and the seven other participating authorities shall each contribute 10 per cent.

(5) Where—
   (a) the area which constitutes the Broads for the purposes of this Act is varied by an order made under Schedule 2 to this Act; or
   (b) the constitution of the Authority is varied by an order made under section 7 of this Act;
the Secretary of State may by order vary the proportions mentioned in subsection (4) above in such manner as he considers appropriate in consequence of the order mentioned in paragraph (a) or (as the case may be) (b) above.

(6) The Authority shall, before 30th November in every year, notify each of the participating authorities of its proposals in relation to the levy for the following financial year.

(7) In determining the aggregate amount to be raised for any financial year by way of levy under this section, the Authority shall have regard to any representations made to it by a participating authority in respect of the proposals notified under subsection (6) above in relation to that year.

(8) A levy under this section on any participating authority shall be made by issuing the authority with a demand stating—
   (a) the date or dates on or before which a payment or payments in respect of the levy are required to be made; and
   (b) the amount of that payment or each of those payments.

(9) Any such demand must be issued, or information as to the amount to be subsequently demanded must be given, to a participating authority before 15th February in the year in which the financial year to which the demand relates begins.

(10) No resolution of the Authority relating to the amount to be levied under this section, in respect of any financial year, shall be valid unless at least \[\frac{5}{7}\] of the members of the Authority who voted in favour of the resolution were appointed as such members by one or other of the participating authorities.

(11) The following enactments—
   (a) subsections (8) and (9) of section 12 of the General Rate Act 1967 (liability for interest where amount due under a precept is unpaid); and
   (b) section 15 of that Act (power to secure payments of precept);
shall apply to a levy made by the Authority, and to the Authority, as they apply to a precept issued by a precepting authority, and to such an authority, but with the omission in subsection (1) of section 15 of the words “the rating authority have refused or through wilful neglect or wilful default failed to raise that amount by a rate, or that, having raised the amount by a rate”.

(12) The Authority may make a levy under this section for any financial year in substitution for a levy previously made by it for that year; and subsections (4) to (6) of section 3 of the Local Government Finance Act 1982 (substituted rates and precepts) shall apply to a substituted levy as they apply to a substituted precept.

(13) Subsection (7) above shall not apply to a substituted levy.

(14) For the purposes of any other enactment (including in particular […] and section 101(6) of the Local Government Act 1972) any sum levied under this section shall be treated as money to be raised out of a rate.
Notes
1 Word substituted by Norfolk and Suffolk Broads Act 1988 (Alteration of Constitution of the Broads Authority) Order 2005/1067 art.5 (June 1, 2005)
2 Words repealed by Local Government and Housing Act 1989 (c.42), s. 194(2), Sch. 12 Pt. I

Commencement
Pt III s. 14: June 6, 1988 (1988 c. 4 Pt IV s. 26(2); SI 1988/955 art. 2)

Extent
Pt III s. 14-(14): England, Wales

Law In Force
15.— Grants from Secretary of State.

(1) The Secretary of State may, with the consent of the Treasury, make grants to the Authority for such purposes, and on such terms and conditions, as he thinks fit.

(2) Before determining the amount of any grant which he proposes to make to the Authority under this section, or the purpose for which it is to be made, the Secretary of State shall consult [Natural England] 1.

Notes
1 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.112(b) (October 1, 2006)

Commencement
Pt III s. 15: June 6, 1988 (1988 c. 4 Pt IV s. 26(2); SI 1988/955 art. 2)

Extent
Pt III s. 15-(2): England, Wales

Law In Force
16.— Borrowing powers of Authority.

(1) The Authority may borrow temporarily, by way of overdraft or otherwise, such sums as it may require—

(a) for the purpose of defraying expenses properly chargeable to revenue, pending the receipt by it of revenues which arise in respect of the period of account to which the expenses are chargeable and which are taken into account in its estimates for that period; or

(b) for the purpose of defraying, pending the raising of money under subsection (2) below, expenses intended to be defrayed by means of that money.

(2) The Authority may borrow money, otherwise than by way of a temporary loan—
(a) for any purpose or class of purpose approved for the purposes of this subsection by the Secretary of State; and
(b) in accordance with any conditions subject to which that approval is given.

(3) Where the Authority borrows under subsection (2) above, it may raise the sum borrowed—
(a) by mortgage;
(b) by an agreement entered into with the Public Works Loan Commissioners under section 2 of the Public Works Loans Act 1965; or
(c) by any other means approved by the Secretary of State with the consent of the Treasury.

(4) Where the Authority borrows money under subsection (1)(b) above and subsequently raises under subsection (2) above the loan in respect of which the temporary borrowing was made, the loan shall, to the extent of the sum borrowed temporarily, be treated for the purposes of the provisions applied by subsection (5) below as having been borrowed at the time of the temporary borrowing.

(5) The following provisions of Schedule 13 to the Local Government Act 1972 shall, with the necessary modifications, apply in relation to borrowing by the Authority under subsection (2) above as they apply in relation to borrowing by local authorities—
(a) paragraph 4 (power of Secretary of State to make regulations governing forms of security etc.);
(b) paragraph 7 (accounting);
(c) paragraph 11 (priority as between loans);
(d) paragraph 12 (joint borrowing);
(e) paragraph 16 (creation of funds); and
(f) paragraph 20 (lender not required to enquire into legality of loan).

Commencement
Pt III s. 16: June 6, 1988 (1988 c. 4 Pt IV s. 26(2); SI 1988/955 art. 2)

Extent
Pt III s. 16-(5)(f): England, Wales

17.— Accounts and auditing.

(1) The Authority shall make arrangements for the proper administration of its financial affairs and shall secure that one of its officers has responsibility for the administration of those affairs.

(2) The Authority shall keep proper records of its finances.

(3)-(4) […]2

(5) The Authority shall prepare a report as soon as reasonably possible after the end of each financial year describing the navigation income received by it and the navigation expenditure incurred by it in that year.

(6) It shall be the duty of the Authority to secure that taking one financial year with another navigation expenditure is equal to navigation income.
(7) Monies held in the navigation revenue account immediately before the appointed day fixed for the purposes of paragraph 8 of Schedule 7 to the 2009 Act (together with any interest properly attributable to those monies) shall as from that day only be applied as navigation expenditure.

(8) In this section—

“the navigation revenue account” means the navigation account kept in accordance with this section as originally enacted;

“navigation expenditure” means—

(a) the expenditure which the Authority incurs in respect of its functions under Part II of this Act and under the 2009 Act;
(b) expenditure incurred in respect of the provision of moorings; and
(c) expenditure incurred in relation to adjacent waters under section 10(2A) of this Act,

but for the purposes of this section expenditure incurred wholly or mainly in connection with conserving the natural beauty, wildlife or cultural heritage of any area, including expenditure on dredging wholly or mainly for conserving those things, shall not be classified as navigation expenditure unless in the case of expenditure incurred wholly or mainly in connection with conserving the cultural heritage of any area it is incurred for the purpose of maintaining, improving, facilitating or promoting the public right of navigation;

“navigation income” means—

(a) the charges which the Authority makes in the discharge of its functions under Part II of this Act and the 2009 Act;
(b) the charges which the Authority makes under section 26 of the Harbours Act 1964 (including tolls in respect of adjacent waters);
(c) any other income attributable to the functions of the Authority under the above provisions, or accruing to it in respect of moorings;
(d) any interest properly attributable to navigation income;
(e) any grant made to the Authority specifically for purposes for which navigation expenditure can be incurred.

(9) For the avoidance of doubt expenditure incurred and income received in respect of Mutford Lock shall be regarded as navigation expenditure and navigation income respectively.

(10) The Authority may apply navigation income for the purposes of carrying out to adjacent waters works of maintenance or improvement which are intended to facilitate the use of those waters for the purposes of navigation by persons other than the occupier of, or the owner of any interest in, the land upon which the waters are situated.

(11) For the purposes of subsection (10) above members of a club or other association which occupies land upon which adjacent waters are situated shall be deemed not to be occupiers of the land.

(12) [...]

(11) Without prejudice to any provision of regulations made under [ section 32 of the Local Audit and Accountability Act 2014 (accounts and audit regulations) ] }, the Authority shall send a copy of every statement of accounts prepared in accordance with those regulations, together with a copy of any auditor's report on the accounts in question, to the Secretary of State and to each of the other appointing authorities.
PART IV
MISCELLANEOUS AND SUPPLEMENTAL

[17A.— General duty of public bodies etc.

(1) In exercising or performing any functions in relation to, or so as to affect, land in the Broads, a relevant authority shall have regard to the purposes of—
   [a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
   [b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and [1] [c) protecting the interests of navigation.

(2) The following are relevant authorities for the purposes of this section—
   [a) any Minister of the Crown,
   [b) any public body,
   [c) any statutory undertaker,
   [d) any person holding public office.

(3) In subsection (2)—
“public body” includes
(a) a county council, district council or parish council;
(b) a joint planning board within the meaning of section 2 of the Town and Country Planning Act 1990;
(c) a joint committee appointed under section 102(1)(b) of the Local Government Act 1972;

“public office” means—
(a) an office under Her Majesty;
(b) an office created or continued in existence by a public general Act; or
(c) an office the remuneration in respect of which is paid out of money provided by Parliament.

Notes
1 Added by Countryside and Rights of Way Act 2000 c. 37 Pt V s.97 (April 1, 2001 as SI 2001/114)
2 Substituted by Natural Environment and Rural Communities Act 2006 c. 16 Pt 5 s.64(3) (October 1, 2006)

Amendments Pending
Pt IV s. 17A: added by Countryside and Rights of Way Act 2000 c. 37 Pt V s. 97 (date to be appointed)

Extent
Pt IV s. 17A(1)-(3) definition of "public office" (c): England

18.— Transfer of staff to Authority.

(1) This section applies to—
(a) any person who, immediately before the operative date, is employed under a contract of employment by one of the participating authorities wholly for purposes of the joint committee of the participating authorities generally known (but not otherwise referred to in this Act) as the Broads Authority; and
(b) any person who—
(i) immediately before the operative date is employed by the Commissioners under a contract of employment; and
(ii) is designated for the purposes of this section by an order made by the Secretary of State.

(2) The contract of employment between a person to whom this section applies and his employer shall have effect from the operative date as if originally made between him and the Authority established by this Act.

(3) Without prejudice to subsection (2) above—
(a) all the employer's rights, powers, duties and liabilities under or in connection with a contract to which that subsection applies shall by virtue of this section be transferred on the operative date to the Authority; and
(b) anything done before the operative date by or in relation to the employer in respect of that contract, or of the employee, shall be deemed from that date to have been done by or in relation to the Authority.

(4) Subsections (2) and (3) above are without prejudice to any right of any employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions; but no such right shall arise by reason only of the change of employer effected by this section.

(5) An order under this section may designate a person either individually or as a member of a class or description of employment.

Commencement
Pt IV s. 18: June 6, 1988 (SI 1988/955 art. 3)

Extent
Pt IV s. 18(1)-(5): England, Wales

19.— Transfer of property, rights and liabilities.

(1) On the operative date there shall vest in the Authority all property, rights and liabilities of any participating authority held or incurred wholly for purposes of the joint committee mentioned in section 18(1) of this Act.

(2) Any dispute between the Authority and a participating authority as to the effect of subsection (1) above in relation to any particular property, right or liability shall be determined by a person appointed for the purpose—
   (a) by agreement between the Authority and the authority; or
   (b) failing such agreement, by the Secretary of State.

(3) The Secretary of State may by order provide for the transfer to the Authority of any property, rights or liabilities of the Commissioners the transfer of which appears to the Secretary of State to be necessary or expedient in consequence of any of the provisions of this Act.

(4) Any transfer effected by order under subsection (3) above may be on such terms, including financial terms, as the Secretary of State thinks fit.

(5) Any order under subsection (3) above may create or impose such new rights or liabilities in respect of what is transferred as appear to the Secretary of State to be necessary or expedient.

Commencement
Pt IV s. 19: June 6, 1988 (SI 1988/955 art. 3)

Extent
Pt IV s. 19(1)-(5): England, Wales
Law In Force

20.— Annual report.

(1) The Authority shall, as soon as is reasonably practicable after the end of each financial year—
   (a) prepare and publish a report on the discharge of its functions during that financial year; and
   (b) send a copy of the report to each of the appointing authorities.

(2) The Secretary of State shall lay a copy of every report under this section, together with a copy of the Authority's statement of accounts for the financial year in question, before each House of Parliament.

Commencement
Pt IV s. 20: April 1, 1989 (SI 1988/955 art. 4)

Extent
Pt IV s. 20(1)-(2): England, Wales

Law In Force

21. Application to Authority of certain enactments applying to local authorities etc.

Schedule 6 to this Act shall have effect to amend certain enactments which apply in relation to the powers and duties of local authorities and other bodies, the main purpose of the amendments being to provide for the Authority to be treated as a local authority for the purposes of those enactments.

Commencement
Pt IV s. 21: June 6, 1988 except for provisions specified in SI 1988/955 art.3, April 1, 1989 otherwise (SI 1988/955 art. 3, art. 4)

Extent
Pt IV s. 21: England, Wales

Law In Force

22.— Protection of Crown interests.

(1) No power conferred on the Authority by this Act may be exercised in any way likely to affect prejudicially any interest which—
   (a) belongs to Her Majesty in right of the Crown; or
   (b) belongs to any government department or is held in trust for Her Majesty for the purposes of a government department;

unless the appropriate authority's consent to the proposed exercise of the power has been obtained by the Authority in writing.

(2) In giving any such consent the authority concerned may impose such terms and conditions as it considers appropriate.
(3) In subsection (1) above—

“the appropriate authority” means —

(a) in relation to an interest belonging to Her Majesty in right of the Crown and
forming part of the Crown Estate, the Crown Estate Commissioners;
(b) in relation to any interest belonging to Her Majesty in right of the Crown but
not forming part of the Crown Estate, the government department having the
management of that interest; and
(c) in relation to an interest belonging to a government department, or held in trust
for Her Majesty for the purposes of a government department, that department

; and

“interest” means any estate, interest or right in or over land.

Commencement
Pt IV s. 22: April 1, 1989 (SI 1988/955 art. 4)

Extent
Pt IV s. 22(1)-(3) definition of "interest": England, Wales

23.— Power to make incidental, consequential and transitional provision.

(1) The Secretary of State may at any time by order make such incidental, consequential, transitional
or supplemental provision as appears to him to be necessary or expedient—

(a) for the general purposes, or any particular purposes, of this Act or in consequence of
any of its provisions or for giving full effect to it; or
(b) in consequence of such of the provisions of any other Act passed in the same Session
as this Act as affects any part of the Broads.

(2) No other provision of this Act shall be construed as prejudicing the generality of subsection (1)
above.

(3) An order under this section may, in particular, amend or repeal any provision contained in, or
made under, any enactment.

Commencement
Pt IV s. 23: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Pt IV s. 23(1)-(3): England, Wales

24.— Orders and byelaws.

(1) Any power to make orders under this Act shall be exercised by statutory instrument.
(2) Any such statutory instrument (other than one made under section 26 of, or paragraph 1(3) of Schedule 7 to, this Act) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) Orders and byelaws under this Act may make different provisions for different cases or different circumstances and may contain such incidental, consequential, supplemental or transitional provisions as the Secretary of State or (as the case may be) the Authority thinks fit.

(4) Where the Secretary of State holds a local inquiry before deciding whether or not to—
   (a) confirm byelaws made under section 6(1) or 10(3) of this Act; or
   (b) make an order under paragraph 7 of Schedule 2 to this Act;
the provisions of subsections (2) to (5) of section 250 of the Local Government Act 1972 (evidence at, and cost of, local inquiries) shall apply in relation to that inquiry as they apply in relation to a local inquiry held under section 250(1).

Commencement
Pt IV s. 24: March 15, 1988  (1988 c. 4 Pt IV s. 26(1))

Extent
Pt IV s. 24(1)-(4)(b): England, Wales

Law In Force

25.— Interpretation.
(1) In this Act—
   [“the 2009 Act” means the Broads Authority Act 2009; ]¹
   [“adjacent waters” has the meaning given by section 2(2) of the 2009 Act; ]¹
   “appointing authority” means any of the persons mentioned in section 1(3)(a) or (b); 
   “the Broads” has the meaning given by section 2(3); 
   [“Breydon Water and the Lower Bure” means the areas described in Schedule 4 to the 2009 Act and shown edged red on the deposited plan referred to in section 35(1) of that Act; ]¹
   […]²
   “commercial vessel” means any vessel which is not a pleasure craft;;
   “the Commissioners” means the Great Yarmouth Port and Haven Commissioners;
   “the deposited map” means the set of maps dated November 1986 deposited in connection with the Norfolk and Suffolk Broads Bill in the office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons;
   “financial year” means the period of twelve months ending with 31st March in any year;
   “the Haven” means (subject to subsection (3) below and paragraph 5 of Schedule 7) the area of the Haven of Great Yarmouth as defined in 1866 c. ccxlvi section 5 of the Great Yarmouth Port and Haven Act 1866;
   “hovercraft” has the same meaning as in the Hovercraft Act 1968;
   “inland waters” has the same meaning as in the Water Resources Act 1963;
   “the Ministers” means the Secretary of State and the Minister of Agriculture, Fisheries and Food, acting jointly;
   “the navigation area” has the meaning given by section 8(1);
“the navigation officer” has the meaning given by section 10(7);  
“the Norwich navigation” has the meaning given by section 8(2);  

“operative date” means the date specified by order under section 26(4) of this Act;  
“owner”, in relation to a pleasure craft which is registered with the Authority in accordance with byelaws made under section 10(3), means the person in whose name the craft is registered;  
“participating authority” means a local authority mentioned in section 1(3)(a);  
“passenger boat” means a pleasure craft which is carrying, or is available to carry, members of the general public for hire or reward;  
“pleasure craft” means any vessel used for sport or recreation, whether hired or privately owned, and includes a houseboat;  
“staithe” means any land which is adjacent to a waterway and which the inhabitants of the locality are entitled to use as a landing place;  
“statutory undertaker” means—  
(a) any person who is a statutory undertaker for the purposes of [the Town and Country Planning Act 1990];  
(b) any other person who exercises functions under [the Land Drainage Act 1991];  
(c) any water undertaker or sewerage undertaker whose area includes any part of the Broads; and  
(d) any electronic communications code operator;  

“toll” means a charge levied by the Authority under section 26 of the Harbours Act 1964 (and includes any charge made in the discharge of the Authority’s functions under Part II of this Act and any charge levied in respect of a vessel moored, used or navigated on any adjacent waters);  

“Trinity House” means the Corporation of Trinity House of Deptford Strond;  

“vessel” includes—  
(a) every description of craft, including a personal water craft used or capable of being used for transportation by water;  
(b) a sailboard;  
(c) any raft, pontoon or similar floating or submersible structure capable of being moved under its own power or under tow but does not include any craft or pontoon which is permanently fixed.  

“works licence” has the meaning given by section 11.

(2) References in this Act to conserving the natural beauty of an area include references to conserving its flora, fauna and geological and physiographical features.

(3) For the purpose of this Act, the boundary between the Haven and the navigation area shall be determined by reference to a notional line drawn—  
(a) in the case of the river Bure, between grid references TG 5190 1009 and TG 5193 1012;  
(b) in the case of the river Yare, between grid references TG 4700 0511 and TG 4696 0520; and  
(c) in the case of the river Waveney, between grid references TG 4722 0379 and TG 4725 0375;
“grid references” meaning the national grid references used for Ordnance Survey mapping.

Notes
1 Definition inserted by Broads Authority Act 2009 c. i Sch.7 para.9(1) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
2 Definition repealed by Broads Authority Act 2009 c. i Sch.7 para.9(2) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
3 Words substituted by Planning (Consequential Provisions) Act 1990 (c.11), s. 4, Sch. 2 para. 76
4 Words substituted by Water Consolidation (Consequential Provisions) Act 1991 c. 60 Sch.1 para.47 (December 1, 1991: represents law in force as at date shown)
5 Words substituted by S.I. 1989/1380, regs. 3(1), 4(b)
6 Substituted by Communications Act 2003 c. 21 Sch.17 para.89 (July 25, 2003 subject to transitional provisions specified in SI 2003/1900 art.3(1); December 29, 2003 being the date on which the transitional provisions cease to have effect as specified in SI 2003/3142 art.3(2))
7 Definition substituted by Broads Authority Act 2009 c. i Sch.7 para.9(3) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
8 Definition substituted by Broads Authority Act 2009 c. i Sch.7 para.9(4) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

Commencement
Pt IV s. 25: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Pt IV s. 25(1)-(3) definition of "grid references": England, Wales

Law In Force
26.— Commencement.
(1) Section 1 and sections 23 to 27 shall come into force on the passing of this Act.
(2) Section 9 and Part III (other than section 13) shall come into force on the date specified for the purposes of paragraph 1 of Schedule 7 to this Act by order under sub-paragraph (3) of that paragraph.
(3) Sections 18 to 22 and the provisions of Schedule 6 shall come into force on such date as the Secretary of State may by order appoint; and different days may be appointed for different provisions or purposes.
(4) Section 13 and the remaining provisions of this Act shall come into force on such date as the Secretary of State may by order appoint.
(5) Any order under this section may make such transitional provision as appears to the Secretary of State to be necessary or expedient in connection with the provisions brought into force by the order.
(6) Any such order may include such adaptations of the provisions which it brings into force, or of any other provisions of this Act then in force, as appear to the Secretary of State to be necessary or expedient for the purpose or in consequence of the operation of any provision of this Act before the coming into force of any other provision.
Notes
1. Power of appointment conferred by s. 26(3)(4) fully exercised: S.I. 1988/955, arts. 2, 3, 4

Commencement
Pt IV s. 26: March 15, 1988

Extent
Pt IV s. 26(1)-(6): England, Wales

Law In Force

27.— Short title, etc.
(1) This Act may be cited as the Norfolk and Suffolk Broads Act 1988.
(2) This Act shall have effect subject to the transitional provisions set out in Schedule 7 to this Act.
(3) This Act does not extend to Scotland or Northern Ireland.

Commencement
Pt IV s. 27: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Pt IV s. 27(1)-(3): England, Wales

SCHEDULE 1

THE BROADS AUTHORITY

Section 1(7)

Appointment of members

Law In Force

1.—
(1) Every member of the Authority shall be appointed for such term, not exceeding four years, as the person appointing him may specify.
(2) Without prejudice to paragraph 2 below, every member of the Authority shall hold and vacate office in accordance with the terms of his appointment.
(3) Any member of the Authority whose term of office has expired shall, subject to the provisions of this Schedule, be eligible for re-appointment.

(4) Subject to paragraph 2(5) below and paragraph 1 of Schedule 7 to this Act, the appointment of any person as a member of the Authority under section 1(3)(a) or (b) of this Act shall take effect—
   (a) on the receipt by the Authority of notification of the appointment; or
   (b) if later, on the date on which a vacancy among those members of the Authority who were appointed by the person making the appointment in question first occurs after that appointment is made.

(5) The appointment of any person as a member of the Authority under section 1(3)(c) of this Act shall take effect—
   (a) on the date on which the appointment is made; or
   (b) if later, on the date on which a vacancy among the members of the Authority appointed under section 1(3)(c) first occurs after the appointment is made.

(6) Anyone appointed as a member of the Authority by any person may not, at any time after his appointment has taken effect and before it has ended, be appointed as such a member by any other person.

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Commencement
Sch. 1 para. 1: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Sch. 1 para. 1(1)-(6): England, Wales

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Replacement of members

Law In Force

2.—

(1) The appointment of a person to the Authority by a participating authority shall end if he ceases to be a member of the authority.

(2) The appointment to the Authority of a member of the Navigation Committee (under section 1(3)(c) of this Act) shall end if he ceases to be a member of that Committee.

(3) Where a person's appointment ends by virtue of sub-paragraph (1) above, the participating authority shall as soon as practicable give notice of that fact to the Authority.

(4) A participating authority may at any time end the appointment of a person appointed to the Authority by that participating authority and appoint another person in his place.

(5) Where a participating authority exercises its powers under sub-paragraph (4) above—
   (a) it shall give notice of the ending of the appointment to the Authority; and
   (b) the new appointment shall take effect, and the previous appointment end, at the end of the period of one month beginning with the date on which the notice is given.
(6) The appointment of any person to the Authority may be ended by resignation by notice in writing given to the proper officer of the Authority.

(7) Where—
   (a) any such notice of resignation is given to the Authority; or
   (b) any person ceases to be a member of the Authority by virtue of the application of section 85 of the Local Government Act 1972 (vacation of office by failure to attend meetings);
the Authority shall notify the relevant appointing authority.

(8) Where a vacancy among the persons appointed to the Authority occurs for any reason other than one mentioned in this paragraph, the relevant appointing authority shall give notice of that fact to the Authority or (as the case may require) the Authority shall give notice of that fact to the relevant authority.

(9) The proper officer of the Authority shall as soon as practicable publish notice of any appointment to the Authority, or ending of such an appointment, and any such notice shall give the name of the person concerned.

(10) Sub-paragraphs (3), (8) and (9) above shall not apply in relation to any person who—
   (a) ceases to be a member of the Authority by virtue of his retirement from membership of a participating authority;
   (b) is re-elected to membership of that participating authority on the day of that retirement; and
   (c) is re-appointed as a member of the Authority by that participating authority.

(11) Sub-paragraphs (7) and (8) above shall not apply in relation to any person appointed to the Authority under section 1(3)(c).

(12) This paragraph is subject to the provisions of paragraph 5 below dealing with the period for which a member of the Authority is to serve as chairman.

Commencement
Sch. 1 para. 2: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Sch. 1 para. 2(1)-(12): England, Wales

Meetings of Authority
(3) The date and time for any meeting of the Authority shall be determined by the Authority.

(4) The chairman of the Authority may call a meeting of the Authority at any time.

(5) Any five or more members of the Authority may call a meeting of the Authority if they have made a written request to the chairman for such a meeting but the chairman—
   (a) has refused to call the meeting; or
   (b) has failed to call it before the end of the period of seven days beginning with the date of the making of the request.

(6) No business shall be transacted at any meeting of the Authority unless more than one quarter of its members are present.

(7) If, at any meeting of the Authority, both the chairman and vice-chairman of the Authority are absent, another member, chosen by the members present, shall preside.

Commencement
Sch. 1 para. 3: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Sch. 1 para. 3(1)-(7): England, Wales

Law In Force

4.—

(1) Meetings of the Authority shall be held at such place, within the Broads or elsewhere, as it may decide.

(2) Three clear days at least before any meeting of the Authority, notice of the time and place of the intended meeting shall be published at the offices of the Authority.

(3) Where the meeting is called by members of the Authority, the notice shall be signed by those members and shall specify the business to be transacted.

(4) A summons to attend the meeting, specifying the business proposed to be transacted, and signed by the proper officer of the Authority shall, subject to sub-paragraph (5) below, be left at or sent by post to the usual place of residence of every member of the Authority.

(5) If a member of the Authority gives written notice to the proper officer of the Authority that he wishes any such summons to be sent to him at an address specified in the notice, any such summons addressed to him and left at or sent by post to that address shall be deemed to have been properly served on him.

(6) Failure to serve a summons on any member of the Authority shall not affect the validity of the meeting of the Authority to which the summons relates.

(7) Except in the case of any matter which requires to be considered urgently, no business shall be transacted at any meeting of the Authority other than that specified in the summons to that meeting.

(8) Part VI of Schedule 12 to the Local Government Act 1972 (general procedural provisions relating to local authorities) shall apply in relation to the Authority as if it were a local authority.
and as if the reference in paragraph 43 to the election of members were a reference to their appointment.

**Commencement**

Sch. 1 para. 4: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

**Extent**

Sch. 1 para. 4(1)-(8): England, Wales

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**Chairman and vice-chairman**

5.—

(1) The Authority shall in each year appoint a chairman and a vice-chairman from among its members.

(2) Appointments under sub-paragraph (1) above shall be the first business transacted at the annual meeting of the Authority.

(3) Subject to any standing orders made by the Authority, anything authorised or required to be done by or in relation to the chairman may be done by or in relation to the vice-chairman.

(4) The Authority may pay to the chairman and vice-chairman, for the purpose of enabling them to meet the expenses of their offices, such allowances as the Authority thinks reasonable.

(5) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(6) During his term of office the chairman shall continue to be a member of the Authority until the appointment of the next chairman at the next annual meeting of the Authority.

(7) Where—

   (a) the chairman was appointed to the Authority by a participating authority; and
   (b) the effect of sub-paragraph (6) above is to extend the period during which he is a member of the Authority;

the appointment by the participating authority of a person to replace him shall not take effect before the appointment of the next chairman of the Authority.

(8) If, apart from sub-paragraph (6) above, the person presiding at the meeting referred to in sub-paragraph (2) above would have ceased to be a member of the Authority, he shall not be entitled to vote on the appointment except in accordance with sub-paragraph (9) below.

(9) In the case of an equality of votes in respect of the appointment of a chairman, the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.

(10) Where a casual vacancy occurs in the office of chairman or vice-chairman of the Authority, the vacancy shall be filled by the appointment by the Authority of one of its members.
(11) Where necessary, the meeting at which such a casual vacancy is to be filled shall be convened by the proper officer of the Authority.

(12) Any person appointed under sub-paragraph (10) above to fill a casual vacancy shall hold office, unless he resigns or becomes disqualified, until such time as the person in whose place he was appointed would have held the office in question had his appointment not come to an end prematurely.

**Authority’s chief officer**

6. The Authority shall not—
   (a) appoint a person to the office (by whatever name it is known) of chief officer of the Authority; [...]
   (b) [...]

without first consulting [Natural England] [...].

**Notes**

1. Repealed by Broads Authority Act 2009 c. i Sch.8(1) para.1 (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

2. Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.112(c) (October 1, 2006)

**Commencement**

Sch. 1 para. 6: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

**Extent**

Sch. 1 para. 6(a)-(b): England, Wales
SCHEDULE 2

VARIATION OF AREA TREATED AS THE BROADS

Section 2(3)

PART I

VARIATION OF AREA SHOWN ON DEPOSITED MAP

Law In Force

1. The area which is shown coloured pink on Sheet 37 of the deposited map is varied by the omission of the following land at Lowestoft in the district of Waveney—
   (a) the stretch of the highway known as Bridge Road between its junction with Commodore Road and the southern boundary of the curtilage of the Post Office south of Mutford Lock together with the land to the east of Bridge Road; and
   (b) the area (consisting of Mutford Lock and adjoining land owned by Associated British Ports) which is shown hatched and edged red on the plan signed in duplicate by David Patrick Walley, an Assistant Secretary in the Department of the Environment, and Reginald Vivian Pearce, the Solicitor to Associated British Ports, copies of which have been deposited in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons.

Commencement

Sch. 2(I) para. 1: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent

Sch. 2(I) para. 1(a)-(b): England, Wales

Law In Force

2. The area which is shown coloured pink on Sheet 24 of the deposited map is varied by the omission of the stretch of the river Yare lying downstream of a notional line drawn between grid references TG 51873 07808 and TG 51959 07859.
PART II

VARIATION BY ORDER

3. Where [Natural England] \(^1\) has received a proposal from the Authority that the area which constitutes the Broads (for the purposes of this Act) should be varied, it shall consider the proposal and either reject it or conduct a review under this Schedule.

Notes

1 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.113(a) (October 1, 2006)

4. Where [Natural England] \(^1\) conducts a review under this Schedule it shall take such steps as it considers appropriate to secure that those persons who appear to it to have an interest in the proposal being reviewed—
   (a) are informed of the proposal; and
   (b) are given an opportunity to make representations on it within such a reasonable period as may be specified by [Natural England] \(^1\).

Notes

1 Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.113(b) (October 1, 2006)
Commencement
Sch. 2(II) para. 4: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Sch. 2(II) para. 4(a)-(b): England, Wales

Law In Force
5. [Natural England]¹ shall have regard to any representations duly made to it under paragraph 4 above.

Notes
¹ Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.113(b) (October 1, 2006)

Commencement
Sch. 2(II) para. 5: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Sch. 2(II) para. 5: England, Wales

Law In Force
6. Where, following the review of any proposal under this Schedule, [Natural England]¹ considers that the proposal should be adopted (either as originally made or as modified by [Natural England]¹ in consequence of its review), it may notify the Secretary of State to that effect.

Notes
¹ Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.113(b) (October 1, 2006)

Commencement
Sch. 2(II) para. 6: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Sch. 2(II) para. 6: England, Wales
7. The Secretary of State may by order give effect to any proposal of which he is notified by [Natural England] \(^1\) under paragraph 6 above; and in doing so the Secretary of State may modify the proposed variation in such manner as he thinks fit.

Notes

\(^1\) Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.113(b) (October 1, 2006)

Commencement

Sch. 2(II) para. 7: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent

Sch. 2(II) para. 7: England, Wales

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8. Before deciding whether or not to give effect to any such proposal the Secretary of State may hold a local inquiry.

Commencement

Sch. 2(II) para. 8: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent

Sch. 2(II) para. 8: England, Wales

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9. Without prejudice to the generality of section 24(3) of this Act, an order under paragraph 7 above may make such amendments in, and repeals of, local enactments as the Secretary of State considers appropriate in consequence of the order.

Commencement

Sch. 2(II) para. 9: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent

Sch. 2(II) para. 9: England, Wales
10. Before making to [Natural England]¹ any proposal of any kind mentioned in paragraph 3 above, the Authority shall consult—
(a) each of the appointing authorities other than the Secretary of State; and
(b) the internal drainage board for any internal drainage district which appears to the Authority to be likely to be affected by the proposal.

Notes
¹ Words substituted by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.113(b) (October 1, 2006)

Commencement
Sch. 2(II) para. 10: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Sch. 2(II) para. 10(a)-(b): England, Wales

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SCHEDULE 3
FUNCTIONS OF AUTHORITY

Section 2(5), (6)

PART I
PLANNING AND CONNECTED MATTERS

The Electricity (Supply) Act 1919

¹ Law In Force

1. In section 21(2) of the Electricity (Supply) Act 1919 (meaning of “local planning authority” in relation to duty of Secretary of State to consult before consenting to overhead electricity lines), the words “and in relation to any land within the Broads (as defined by the Norfolk and Suffolk Broads Act 1988) it means the Broads Authority” shall be added after paragraph (b).
The National Parks and Access to the Countryside Act 1949

Law In Force

2. In the National Parks and Access to the Countryside Act 1949, the following section shall be inserted after section 111—

“111A. — Application to the Broads Authority.

(1) Sections 21 and 22 of this Act shall have effect as if the Broads Authority were a county council.

(2) Sections 54 and 89 of this Act shall have effect as if the Broads Authority were a local planning authority.

(3) Part V of this Act (apart from section 69) shall have effect as if the Broads Authority were a local planning authority but as if—

(a) sections 61 to 63, 74 and 78 were omitted; and

(b) for the purposes of sections 64, 65 and 77, the Broads were a National Park.

(4) Section 69 of this Act shall have effect as if the Broads Authority were a county planning authority.

(5) In this section “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”

The Land Compensation Act 1961
Repealed

3. [...]¹

Notes
¹ Repealed by Localism Act 2011 c. 20 Sch.25(34) para.1 (April 6, 2012 subject to SI 2012/628 arts 9, 12, 13, 16 and 18-20)

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The Local Authorities (Historic Buildings) Act 1962

Repealed

4. [...]¹

Notes
¹ Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

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The Water Resources Act 1963

Law In Force

5. In section 54 of the Water Resources Act 1963 (general regulations relating to licences), the words “and the Broads Authority” shall be added at the end of subsection (3).

Commencement
Sch. 3(I) para. 5: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 3(I) para. 5: England, Wales

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The Countryside Act 1968

Law In Force

6. In the Countryside Act 1968, the following section shall be inserted after section 47—
“47A.— Application to the Broads Authority.

(1) Sections 6 to 9 of this Act shall have effect as if the Broads Authority were a local authority.

(2) Sections 10, 18 and 20 of this Act shall have effect as if the Broads Authority were a local planning authority.

(3) Section 16 of this Act shall have effect as if the Broads Authority were a local planning authority and the Broads were a National Park.

(4) Section 40 of this Act shall have effect as if the Broads Authority were a National Park joint planning board and the Broads were a National Park.

(5) Sections 43 to 45 shall have effect as if the Broads Authority were a local authority.

(6) In this section “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”

Commencement
Sch. 3(I) para. 6: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 3(I) para. 6: England, Wales

The Town and Country Planning Act 1971

7. […]¹

Notes
¹ Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

8. […]¹

Notes
¹ Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

10. […]¹

Notes
¹ Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6
Notes
1. Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

11. […]¹

Notes
1. Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

12. […]¹

Notes
1. Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

13. […]¹

Notes
1. Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

14. […]¹

Notes
1. Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

15. […]¹

Notes
1. Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

16. […]¹
Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

17. […]\(^1\)

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

18. […]\(^1\)

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

19. […]\(^1\)

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

20. […]\(^1\)

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

21. […]\(^1\)

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

22. […]\(^1\)
Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

Repealed

23. […]

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

Repealed

24. […]

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

Repealed

25. […]

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

Repealed

26. […]

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

The Town and Country Planning (Amendment) Act 1972

Repealed

27. […]

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6
The Local Government Act 1972

Repealed

28. […]¹

Notes
¹ Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

The Race Relations Act 1976

Law In Force

29. In section 19A of the Race Relations Act 1976 (discrimination by planning authorities), the words “the Broads Authority” shall be inserted after the word “council” in subsection (2)(a).

Commencement
Sch. 3(I) para. 29: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 3(I) para. 29: England, Wales

The Ancient Monuments and Archaeological Areas Act 1979

Law In Force

30.—

(1) In the Ancient Monuments and Archaeological Areas Act 1979, the following section shall be inserted after section 52—

“52A. The Broads.
Parts I and II and section 45(2) and (3) of this Act shall apply, in relation to the Broads (as defined by the Norfolk and Suffolk Broads Act 1988), as if the Broads Authority were a local authority.”

(2) In section 35 of the Act of 1979 (notice required of operations in areas of archaeological importance), the following subsection shall be added at the end—
“(11) This section shall have effect, in relation to any land within the Broads (as defined by the Norfolk and Suffolk Broads Act 1988), as if the Broads Authority were the district council (to the exclusion of the authority which is otherwise the district council for the area in question) and the Broads were its local authority area.”

Commencement
Sch. 3(I) para. 30: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 3(I) para. 30(1)-(2): England, Wales

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The Wildlife and Countryside Act 1981

31.—

(1) [...]¹

(2) In section 39 of the Act of 1981 (management agreements), in subsection (5), the following paragraph shall be inserted after paragraph (a)—

“(aa) as respects land within the Broads, the Broads Authority;”.

(3) In section 41 of the Act of 1981 (duties of agriculture ministers with respect to the countryside), the following subsection shall be inserted after subsection (5)—

“(5A) For the purposes of this section the Broads shall be treated as a National Park.”

(4) In section 44 of the Act of 1981 (grants and loans for purposes of National Parks), the following subsection shall be added at the end—

“(4) For the purposes of this section the Broads Authority shall be treated as a county planning authority and the Broads as a National Park.”

(5) In section 71 of the Act of 1981 (interpretation), the following definition shall be inserted at the appropriate place—

““the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”

Notes
¹ Repealed by Countryside and Rights of Way Act 2000 c. 37 Sch.16(III) para.1 (January 30, 2001)

Commencement
Sch. 3(I) para. 31: April 1, 1989 (SI 1988/955 art. 4)
Norfolk and Suffolk Broads Act 1988

Extent
Sch. 3(I) para. 31(1)-(5): England, Wales

The Town and Country Planning Act 1984

Repealed

32. […]¹

Notes
¹ Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

PART II
MISCELLANEOUS FUNCTIONS

Land Drainage

Law In Force

33.—
(1) The Authority may, after consulting—
(a) the internal drainage board for each internal drainage district which is wholly or partly
within the Broads;
(b) Natural England;²
(d) The National Rivers Authority;³
and with the agreement of the Minister of Agriculture, Fisheries and Food, prepare and issue (in
such form and in such manner as it considers appropriate) a code of practice for the construction,
alteration, renewal, maintenance or extension of drainage works within the Broads.
(2) The Authority shall from time to time review any code of practice issued under sub-paragraph
(1) above and, where it considers it appropriate, issue a revised code.
(3) Before issuing a revised code the Authority shall consult the bodies mentioned in sub-paragraph
(1) above.
(4) The Authority shall not issue a revised code unless it has the agreement of the Minister.
(5) Any drainage authority exercising functions in relation to any land within the Broads shall
comply with the code.
(6) Where it appears to the Authority that a drainage authority has failed to comply with any provision of the code, the Authority may give such directions to the drainage authority as it thinks fit.

(7) Any dispute between the Authority and a drainage authority which arises in connection with the code shall be determined by the Minister of Agriculture, Fisheries and Food.

(8) In this paragraph “drainage authority” means any body having statutory power to make or maintain works for the drainage of land.

Notes
1 Word substituted by Broads Authority Act 2009 c. i Sch.7 para.11(1) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)
2 Para.33(1)(b) substituted for para.33(1)(b) and (c) by Natural Environment and Rural Communities Act 2006 c. 16 Sch.11(1) para.114 (October 1, 2006)
3 Para.33(1)(d) substituted by S.I. 1989/1380, regs. 3(1), 4(c)
4 Words substituted by Broads Authority Act 2009 c. i Sch.7 para.11(2) (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

Commencement
Sch. 3(II) para. 33: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 3(II) para. 33(1)-(8): England, Wales

Water

34.—

(1) For the purpose of improving the quality of water in any inland waters partly or wholly within the Broads, the Authority may—
   (a) carry out such works; or
   (b) make such grants or loans;
   as it thinks fit.

(2) Before any exercise of its powers under sub-paragraph (1) above, the Authority shall consult—
   (a) the National Rivers Authority; and
   (b) any water undertaker whose area includes any part of the Broads and with whom consultation appears to it to be appropriate.

(3) Nothing in sub-paragraph (1) above shall be taken to authorise the Authority to carry out any work which requires the consent of any other person if that consent has not been given.
35. Before implementing any proposal the implementation of which is likely to affect the quality of water in any inland waters partly or wholly within the Broads, [the National Rivers Authority or a water undertaker]¹ shall consult the Authority.

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Notes

¹ Para.34(2) substituted by S.I. 1989/1380, regs. 3(1), 4(d)

Law In Force

Discharge of trade and sewage effluent

[36. The Authority shall be treated as a local authority for the purposes of paragraph 1(3)(c) of Schedule 12 to the Water Act 1989 (right of local authority to receive copy of application to the National Rivers Authority for consent to discharge effluent etc.).]

¹

Notes

¹ Para.36 substituted by S.I. 1989/1380, regs. 3(1), 4(f)
37.—

(1) The Authority shall have all the powers of an owner or occupier (including, in particular, power to take criminal or civil proceedings) for the purpose of preventing unlawful interference with any staithe within the Broads, or with any rights exercisable by any person in relation to any such staithe.

(2) Subject to sub-paragraph (3) below, the Authority may maintain, alter or improve any staithe within the Broads.

(3) Where the Authority proposes to exercise its powers under sub-paragraph (2) above in respect of any staithe it shall, where it is of the opinion that it is reasonably practicable to identify and contact the owner or occupier of the staithe, or both the owner and occupier, take such steps as are reasonably practicable to notify him or (as the case may be) them of its proposal and obtain his or (as the case may be) their consent.

(4) Nothing in this paragraph shall be taken to affect the power of the Authority (under paragraph 44 of this Schedule) to acquire land compulsorily.

38.—

(1) In relation to any registered common within the Broads which is not owned by, or vested in, a local authority and which is not a staithe, the Authority shall be treated as a local authority for the purposes of the following enactments—

(a) section 1 of the Commons Act 1899 (scheme for regulation);

(b) [...]
(c) section 23 of the Caravan Sites and Control of Development Act 1960 (power of district council to prohibit caravans on commons); and
(d) [section 45 of the Commons Act 2006]² (protection of unclaimed common land).

(2) No local authority shall exercise any of its functions under the enactments mentioned in sub-paragraph (1) above, in relation to any staith which is within the Broads and which is registered as a common, except jointly with the Authority or with the Authority's consent.

Notes
1 Repealed by Commons Act 2006 c. 26 Sch.6(2) para.1 (April 1, 2012 as SI 2012/739)
2 Words substituted by Commons Act 2006 c. 26 Sch.5 para.4 (September 6, 2007 as SI 2007/2386)

Amendments Pending
Sch. 3(II) para. 38(1)(b): repealed by Commons Act 2006 c. 26 Sch. 6(1) para. 1 (date to be appointed)

Commencement
Sch. 3(II) para. 38: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 3(II) para. 38(1)-(2): England, Wales

Open spaces

39. The Authority shall be treated as a local authority for the purposes of the Open Spaces Act 1906.

Commencement
Sch. 3(II) para. 39: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 3(II) para. 39: England, Wales

Provision of facilities
40.—

(1) Subject to sub-paragraphs (3) and (4) below, the Authority may make arrangements for securing the provision within the Broads, or within the neighbourhood of the Broads, (and whether by the Authority or by others) of—

(a) moorings;
(b) accommodation, meals and refreshments (including alcohol (within the meaning of the Licensing Act 2003) \(^1\));
(c) camping sites;
(d) parking places and means of access to, and egress from, them;
(e) sanitary conveniences for use by the public; and
(f) receptacles for refuse or litter and services for their regular emptying and cleansing;

and may for the purposes of any such arrangements erect such buildings and carry out such other work as may appear to the Authority to be necessary or expedient.

(2) The Authority may make arrangements for securing the provision within the Broads (whether by the Authority or others) of study centres and other facilities for learning about—

(a) the history, natural features, flora and fauna of the Broads; and
(b) objects of architectural, archaeological or historical interest within the Broads.

(3) Before making any arrangements under sub-paragraph (1)(a) above for securing the provision of any mooring within the Haven, the Authority must obtain the consent of the Commissioners.

(4) The Authority may not exercise the powers given by sub-paragraph (1)(b) above unless it appears to it that existing facilities of the kind in question are inadequate or unsatisfactory.

(5) The Authority may make reasonable charges for the use by any person of any facilities provided by it under this paragraph.

Notes

\(^1\) Words substituted by Licensing Act 2003 c. 17 Sch.6 para.107 (November 24, 2005)

Commencement

Sch. 3(II) para. 40: April 1, 1989 (SI 1988/955 art. 4)

Extent

Sch. 3(II) para. 40(1)-(5): England, Wales

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Caravan sites

41.

The Authority shall be treated as a local authority for the purposes of section 24 of the Caravan Sites and Control of Development Act 1960 (provision of sites for caravans).
Conservation of buildings etc.

42. The Authority may, either for the purpose of preserving the distinctive character of the Broads or for any purpose connected with the history of the development and use of the Broads—
   (a) undertake conservation or restoration work in respect of any building, vessel or other thing within any part of the Broads; and
   (b) pay grants or make loans to bodies appearing to the Authority to be established for purposes which include either or both of those purposes.

Derelict land

43. The Authority shall be treated [ for the purposes of the Derelict Land Act 1982 as a National Park authority and the Broads as a National Park for which it is the local planning authority ]1.

Notes

1 Words substituted by Environment Act 1995 c. 25 Sch.10 para.27 (April 1, 1997)
Compulsory acquisitions

(1) The Secretary of State may authorise the Authority to acquire land compulsorily for the purpose of carrying out its functions under paragraph 37(2) or 40 of this Schedule or for the purpose of improving any mooring within the Broads.

(2) Where the Authority exercises its powers under sub-paragraph (1) above in relation to land which forms part of a common or open space or fuel or field garden allotment, the Secretary of State may authorise it to acquire compulsorily, or it may acquire by agreement, land for giving in exchange for the land acquired.

(3) The power to acquire land compulsorily includes power to create new rights as well as acquire existing ones.

(4) The Acquisition of Land Act 1981 shall apply to a compulsory purchase by the Authority subject, in the case of a compulsory acquisition of a right by the creation of a new right, to Schedule 3 of that Act.

Refuse disposal

The Authority shall be treated as a local authority for the purposes of—
(a) sections 3 to 6 of the Refuse Disposal (Amenity) Act 1978 (removal and disposal of refuse); and
(b) sections 7 (acquisition of land) and 8 (powers of entry etc.) of that Act, so far as they relate to functions under section 6 of that Act.
Commencement
Sch. 3(II) para. 45: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 3(II) para. 45(a)-(b): England, Wales

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Litter

Law In Force

46. The Authority shall be treated as a litter authority for the purposes of the Litter Act 1983.

Commencement
Sch. 3(II) para. 46: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 3(II) para. 46: England, Wales

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Footpaths and bridleways

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

Wales | England

Law In Force With Amendments Pending

Wales

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47.—

(1) The Authority shall be treated as a local authority for the purposes of sections 25 to 29 of the Highways Act 1980 (public path creation agreements); and sections 72(2) (widening of footpaths etc.) and 118 to 121 (stopping up of footpaths etc.) of that Act shall have effect in relation to the Authority as if it were a county council.

(2) Without prejudice to the powers of any other body, the Authority shall have the power to maintain any public path within the Broads.
47.—

(1) The Authority shall be treated as a local authority for the purposes of sections 25 to 29 of the Highways Act 1980 (public path creation agreements); and sections 72(2) (widening of footpaths etc.) and 118 to 121E (stopping up of footpaths etc.), except sections 118B and 119B of that Act (stopping up and diversion for purposes of crime prevention, etc.), of that Act shall have effect in relation to the Authority as if it were a county council.

(2) Without prejudice to the powers of any other body, the Authority shall have the power to maintain any public path within the Broads.

Notes

1 Amended by Countryside and Rights of Way Act 2000 c. 37 Sch.6(II) para.25 (February 12, 2003 as SI 2003/272)

Amendments Pending

Sch. 3(II) para. 47: substituted by Countryside and Rights of Way Act 2000 c. 37 Sch. 6(II) para. 25(a) (date to be appointed)

Sch. 3(II) para. 47: added by Countryside and Rights of Way Act 2000 c. 37 Sch. 6(II) para. 25(b) (date to be appointed)

Commencement

Sch. 3(II) para. 47: April 1, 1989  (SI 1988/955 art. 4)

Extent

Sch. 3(II) para. 47(1)-(2): England, Wales

Tree preservation

48. […]

Notes

1 Repealed by Planning (Consequential Provisions) Act 1990 (c.11), s. 3, Sch. 1 Pt. I, Sch. 3, paras. 1, 2, 4, 6

Publication of information
49.—

(1) The Authority may—
   (a) publish, or arrange for the publication of, such information on matters relating to the Broads as it thinks fit;
   (b) arrange for the delivery of lectures and addresses and the holding of discussions on any such matters;
   (c) arrange for the display of pictures, films or models or the holding of exhibitions relating to any such matters; and
   (d) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held in accordance with arrangements under paragraph (c) above.

(2) The Authority may make reasonable charges for any service provided by it under this paragraph.

Commencement
Sch. 3(II) para. 49: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 3(II) para. 49(1)-(2): England, Wales

SCHEDULE 4

THE NAVIGATION COMMITTEE

Section 9(10)

Appointment of members

1.—

(1) Every member of the Navigation Committee shall be appointed for such term, not exceeding four years, as the Authority may specify.

(2) Without prejudice to paragraph 2 below, every member of the Navigation Committee shall hold and vacate office in accordance with the terms of his appointment.

(3) Any member of the Committee whose term of office has expired shall, subject to the provisions of this Schedule, be eligible for re-appointment.

(4) The time at which the appointment of any person as a member of the Committee takes effect shall be determined by the Authority.
Replacement of members

Law in Force

2. —

(1) The appointment of a person to the Committee from among the members of the Authority shall end if he ceases to be a member of the Authority.

(2) The appointment of any other person to the Committee shall end if he becomes a member of the Authority under section 1(3)(a) or (b) of this Act.

(3) The appointment of any person to the Committee may be ended by resignation by notice in writing given to the proper officer of the Authority.

(4) That officer shall, as soon as practicable, publish notice—
   (a) of any appointment to the Committee;
   (b) of the ending of any such appointment;
and any such notice shall give the name of the person concerned.

Attendance at meetings

Law in Force

3. Section 85 of the Local Government Act 1972 (vacation of office by failure to attend meetings) shall apply in relation to attendance at meetings of the Committee as it applies, by virtue of Schedule 6 to this Act, in relation to attendance at meetings of the Authority.
Proceedings of Committee

Law In Force

4.—

(1) No business shall be transacted at any meeting of the Committee unless at least four of its members are present.

(2) Subject to the provisions of this Schedule and to any directions given to it by the Authority, the Committee shall determine its own procedure.

(3) The Committee shall elect a chairman from among those of its members who are members of the Authority and may, if it thinks fit, appoint one of its members to be vice-chairman.

(4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
Maintenance and improvement

1.—

(1) For the purpose of enabling the Authority to carry out its functions in relation to the navigation area, the Authority may provide such facilities, and construct, alter or renew such works, as it thinks fit, but shall not do so on any land which does not belong to it except where it has the consent in writing of the owner and (where the owner is not the occupier) that of the occupier.

(2) The Authority shall, in particular, maintain the Norwich navigation to such standard as may reasonably be required by such seagoing freight vessels as wish to use it.

(3) The duty imposed on the Authority in relation to the Norwich navigation includes the duty (subject to sub-paragraph (4) below) to provide and maintain buoys, beacons and such other navigation marks as it thinks necessary.

(4) The Authority shall not provide, alter, discontinue the use of or remove any buoy, beacon or other navigation mark for the purposes of the Norwich navigation without the written consent of Trinity House.

(5) The Authority may make reasonable charges for the use by any person of any facilities provided by it under this paragraph.

Amendments Pending

Sch. 5(I) para. 1(3): substituted by Broads Authority Act 2009 c. i Sch. 7 para. 12(1) (date to be appointed)
Sch. 5(I) para. 1(4): substituted by Broads Authority Act 2009 c. i Sch. 7 para. 12(2) (date to be appointed)

Commencement

Sch. 5(I) para. 1: April 1, 1989 (SI 1988/955 art. 4)

Extent

Sch. 5(I) para. 1(1)-(5): England, Wales

Dredging

2.—

(1) The Authority may—

(a) deepen, dredge, scour or excavate any part of the navigation area; and
(b) sell, or otherwise dispose of as it thinks fit, any material removed from any part of the navigation area in exercise of its powers under this paragraph.
(2) If so required by the Commissioners, the Authority shall carry out such dredging as is, in the opinion of the Commissioners, necessary in order to prevent a reduction in the flow of water in the Haven.

(3) Where the Commissioners require the Authority to carry out any such dredging, they shall reimburse the Authority all costs reasonably incurred by the Authority in doing so.

(4) Any dispute between the Authority and the Commissioners as to the amount which the Commissioners are obliged by sub-paragraph (3) above to pay to the Authority in respect of any dredging carried out at the request of the Commissioners shall be determined by a person appointed for the purpose—
   (a) by agreement between the Authority and the Commissioners; or
   (b) failing such agreement, by the Secretary of State.

Commencement
Sch. 5(I) para. 2: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(I) para. 2(1)-(4)(b): England, Wales

Communication with vessels

Law In Force

3. The Authority shall, with a view to ensuring the safety of navigation and securing that seagoing freight vessels are given priority—
   (a) provide a communication service designed to enable vessels which are in or are entering or leaving the Norwich navigation to communicate with the harbour master of Great Yarmouth; and
   (b) operate patrols in the Norwich navigation.

Commencement
Sch. 5(I) para. 3: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(I) para. 3(a)-(b): England, Wales

Byelaws
4.
Without prejudice to the generality of section 10(3) of this Act, byelaws under that section may be made for the purpose of—

(a) regulating the use of waterways in the navigation area for navigational and other purposes and the use of their banks and any works, facilities and services provided by the Authority;
(b) prescribing navigational rules, including rules regulating the speed of vessels using the navigation area;
(c) regulating the placing, laying down, maintenance and use of moorings in the navigation area;
(d) requiring specified classes of persons in charge (for reward) of passenger boats using the navigation area to satisfy such conditions as to their qualifications for so being in charge as may be prescribed by the byelaws;
(e) prescribing, for purposes of safety or the prevention of pollution or excessive noise, conditions with respect to their construction, equipment and maintenance (including maintenance of equipment) which must be satisfied by vessels, other than seagoing freight vessels, using the navigation area;
(f) regulating the display of advertising on any vessel using, or kept in, the navigation area;
(g) regulating the shipping and unshipping of goods, their warehousing and their removal from any quay, staithe or other place within the navigation area.

Commencement
Sch. 5(I) para. 4: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(I) para. 4(a)-(g): England, Wales

Registration of vessels

5.—
(1) Without prejudice to the generality of section 10(3) of this Act, byelaws under that section may also be made for the purpose of providing for the registration of pleasure craft.
(2) Where any such byelaws are made, the Authority shall set up and maintain the necessary register.
(3) The byelaws may, in particular—
   (a) provide for the registration of pleasure craft under different categories;
   (b) make provision as to the display on registered craft of registration documents or numbers;
   (c) provide for the exemption of prescribed craft or classes of craft from the requirement to register under the byelaws;
   (d) prescribe the period for which any registration is to remain effective; and
   (e) determine the procedure to be followed in registering.
(4) The Authority may require an applicant for registration, on making his application, to pay a reasonable fee in respect of the administrative expenses of dealing with the application; and different fees may be specified in relation to different cases or classes of case.

(5) Where any person tenders the appropriate fee for registering any craft under the byelaws, the Authority shall register the craft in accordance with the provisions of the byelaws unless it appears to it that any safety, noise or pollution requirement has not been complied with in respect of that craft.

(6) Where the Authority refuses to register a craft on the ground mentioned in sub-paragraph (5) above, it shall notify the applicant in writing of the defects which gave rise to the refusal to register.

(7) Where the Authority is satisfied that a registered pleasure craft does not comply with one or more of the safety, noise or pollution requirements, it may cancel the registration of that craft if—
   (a) it has given the owner written notice of the defect in question and required him to remedy it within 14 days of the date on which the notice is given; and
   (b) that period has expired without the defect being remedied;

but where the Authority considers that it is necessary to cancel the registration as a matter of urgency, it may do so with effect from the date on which the notice is given.

(8) In this paragraph “safety, noise or pollution requirement” means any requirement imposed by virtue of paragraph 4(e) above.

Amendments Pending

Sch. 5(I) para. 5: repealed by Broads Authority Act 2009 c. i Sch. 7 para. 12(3) (date to be appointed)
Sch. 5(I) para. 5: repealed by Broads Authority Act 2009 c. i Sch. 8(2) para. 1 (date to be appointed)

Commencement

Sch. 5(I) para. 5: April 1, 1989 (SI 1988/955 art. 4)

Extent

Sch. 5(I) para. 5(1)-(8): England, Wales

Appeal against cancellation or refusal to register

(1) Any person who is aggrieved by the Authority's refusal to register a pleasure craft under the byelaws or by the cancellation of such registration may appeal to a magistrates' court.

(2) On an appeal to it under this paragraph the court may dismiss the appeal or give such direction to the Authority as it thinks fit.

(3) On such an appeal the decision of the court shall be final.
Amendments Pending
Sch. 5(1) para. 6: repealed by Broads Authority Act 2009 c. i Sch. 7 para. 12(3) (date to be appointed)
Sch. 5(1) para. 6: repealed by Broads Authority Act 2009 c. i Sch. 8(2) para. 1 (date to be appointed)

Commencement
Sch. 5(1) para. 6: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(1) para. 6(1)-(3): England, Wales

Supplementary provisions in relation to byelaws

Law In Force
7.—

(1) Subsections (3) to (8) and (11) of section 236, and section 238, of the Local Government Act 1972 (procedure for making byelaws) shall apply in relation to byelaws made by the Authority under section 10(3) of this Act as they apply in relation to byelaws made by a local authority, but the Secretary of State may confirm the byelaws with such modifications as he thinks fit.

(2) Where the Secretary of State proposes to make any such modification which appears to him to be substantial, he shall inform the Authority and require it to take such steps as he considers necessary for informing persons likely to be concerned with the modification.

(3) Where the Secretary of State has informed the Authority of his intention to make a modification which appears to him to be substantial, he shall not confirm the byelaws until such period has elapsed as he thinks reasonable for the Authority, and others who have been informed of his proposal, to consider and comment upon it.

(4) The Secretary of State may hold a local inquiry before deciding whether or not to confirm any byelaws made under section 10(3).

(5) Section 12 of the Local Government (Miscellaneous Provisions) Act 1982 (enforcement of byelaws) shall apply in relation to byelaws under section 10(3) as if the Authority were a relevant local authority.

Commencement
Sch. 5(1) para. 7: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(1) para. 7(1)-(5): England, Wales


Contravention of byelaws

Law In Force

8.—

(1) Byelaws made under section 10(3) of this Act may include provisions making it an offence, in such cases as may be prescribed, to contravene them.

(2) Where such byelaws create an offence, they shall provide for any person guilty of the offence to be liable on summary conviction to such fine (not exceeding level four on the standard scale) as may be prescribed.

(3) In this paragraph “prescribed” means prescribed by the byelaws.

Commencement

Sch. 5(I) para. 8: April 1, 1989 (SI 1988/955 art. 4)

Extent

Sch. 5(I) para. 8(1)-(3): England, Wales

Information as to navigation by pleasure craft

Law In Force

9.—

(1) Where the Authority has reasonable grounds for believing that a pleasure craft has been kept or used within the navigation area in contravention of any byelaw made under section 10(3) of this Act, an authorised officer of the Authority may require the owner of the craft to give him such information as he can as to the identity of the person who was in charge of the craft at the material time.

(2) Where an authorised officer of the Authority has duly demanded such information, the owner of the craft shall, if he fails without reasonable excuse to give the required information to that officer, be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.

Commencement

Sch. 5(I) para. 9: April 1, 1989 (SI 1988/955 art. 4)

Extent

Sch. 5(I) para. 9(1)-(2): England, Wales
Temporary closure of waterways

10.—

(1) The Authority may, for the purpose—
   (a) of constructing or maintaining any work in or adjoining the waterway in question;
   (b) of facilitating the holding of any function in connection with the recreational use of
        any waterway; or
   (c) of facilitating motor boat racing on Oulton Broad;

temporarily regulate, restrict, or prohibit the use of any waterway within the navigation area.

(2) The Authority shall not exercise its powers under this paragraph—
   (a) for a purpose mentioned in sub-paragraph (1)(a) above in such a way as to interfere
       unreasonably with the passage of seagoing freight vessels;
   (b) for a purpose mentioned in sub-paragraph (1)(b) above—
       (i) for a total of more than thirty minutes in any hour;
       (ii) for a total of more than eight such thirty minute periods in any twenty-four
            hours; or
       (iii) in such a way as to deny to any vessel all means of passing through the
            waterway; or
   (c) for a purpose mentioned in sub-paragraph (1)(c) above, for a total of more than six
       hours in any period of twenty-four hours or on more than twenty days in any one year.

(3) Where the Authority proposes to exercise its powers under this paragraph, it shall, at least one
    month before the date on which it proposes to exercise them, publish notice of the proposal in at
    least one local newspaper circulating in the area concerned.

(4) Where the Authority exercises its powers as a matter of urgency, sub-paragraph (3) above shall
    not apply but the Authority shall, as soon as is reasonably practicable—
    (a) notify the Commissioners of the action which it has taken; and
    (b) publish notice of it in at least one local newspaper circulating in the area concerned.

(5) Sub-paragraph (4)(b) above does not apply if the action is likely to be discontinued before the
    Authority can reasonably be expected to have complied with that sub-paragraph.

(6) The notice required by sub-paragraph (3) above (“the notice”) shall specify the purpose for
    which the powers are proposed to be exercised and the period during which the waterway concerned
    will be affected.

(7) The Authority shall cause a copy of the notice to be displayed conspicuously in at least one
    place adjacent to the waterway concerned and in a position which the Authority considers appropriate
    for bringing its contents to the attention of persons likely to be affected by the proposed exercise
    of the Authority's powers.

(8) The Authority shall, not later than the date on which the notice is first published under this
    paragraph, send copies of it to [ the National Rivers Authority ] and the Commissioners.

Notes

1 Words substituted by S.I. 1989/1380, regs. 3(1), 4(g)
Norfolk and Suffolk Broads Act 1988

Amendments Pending
Sch. 5(I) para. 10(2)(b)(i): sch.5 para.10(2)(b)(i) substituted for Sch.5 para.10(2)(b)(i) and (ii) by Broads Authority Act 2009 c. i Sch. 7 para. 12(4) (date to be appointed)

Sch. 5(I) para. 10(2)(b)(ii): sch.5 para.10(2)(b)(i) substituted for Sch.5 para.10(2)(b)(i) and (ii) by Broads Authority Act 2009 c. i Sch. 7 para. 12(4) (date to be appointed)

Sch. 5(I) para. 10(2)(b)(iv): added by Broads Authority Act 2009 c. i Sch. 7 para. 12(5) (date to be appointed)

Commencement
Sch. 5(I) para. 10: April 1, 1989  (SI 1988/955 art. 4)

Extent
Sch. 5(I) para. 10(1)-(8): England, Wales

Repair of landing places etc.

Law In Force

11.—

(1) Where the Authority is of the opinion that any landing place, embankment, private mooring or structure is insecure or in need of repair and by reason of its condition—
   (a) is, or is likely to become, a danger to persons or vessels using any waterway within the navigation area over which there is a public right of navigation;
   (b) is injuring, or is likely to injure, the condition of any such waterway as a navigable waterway; or
   (c) is hindering, or is likely to become a hindrance to, navigation on any such waterway; the Authority may by notice given to the owner require him to make it secure, or (as the case may be) carry out the necessary repairs, to the satisfaction of the Authority and within such reasonable period as may be specified in the notice.

(2) Section 290 of the Public Health Act 1936 (appeals against and enforcement of notices requiring execution of works) shall apply to any notice given by the Authority under this paragraph as if the Authority were a local authority.

(3) Any such notice shall have attached to it a copy of sub-paragraphs (1) and (2) above.

Commencement
Sch. 5(I) para. 11: April 1, 1989  (SI 1988/955 art. 4)

Extent
Sch. 5(I) para. 11(1)-(3): England, Wales
Removal of wrecks etc.

12.—
(1) The Authority may raise, remove or destroy any vessel which has been sunk, stranded or abandoned—
   (a) in any waterway within the navigation area; or
   (b) at any place, other than in the Haven, where it will, in the opinion of the Authority, affect navigation within the navigation area or the Haven.

(2) The Authority may store or dispose of any vessel which it has raised or removed in the exercise of its powers under sub-paragraph (1) above.

(3) Before—
   (a) exercising any of its powers under sub-paragraph (1) above; or
   (b) exercising its power under sub-paragraph (2) above to dispose of a vessel;
the Authority shall give the owner of the vessel in question reasonable notice of its intention to do so.

(4) Sub-paragraph (3) above shall not apply where the Authority—
   (a) exercises any of its powers under sub-paragraph (1) above as a matter of urgency; or
   (b) has used its best endeavours to notify the owner of the vessel concerned but has been unable to do so.

(5) The Authority may—
   (a) deduct from the proceeds of sale of any vessel sold by it under sub-paragraph (2) above; or
   (b) recover from the owner of any vessel in respect of which it has exercised its powers under this paragraph, or from his executors or administrators;
all reasonable expenses incurred by it in the exercise of any of those powers, to the extent that they have not otherwise been recovered by the Authority.

(6) Where the owner of a vessel in relation to which sub-paragraph (3) above applies is not known to the Authority, the Authority shall be taken to have satisfied the requirements of sub-paragraph (4)(b) above if it has exhibited notice of its intention at its principal offices for a period of at least seven days.

Amendments Pending
Sch. 5(I) para. 12(1): words inserted by Broads Authority Act 2009 c. i Sch. 7 para. 12(6) (date to be appointed)
Sch. 5(I) para. 12(5A): added by Broads Authority Act 2009 c. i Sch. 7 para. 12(7) (date to be appointed)

Commencement
Sch. 5(I) para. 12: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(I) para. 12(1)-(6): England, Wales
Nature conservation

Law In Force

13.—

(1) The Authority may, for the purpose of conserving the natural beauty of any area—
   (a) close to navigation any area at the edge of any waterway within the navigation area; or
   (b) restrict navigation in any such area to specified classes of vessel.

(2) The Authority shall not exercise its powers under this paragraph so as to—
   (a) close any part (other than the end) of a navigation channel;
   (b) create a serious obstruction to navigation;
   (c) prevent any riparian owner from having access to his land by water; or
   (d) prevent access by water to any staithe whose use has not been discontinued.

(3) Where the Authority proposes to exercise its powers under this paragraph it shall, at least one month before the date on which it proposes to exercise them, publish notice of the proposal in at least one local newspaper circulating in the area concerned.

(4) Where the Authority exercises its powers as a matter of urgency, sub-paragraph (3) above shall not apply but the Authority shall, as soon as is reasonably practicable, comply with the requirements of paragraph 14 below.

(5) The notice shall specify the purposes for which the powers are proposed to be exercised and the period (which may be expressed to be indefinite) during which the waterway concerned will be affected.

(6) The Authority shall cause a copy of the notice to be displayed conspicuously in at least one place adjacent to the waterway concerned and in a position which the Authority considers appropriate for bringing its contents to the attention of persons likely to be affected by the proposed exercise of the Authority's powers.

(7) The Authority shall, not later than the date on which the notice is first published under this paragraph, send copies of it to [the National Rivers Authority] and the Commissioners.

(8) The notice shall state that objections to the proposal may be made to the proper officer of the Authority within such period as may be specified in the notice.

(9) The period specified in accordance with sub-paragraph (8) above must not be less than twenty-eight days beginning with the day on which the notice is first published.

(10) If any objections are duly made in accordance with the provisions of the notice, and are not withdrawn, the Authority shall not implement its proposal until—
   (a) a public local inquiry into the proposal has been held by an inspector appointed by the Authority; and
   (b) the Authority has considered his report.

(11) Before appointing any such inspector, the Authority shall consult the Secretary of State.

(12) The provisions of subsections (2) to (5) of section 250 of the Local Government Act 1972 (evidence at, and cost of, local inquiries) shall apply in relation to any inquiry held under this paragraph.
paragraph or paragraph 14 below as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

Notes
1 Words substituted by S.I. 1989/1380, regs. 3(1), 4(g)

Commencement
Sch. 5(I) para. 13: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(I) para. 13(1)-(12): England, Wales

Law In Force
14.—

(1) This paragraph applies where the Authority has exercised its powers under paragraph 13 above in circumstances in which it is not required to comply with sub-paragraph (3) of that paragraph.

(2) The Authority shall, as soon as is reasonably practicable—
   (a) notify the Commissioners of the action which it has taken; and
   (b) publish notice of it in at least one local newspaper circulating in the area concerned.

(3) The notice shall state that objections to the action taken by the Authority may be made to the proper officer of the Authority within such period as may be specified in the notice.

(4) The period specified in accordance with sub-paragraph (3) above must not be less than twenty-eight days beginning with the day on which the notice is first published.

(5) Sub-paragraph (2)(b) above does not apply if the action is likely to be discontinued before the Authority can reasonably be expected to have complied with that sub-paragraph.

(6) If any objections to the action taken by the Authority are duly made in accordance with the provisions of the notice, and are not withdrawn, the Authority shall—
   (a) discontinue the action before the end of the period of three months beginning with the date on which it was first taken; or
   (b) as soon as is reasonably practicable after the end of that period, cause a public inquiry into the matter to be held by an inspector appointed by the Authority.

(7) Before appointing any such inspector, the Authority shall consult the Secretary of State.

(8) Where a public inquiry has been held under this paragraph the Authority shall, in determining whether or not to continue the action, consider the inspector's report.

Commencement
Sch. 5(I) para. 14: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(I) para. 14(1)-(8): England, Wales
15. The Authority shall, as soon as is reasonably practicable after bringing to an end any closure or restriction under paragraph 13 or 14 above, take such steps as may be necessary to secure that the waterway concerned is returned to a condition no less suitable for navigation than existed before the closure or restriction.

Commencement
Sch. 5(I) para. 15: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(I) para. 15: England, Wales

Consultation with Navigation Committee

16.—

(1) The Authority shall consult the Navigation Committee before exercising any of its functions under this Part of this Schedule or under paragraph 23 below.

(2) Sub-paragraph (1) above shall not apply where the Authority exercises the power in question as a matter of urgency.

Commencement
Sch. 5(I) para. 16: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(I) para. 16(1)-(2): England, Wales

PART II
FUNCTIONS OF NAVIGATION OFFICERS

Interpretation
17. [...]^{1}

Notes

1 Repealed by Broads Authority Act 2009 c. i Sch.8(1) para.1 (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

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Directions for regulating vessels

18.— [...]^{1}

Notes

1 Repealed by Broads Authority Act 2009 c. i Sch.8(1) para.1 (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

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Seagoing freight traffic

19.—

(1) [...]^{1}

(2) The navigation officer shall, in controlling the movement of any vessel, comply with any directions given (with the object mentioned in sub-paragraph (1) above) by the harbour master of Great Yarmouth unless he considers, in a particular case, that it is inadvisable on grounds of safety to do so.

Notes

1 Repealed by Broads Authority Act 2009 c. i Sch.8(1) para.1 (June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012)

Amendments Pending

Sch. 5(II) para. 19(1): word repealed by Broads Authority Act 2009 c. i Sch. 7 para. 12(10) (date to be appointed)

Commencement

Sch. 5(II) para. 19: April 1, 1989 (SI 1988/955 art. 4)

Extent

Sch. 5(II) para. 19(1)-(2): England, Wales
PART III
MISCELLANEOUS

Integration of administration with the Commissioners

20.—

(1) The Authority and the Commissioners may enter into an agreement for the purpose of integrating the administration of—
   (a) their byelaws relating to the registration of pleasure craft and the charging and collection of sums payable in respect of registration; and
   (b) the collection of ship, passenger and goods dues under section 26 of the Harbours Act 1964.

(2) The agreement may, in particular, provide—
   (a) for treating registration documents issued under byelaws made by one of the parties to the agreement as registration documents issued under byelaws made by the other;
   (b) for treating distinguishing marks and numbers in a similar manner; and
   (c) for the division between the parties of sums of a kind mentioned in sub-paragraph (1) above.

Commencement
Sch. 5(III) para. 20: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(III) para. 20(1)-(2)(c): England, Wales

Protection of statutory undertakers

21.—

(1) The provisions of this paragraph shall apply unless provision to the contrary is made by agreement in writing between the Authority and the statutory undertaker in question.

(2) The power conferred on the Authority by paragraph 1 above—
(a) shall not apply in relation to any works of a statutory undertaker; and
(b) shall not be exercised so as to damage, adversely affect or obstruct access to any such works.

(3) The power conferred on the Authority by paragraph 2 above to dredge and dispose of dredged material shall not be exercised—
(a) within fifteen metres of any works of the British Railways Board without the Board's approval of the work which the Authority proposes to carry out;
(b) within fifty metres of any works of any other statutory undertaker without reasonable prior notice; or
(c) so as to damage or adversely affect any works of a statutory undertaker.

(4) Before granting a works licence authorising a person to carry out any work within fifty metres of any works of a statutory undertaker, the Authority shall—
(a) notify the undertaker of the proposed work; and
(b) furnish it with such further information in relation to the proposed work as it may reasonably require.

(5) Where notice has been given to a statutory undertaker under sub-paragraph (4) above, the Authority shall, on granting the licence in question, give a copy of it to the undertaker.

(6) The power conferred by any such licence shall not be exercised so as to damage, adversely affect or obstruct access to any works of a statutory undertaker.

(7) Before exercising its power under paragraph 12 above to raise, remove or destroy any vessel which is within 150 metres of any works of a statutory undertaker, the Authority shall give the undertaker reasonable notice of its intention to do so.

(8) Sub-paragraph (7) above shall not apply in any case which is (in the opinion of the Authority) an emergency.

(9) Any dispute between the Authority and a statutory undertaker as to the application of any provision made by this paragraph shall be determined by a person appointed for the purpose—
(a) by agreement between the Authority and the statutory undertaker; or
(b) failing such agreement, by the Secretary of State.

Commencement
Sch. 5(III) para. 21: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(III) para. 21(1)-(9)(b): England, Wales
22.—

(1) The Authority shall, before—
   (a) undertaking any dredging or other work which might materially affect navigation within the Haven or the flow of water in the Haven; or
   (b) granting a works licence authorising any such dredging or work;
notify the Commissioners of the proposed dredging or other work, and shall not undertake it or grant the proposed licence without the consent of the Commissioners.

(2) The Commissioners may withhold their consent only if they are satisfied that the proposed dredging or other work will have either or both of the effects mentioned in sub-paragraph (1)(a) above.

(3) Any dispute between the Authority and the Commissioners as to the application of this paragraph shall be determined by a person appointed for the purpose—
   (a) by agreement between the Authority and the Commissioners; or
   (b) failing such agreement, by the Secretary of State.

Commencement
Sch. 5(III) para. 22: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 5(III) para. 22(1)-(3)(b): England, Wales

New rights of navigation

23.—

(1) The Authority may enter into an agreement with any person who has a sufficient interest in the land concerned for the creation by that person of a public right of navigation over any land in or within the vicinity of the Broads, subject to such conditions and limitations (if any) as may be specified in the agreement.

(2) Any such agreement shall be on such terms as to payment or otherwise as may be specified in the agreement.

(3) The Authority may create a public right of navigation over any land in which it has a sufficient interest, subject to such conditions and limitations (if any) as it considers appropriate.
SCHEDULE 6

APPLICATION TO AUTHORITY OF CERTAIN ENACTMENTS APPLYING TO LOCAL AUTHORITIES ETC.

Section 21

The Commons Act 1899

1. In section 18 of the Commons Act 1899 (power of Charity Commissioners to modify provisions as to recreation grounds etc.), the following paragraph shall be added at the end—

“For the purposes of this section the Broads Authority shall be treated as a district council.”.

The Landlord and Tenant Act 1954

2. […]¹

Notes

¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1997 as SI 1996/2560)
The Trustee Investments Act 1961

Law In Force

3. In section 11 of the Trustee Investments Act 1961 (local authority investment schemes), in subsection (4)(a), the words “the Broads Authority” shall be inserted after the words “City of London”.

Commencement
Sch. 6 para. 3: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 6 para. 3: England, Wales

The Local Government (Records) Act 1962

Law In Force

4. In section 8 of the Local Government (Records) Act 1962 (interpretation), in the definition of local authority, the words “the Broads Authority” shall be inserted after the word “district”.

Commencement
Sch. 6 para. 4: June 6, 1988 (SI 1988/955 art. 3)

Extent
Sch. 6 para. 4: England, Wales

The General Rate Act 1967

Law In Force

5.— (1) In section 44 of the General Rate Act 1967 (exemption of parks etc.), in the definition of local authority, the words “the Broads Authority” shall be inserted after the word “meeting”.

(2) In section 85 of that Act (duty of local authorities with respect to alteration of valuation lists), in the definition of local authority, the words “the Broads Authority” shall be inserted after the word “district”.

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**The Leasehold Reform Act 1967**

6. In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), in subsection (5), the following paragraph shall be inserted after paragraph (a)—

“(aa) to the Broads Authority; and”.

**The Employers Liability (Compulsory Insurance) Act 1969**

7. In section 3 of the Employers Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2), the words “the Broads Authority” shall be inserted after the word “Wales”, where it first occurs.
The Local Authorities (Goods and Services) Act 1970

Law In Force

8.—

(1) In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in the definition of local authority in subsection (4), the words “the Broads Authority” shall be inserted after the word “borough”.

(2) The following subsection shall be added at the end of section 1 of that Act—

“(7) The Great Yarmouth Port and Haven Commissioners shall be treated as a public body for the purposes of paragraphs (a) and (b) of subsection (1) above as those paragraphs apply in relation to agreements entered into by the Broads Authority.”

Commencement
Sch. 6 para. 8: June 6, 1988 (SI 1988/955 art. 3)

Extent
Sch. 6 para. 8(1)-(2): England, Wales

The Road Traffic Act 1972

Law In Force

9.

In [section 144 of the Road Traffic Act 1988]¹ (exceptions from requirement of third party insurance or security), in subsection (2)(a), the words “the Broads Authority” shall be inserted after the word “Wales”, where it first occurs.

Notes
¹ Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c.54), s. 4, Sch. 3 para. 36

Commencement
Sch. 6 para. 9: June 6, 1988 (SI 1988/955 art. 3)

Extent
Sch. 6 para. 9: England, Wales

The Local Government Act 1972
10.—

(1) The following section shall be inserted in the Local Government Act 1972 after section 265—

“265A.— Application in relation to the Broads Authority.

(1) Subject to subsections (2) and (3) below, the following provisions of this Act shall have effect as if the Broads Authority were a local authority and the Broads were its local government area—

(a) section 70;
(b) sections 80(1)(a) and (2), 85, 92, 94 to 98, 99 and 100;
(c) sections 101 to 106;
(d) sections 111 to 119;
(e) sections 120 to 123 and 128 to 131;
(f) sections 135, 136, 139, 140, 140A, 140C, 143 and 144;
(g) sections 153 and 173 to 177; and
(h) sections 222, 223, 225, 228 to 234 and 239.

(2) The Navigation Committee of the Broads Authority shall be treated, for the purposes of this Act and of any other enactment relating to the committees of local authorities (but subject to section 9 of the Norfolk and Suffolk Broads Act 1988), as a committee of the Authority appointed under section 102 of this Act.

(3) Sections 120 to 123, 128 and 224 shall have effect as if the Authority were a principal council.”

(2) The provisions of section 82 of the Act of 1972 (validity of acts done by unqualified persons) shall become subsection (1) of that section and after that subsection there shall be inserted the following subsection—

“(2) Subsection (1) above shall have effect, in relation to the Broads Authority, as if the reference to this Act included a reference to the Norfolk and Suffolk Broads Act 1988.”.

(3) In section 92 of the Act of 1972 (proceedings for disqualification), the following subsection shall be added at the end—

“(8) In relation to the Broads Authority, the reference in subsection (1) above to a local government elector for the area concerned shall be construed as a reference to a local government elector for the area of any of the local authorities mentioned in section 1(3)(a) of the Norfolk and Suffolk Broads Act 1988.”

(4) In section 100E of the Act of 1972 (application to committees and sub-committees), in subsection (3), the following shall be inserted after paragraph (b)—

“(bb) the Navigation Committee of the Broads Authority; or”; and in paragraph (c), for the words “paragraph (a) or (b)” there shall be substituted the words “paragraphs (a) to (bb)”. 

(5) In section 100J of the Act of 1972 (application of access to information provisions to various authorities), in subsection (1), the following paragraph shall be inserted after paragraph (c)—
“(cc) the Broads Authority;”,
in subsection (3) after “(b)” there shall be inserted “(cc)” and in subsection (4) the following paragraph shall be inserted after paragraph (a)—

“(aa) in relation to the Broads Authority or its Navigation Committee, with the substitution for the words from “ward” onwards of the words `name of the body which appointed him'; and”.

(6) […]¹
(7) […]¹

(8) In section 228 of the Act of 1972 (inspection of documents), the following subsection shall be added at the end—

“(9) In relation to the Broads Authority, the references in this section to a local government elector for the area of the authority shall be construed as references to a local government elector for the area of any of the local authorities mentioned in section 1(3)(a) of the Norfolk and Suffolk Broads Act 1988.”.

(9) In section 270 of the Act of 1972 (interpretation), the following definition shall be inserted at the appropriate place—

““the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”.

Notes
¹ Repealed (subject to savings in S.I. 1991/344, art. 3(2), Sch. para. 1(1)) by Local Government and Housing Act 1989 (c.42), s. 194(4), Sch. 12 Pt. II

Commencement
Sch. 6 para. 10: June 6, 1988 (SI 1988/955 art. 3)

Extent
Sch. 6 para. 10(1)-(9): England, Wales

The Employment Agencies Act 1973

Law In Force

11.
In section 13 of the Employment Agencies Act 1973, the following paragraph shall be inserted in subsection (7) (cases in which Act does not apply) after paragraph (f)—

“(ff) the exercise by the Broads Authority of any of its functions;”.

¹ Law In Force
Commencement
Sch. 6 para. 11: April 1, 1989 (SI 1988/955 art. 4)

Extent
Sch. 6 para. 11: England, Wales

---

*The Local Government Act 1974*

Law In Force

12. In section 34 of the Local Government Act 1974 (interpretation of Part III, which relates to local government administration), in the definition of local authority, the words “the Broads Authority” shall be inserted after the words “district council”.

Commencement
Sch. 6 para. 12: June 6, 1988 (SI 1988/955 art. 3)

Extent
Sch. 6 para. 12: England, Wales

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*The Health and Safety at Work etc. Act 1974*

Repealed

13. […]¹

Notes
¹ Repealed by Environment Act 1995 c. 25 Sch.24 para.1 (April 1, 1997 as SI 1996/2560)

---

*The Local Land Charges Act 1975*

Law In Force

14. In section 1 of the Local Land Charges Act 1975 (definition of local land charges), the following subsection shall be added at the end—
“(3) For the purposes of this section and section 2 of this Act, the Broads Authority shall be treated as a local authority.”

**Commencement**

Sch. 6 para. 14: June 6, 1988 (SI 1988/955 art. 3)

**Extent**

Sch. 6 para. 14: England, Wales

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**The Local Government (Miscellaneous Provisions) Act 1976**

**Law In Force**

15. In section 44 of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part I), the following subsection shall be inserted after subsection (1)—

“(1A) Sections 13, 15, 16, 29, 30, 32, 38, 39 and 41 of this Act shall have effect as if the Broads Authority were a local authority and the Broads (as defined in the Norfolk and Suffolk Broads Act 1988) were its local government area.”

**Commencement**

Sch. 6 para. 15: June 6, 1988 (SI 1988/955 art. 3)

**Extent**

Sch. 6 para. 15: England, Wales

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**The Race Relations Act 1976**

**Repealed**

16. […]

**Notes**

1 Repealed by Race Relations (Amendment) Act 2000 c. 34 Sch.3 para.1 (April 2, 2001)

---

**The Rent (Agriculture) Act 1976**
17. In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord's interest belongs to Crown or local authority etc.), the following paragraph shall be inserted after paragraph (b)—

“(be) the Broads Authority;”.

Commencement
Sch. 6 para. 17: June 6, 1988 (SI 1988/955 art. 3)

Extent
Sch. 6 para. 17: England, Wales

18. In section 14 of the Rent Act 1977 (exemption from protection for lettings by local authorities etc.), the following paragraph shall be inserted after paragraph (b)—

“(bb) the Broads Authority;”.

Commencement
Sch. 6 para. 18: June 6, 1988 (SI 1988/955 art. 3)

Extent
Sch. 6 para. 18: England, Wales

The Employment Protection (Consolidation) Act 1978

19. […]¹

Notes
¹ Repealed by Employment Rights Act 1996 c. 18 Sch.3(I) para.1 (August 22, 1996)
The Justices of the Peace Act 1979

20. […]¹

Notes
¹ Repealed by Justices of the Peace Act 1997 c. 25 Sch.6(I) para.1 (June 19, 1997 subject to 1997 c.25 s.74(2)-(4))

The Local Government, Planning and Land Act 1980

21.— […]¹

Notes
¹ Repealed by Local Government and Housing Act 1989 (c.42), s. 194(2), Sch. 12 Pt. I

The Acquisition of Land Act 1981

Law In Force

22.
In section 17 of the Acquisition of Land Act 1981 (special parliamentary procedure for compulsory acquisition of land which is the property of local authority etc.), in subsection (4)(a), the words “the Broads Authority” shall be inserted after the word “district”.

Commencement
Sch. 6 para. 22: June 6, 1988 (SI 1988/955 art. 3)

Extent
Sch. 6 para. 22: England, Wales

The Local Government (Miscellaneous Provisions) Act 1982
23.—

(1) In section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land), in the definition of principal council in subsection (9), the words “the Broads Authority” shall be inserted after the word “borough”.

(2) In sections 41(13) (lost and uncollected property) and 45(2) (arrangements under the Employment and Training Act 1973) of the Act of 1982, the following paragraph shall be inserted after paragraph (b)—

“(bb) the Broads Authority; and”.

The County Courts Act 1984

24. In section 60 of the County Courts Act 1984 (right of audience for proper officer of local authority in certain circumstances), in subsection (3), the words “the Broads Authority” shall be inserted after the words “district council”.

The Housing Act 1985

25. In the definition of “local authority” in section 4 of the Housing Act 1985—

(a) the words “, in sections 43, 44 and 232 includes the Broads Authority” shall be inserted after the word “Scilly”; and
(b) the words “the Broads Authority” shall be inserted after the words “Education Authority”.

### Commencement
Sch. 6 para. 25: June 6, 1988 (SI 1988/955 art. 3)

### Extent
Sch. 6 para. 25(a)-(b): England, Wales

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#### The Landlord and Tenant Act 1985

26.
In the definition of “local authority” in section 38 of the Landlord and Tenant Act 1985, the words “the Broads Authority” shall be inserted after the words “Education Authority”.

### Commencement
Sch. 6 para. 26: June 6, 1988 (SI 1988/955 art. 3)

### Extent
Sch. 6 para. 26: England, Wales

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#### The Local Government Act 1986

27.
In section 6 of the Local Government Act 1986 (interpretation of Part II, which is concerned with local government publicity), the following shall be inserted in subsection (2)(a) after “City of London”—

“the Broads Authority (except in section 3),”.

### Commencement
Sch. 6 para. 27: June 6, 1988 (SI 1988/955 art. 3)

### Extent
Sch. 6 para. 27: England, Wales
The Landlord and Tenant Act 1987

28. In section 58 of the Landlord and Tenant Act 1987 (exempt bodies), the following paragraph shall be inserted after paragraph (d)—

“(dd) the Broads Authority;”.

Commencement
Sch. 6 para. 28: June 6, 1988 (SI 1988/955 art. 3)

Extent
Sch. 6 para. 28: England, Wales

SCHEDULE 7
TRANSITIONAL PROVISIONS

Section 27(2)

Initial appointment of members of the Authority

1.—

(1) The initial appointment of members of the Authority under section 1(3)(a) and (b) of this Act shall be effected as soon as is reasonably practicable after the passing of this Act.

(2) When the Secretary of State is satisfied that all of those members have been duly appointed, he shall, if he has not already exercised his powers under sub-paragraph (3) below, do so.

(3) If the Secretary of State is satisfied that at least 27 of those members have been duly appointed, he may by order specify a date for the purposes of this paragraph.

(4) The Authority shall be deemed to have been duly constituted as from the specified date, notwithstanding the absence of some of its members.

(5) The initial appointment of members under section 1(3)(c) shall be effected as soon as is reasonably practicable after the establishment of the Navigation Committee.
Notes
1. 6.6.1988 specified for the purposes of para. 1 by S.I. 1988/955, art. 2

Commencement
Sch. 7 para. 1: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Sch. 7 para. 1(1)-(5): England, Wales

Initial appointment of members of the Navigation Committee

Law In Force

2. Section 9(6) of this Act shall not apply in relation to the initial appointment of members of the Navigation Committee.

Commencement
Sch. 7 para. 2: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent
Sch. 7 para. 2: England, Wales

First meeting of the Authority

Law In Force

3.—
(1) The first meeting of the Authority shall be held within twenty-one days after the date specified in the order made by the Secretary of State under paragraph 1(3) above and shall be treated as the annual meeting of the Authority for the year in which it is held.

(2) The meeting shall be convened, and held at a place appointed, by the chief executive of Norfolk County Council.

(3) Notice of the meeting shall be published at the place where the meeting is to be held and summonses to attend the meeting shall be signed by the chief executive of Norfolk County Council.

(4) Until the completion of the election of a chairman and vice-chairman at the meeting, any functions falling to be exercised by the chairman or vice-chairman shall be exercised by a member of the Authority chosen by those members who are present.
(5) At the meeting the chief executive of Norfolk County Council shall exercise any functions falling to be exercised by the proper officer of the Authority in relation to the meeting.

(6) The standing orders for the regulation of the proceedings and business of Norfolk County Council shall, so far as practicable, apply at the meeting.

(7) The provision made by virtue of this Act in relation to the proceedings of the Authority shall have effect subject to this paragraph and, in particular, paragraph 4 of Schedule 1 to this Act shall not require notice of the first meeting of the Authority to be published at its offices or summonses to attend the meeting to be signed by its proper officer.

Commencement

Sch. 7 para. 3: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent

Sch. 7 para. 3(1)-(7): England, Wales

Continuity of exercise of functions

Law In Force

4.—

(1) Anything which immediately before the operative date is in process of being done by or in relation to any body in the exercise of, or in connection with, any statutory functions which by virtue of any provision made by this Act become functions exercisable in relation to the Broads, or any part of the Broads, solely by the Authority may be continued by or in relation to the Authority.

(2) Anything done by or in relation to any body before the operative date in the exercise of, or in connection with, any functions to which sub-paragraph (1) above applies shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the Authority.

(3) Any reference in sub-paragraph (1) or (2) above to anything done by or in relation to any body includes, in particular, a reference to anything which by virtue of any enactment is treated as having been done by or in relation to that body.

(4) Any reference to any body in any document constituting or relating to anything to which the foregoing provisions of this paragraph apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the Authority.

Commencement

Sch. 7 para. 4: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent

Sch. 7 para. 4(1)-(4): England, Wales
Variation of area of jurisdiction of the Authority

5.—

(1) Where the Commissioners and the Authority submit joint proposals to the Secretary of State for the variation of the boundary between the navigation area and the Haven, he may by order vary that boundary in accordance with the proposals.

(2) Where the Secretary of State makes an order under sub-paragraph (1) above, the area of the Haven shall, for the purpose of distinguishing between the functions of the Authority and those of the Commissioners, and while the variation remains in force, be treated as varied in accordance with the order.

(3) The power conferred on the Secretary of State by this paragraph shall not be exercisable after the end of the period of three years beginning with the date on which section 8 of this Act comes into force.

(4) Before submitting any proposal under this paragraph, the Authority shall consult the Navigation Committee.

Commencement

Sch. 7 para. 5: March 15, 1988 (1988 c. 4 Pt IV s. 26(1))

Extent

Sch. 7 para. 5(1)-(4): England, Wales

Consultation

6.—

(1) Consultations carried out by the Secretary of State before the coming into force of subsections (5) and (6) of section 1 of this Act shall be treated as satisfying the requirements in those subsections if they would have done so had those subsections been in force at the time in question.

(2) Consultations carried out by the Authority before the coming into force of subsection (3) of section 13 of this Act shall be treated as satisfying the requirements of that subsection if they would have done so had that subsection been in force at the time in question.
Temporary borrowing

(1) Without prejudice to the borrowing powers of the Authority by virtue of section 16 of this Act, but subject to sub-paragraph (2) below, the Authority may borrow by way of temporary loan or overdraft from a bank or otherwise any sums which it may require for the purpose of defraying its expenses before the operative date.

(2) The sums borrowed under this paragraph shall not exceed such amount as the Secretary of State may determine and shall be repaid before the end of the financial year in which revenue is first received by the Authority as a result of levies made by it under section 14 of this Act.

(3) Paragraph 12 of Schedule 13 to the Local Government Act 1972 (joint borrowing) shall apply to the power conferred by this paragraph as it applies to the powers of borrowing conferred by Part I of that Schedule.
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66.— Service of notices.

(1) A notice or other document required or authorised to be served for the purposes of this Act may be served by post.

(2) Where the person on whom a notice or other document to be served for the purposes of this Act is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.

(3) For the purposes of section 7 of the Interpretation Act 1978 as it applies for the purposes of this section, the proper address of any person in relation to the service on him of a notice or document under subsection (1) above is, if he has given an address for service, that address, and otherwise—

(a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body;

(b) in any other case, his last known address at the time of service.

(4) Where for the purposes of this Act a notice or other document is required or authorised to be served on a person as having any interest in, or as the occupier of, land and his name or address cannot be ascertained after reasonable inquiry, the notice may be served by—

(a) addressing it to him by name or by the description of “owner”, or as the case may be “occupier”, of the land (describing it), and

(b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on the land.

(5) This section shall not be taken to exclude the employment of any method of service not expressly provided for by it.

(6) This section shall not apply to anything required or authorised to be served under section 35 above.

Modifications

<p>| Whole Document | Modified in relation to the transfer of functions to the National Assembly of Wales by National Assembly for Wales (Transfer of Functions) Order 1999/672, Sch. 1 |</p>
<table>
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**Subject:** Transport

**Keywords:** Notices; Service
Annotation

Section 66

Quasi-Legislation Note:

The Department for Transport issued guidance on this Act in the form of Transport and Works Act orders — A brief guide in July 2013; the Department for Transport also issued Guidance on the procedures for obtaining orders under the Transport and Works Act 1992, relating to transport systems, inland waterways and works interfering with rights of navigation in June 2006.
Part III ADDITIONAL FUNCTIONS OF THE AGENCY IN RELATION TO THE PRINCIPAL RIVERS

This version in force from: August 15, 2002 to present
(version 1 of 1)

10.— Removal of vessels

(1) Whenever any vessel is sunk, stranded or abandoned in the principal rivers, or without lawful authority left or moored in the principal rivers, the Agency may, after giving (except in an emergency) not less than 21 days' notice to the owner of the vessel, unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner, raise and remove the vessel.

(2) Any notice given by the Agency under paragraph (1) shall—

(a) identify the vessel in respect of which the notice is served and its approximate location;

(b) state that if the owner fails to raise and remove the vessel before the expiry of the period specified in the notice, the Agency may raise and remove the vessel and recover all expenses reasonably incurred in so doing; and

(c) indicate that there is a right of appeal under article 11.

(3) The Agency may recover from the owner of any such vessel all expenses reasonably incurred by the Agency in respect of the raising, removal and storage of the vessel or in raising, removing or storing any furniture, tackle and apparel of the vessel or any goods, chattels and effects raised or removed from the vessel.

(4) In any proceedings by the Agency against a person served with a notice under paragraph (1) for the recovery of any expenses which the Agency is entitled to recover from that person under paragraph (3), it shall not be open to that person to raise any question which could have been raised on an appeal under article 11.

(5) Subject to paragraph (6), if any vessel to which paragraph (1) applies is not, within 6 weeks of its removal by the Agency, proved to the Agency's satisfaction to belong to any claimant, the vessel (together with any such furniture, tackle and apparel) shall vest in the Agency.

(6) If within 12 months of its removal a claim is made to a vessel by a person who subsequently proves to the satisfaction of the Agency that he was the owner of the vessel, or has become the owner since the vessel was sunk, stranded, abandoned, left or moored as mentioned in paragraph (1), then the Agency shall—

(a) if the vessel is unsold, permit that person to retake it with any furniture, tackle, apparel, goods, chattels and effects on the vessel upon payment of the expenses referred to in paragraph (3); or
(b) if the vessel and the furniture, tackle and apparel on the vessel have been sold, pay
to that person the amount of the proceeds of such sale after deducting the said
expenses, and in case those proceeds are insufficient to reimburse the Agency those
expenses, the deficiency may be recovered from that person by the Agency.

(7) In this article—

(a) “owner” in relation to any vessel sunk, stranded, abandoned, left or moored as
mentioned in paragraph (1) means the owner of the vessel at the time of its sinking,
stranding, abandonment, leaving or mooring; and

(b) “vessel” includes any part of the vessel.
Broads Authority Act 2009

2009 CHAPTER I

An Act to confer further powers on the Broads Authority; to make other provisions as to that Authority; and for related purposes.

[2nd July 2009]

WHEREAS—

(1) The Broads Authority (hereinafter called “the Authority”) was incorporated by the Norfolk and Suffolk Broads Act 1988(c. 4) and now exists for the purposes of conserving and enhancing the natural beauty, wildlife and cultural heritage of the Norfolk and Suffolk Broads, promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public, and protecting the interests of navigation:

(2) It is expedient that further provisions should be made for the regulation and management of the navigation area of the Authority:

(3) It is expedient that the other provisions contained in this Act should be enacted:

(4) The objects of this Act cannot be attained without the authority of Parliament:

(5) In relation to the promotion of the Bill for this Act the Authority has complied with the requirements of section 239 of the Local Government Act 1972 (c. 70) as applied to the Authority by the Norfolk and Suffolk Broads Act 1988:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

PRELIMINARY
1 Short and collective titles

(1) This Act may be cited as the Broads Authority Act 2009.

(2) The 1988 Act and this Act may be cited together as the Broads Authority Acts 1988 and 2009.

Interpretation

(1) In this Act, unless the context otherwise requires, words and expressions to which meanings are given by the 1988 Act have the same respective meanings, and—

“the 1907 Act” means the Public Health Acts Amendment Act 1907 (c. 53);
“the 1988 Act” means the Norfolk and Suffolk Broads Act 1988 (c. 4);
“the 1991 Act” means the Water Resources Act 1991 (c. 57);
“the 2006 byelaws” means the Broads Authority (Boat Safety Standards) Byelaws 2006;
“adjacent waters” has the meaning given by subsection (2);
“authorised officer” means an officer or other person duly authorised in writing by the Authority to exercise powers conferred by this Act or the 1988 Act;
“the Authority” means the Broads Authority;
“harbour authority” has the meaning given by section 221 of the 1991 Act;
“the Lower Bure” means all that part of the Lower Bure upstream of Vauxhall Bridge;
“master”, in relation to a vessel, means any person whether the owner, master, hirer or other person lawfully or unlawfully having or taking command or charge or management of the vessel for the time being;
“motor vessel” means any ship, boat, lighter, yacht, houseboat, launch or craft of any kind propelled by any form of power whether mechanical or otherwise and includes any craft propelled by a detachable outboard engine, but does not include any sea-going vessel used as a tug or exclusively for the carriage of animals, fish or goods or any vessel for the time being proceeding solely by or under sail, oar or paddle;
“the navigation committee” means the navigation committee appointed under section 9(1) of the 1988 Act;
“navigation authority” has the meaning given by section 221 of the 1991 Act;
“the navigation officer” means the navigation officer appointed under section 10(7) of the 1988 Act and includes any person appointed by the Authority to act as deputy to the navigation officer;
“personal water craft” has the meaning given by section 33;
“standards” means standards and specifications imposed under section 12(1);
“toll” means a charge levied by the Authority under section 26 of the Harbours Act 1964 (c. 4) and includes any charge levied in respect of a vessel moored, used or navigated on any adjacent waters;
“vessel” includes—
(a) every description of craft, including a personal water craft, used or capable of being used for transportation by water;
(b) a sailboard;
(c) any raft, pontoon or similar floating or submersible structure capable of being moved under its own power or under tow, but does not include any raft or pontoon which is permanently fixed.

(2) For the purposes of this Act “adjacent waters” means any broad, dyke, marina or other substantially enclosed waters connected to the navigation area and from which a vessel may be navigated (whether or not through a lock, moveable barrier or any other work) into the navigation area but does not include—
(a) the river Waveney upstream of Geldeston lock; or
(b) the river Tas upstream of Trowse Bridge; or
(c) any waters under the jurisdiction of Associated British Ports or the Great Yarmouth Port Authority; or
(d) any waters which are used, for mooring or navigation, only by the owner of the land upon which those waters are situated; or
(e) any waters which are used, for mooring or navigation, only by an occupant of an adjoining residential dwelling.

(3) Nothing in this Act shall have the effect of constituting the Authority as harbour authority or navigation authority for any adjacent waters.

Commencement
Pt 1 s. 2(1)-(3): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 1 s. 2-(3): England

3 Appointed day
(1) For the purposes of any provision of this Act, and of any provision of the 1988 Act which is amended by this Act, “the appointed day”, in relation to that provision, means such day (not earlier than 3 months after the passing of this Act) as may be fixed for the purposes of that provision in accordance with subsection (2) by resolution of the Authority.

(2) The Authority shall publish in a newspaper circulating in the area of the Broads and in the London Gazette notice—
(a) of the passing of any such resolution and of the day fixed thereby; and
(b) of the general effect of the provision for the purposes of which the day has been fixed;
and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice in the London Gazette.

(3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page or part of a page of any such newspaper or London Gazette, being a page or part of a page bearing the date of its publication and containing the notice mentioned in subsection (2), shall be evidence of the publication of the notice and of the date of publication.

Commencement
Pt 1 s. 3(1)-(3): July 2, 2009

Extent
Pt 1 s. 3(1)-(3): England

PART 2

REGULATION AND MANAGEMENT OF NAVIGATION AREA

Directions to vessels, etc.

4 General directions to vessels

(1) The Authority may give directions under this section ("general directions") in respect of vessels in, or proposing to enter, or leaving, the navigation area for the purpose of promoting or securing conditions conducive to the ease, convenience or safety of navigation and the safety of persons and property in the navigation area.

(2) Without prejudice to the generality of subsection (1) the Authority may give general directions for any of the following purposes—
   (a) for designating areas, routes, fairways or channels in the navigation area which vessels are to use, or refrain from using, for movement, mooring or anchorage;
   (b) for securing that vessels move only at certain times, or during certain periods;
   (c) for limiting the speed of motor vessels;
   (d) for requiring the use of any equipment (including engines) forming part of or carried on the vessel;
   (e) for prohibiting or regulating—
      (i) entry into the navigation area by a vessel which for any reason would be or would be likely to become a danger to other vessels or to persons or property, in or near the navigation area; or
      (ii) entry into, or navigation within, any designated fairway or channel during any temporary obstruction thereof;
(f) for prohibiting or regulating entry into or movement in the navigation area by vessels at times of poor visibility due to the weather or to the presence of dust or smoke, or at times of high winds;
(g) for requiring the master of a vessel to give to the navigation officer information relating to the vessel or the qualifications of the master reasonably required by the navigation officer for effecting any of the purposes of this subsection;
(h) for prescribing the action to be taken in relation to vessels which have become adrift, or sunk, or run aground;
(i) so far as is necessary for the safety of navigation, for requiring or regulating the use of tugs in relation to a vessel.

(3) Subject to subsections (4) and (5), a general direction may apply—
(a) to all vessels or to a class of vessels designated, or the designation of which is provided for, in the direction; or
(b) to the whole of the navigation area or to a part designated, or the designation of which is provided for, in the direction; or
(c) at all times, or at times designated, or the designation of which is provided for, in the direction,
and every direction under this section shall specify the extent of its application in relation to the matters referred to in paragraphs (a), (b) and (c).

(4) A general direction relating to any matter referred to in subsection (2)(e) or (f) shall not apply to any pleasure craft.

(5) A general direction relating to any matter referred to in subsection (2)(g) shall not require the master of a pleasure craft to give information as to his qualifications except where the craft is one in relation to which qualifications for masters are required by or under general legislation.

(6) The Authority may revoke or amend any general direction.

Commencement
Pt 2 s. 4(1)-(6): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 4-(6): England

Law In Force

5 Procedure for making general directions, etc.
Schedule 1 shall have effect.

Commencement
Pt 2 s. 5: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 5: England
6 Special directions to vessels

(1) Subject to subsection (3) the navigation officer may give directions under this section (“special directions”) for any of the following purposes—

(a) for requiring a person to comply with a requirement in relation to a vessel made in or under a general direction;
(b) for regulating the time at which and the manner in which any vessel may enter, leave or lie or navigate within the navigation area;
(c) for regulating or requiring the movement, berthing, mooring or unmooring of any vessel in the navigation area;
(d) for regulating the position, or placing, of any vessel while it is in the navigation area;
(e) for regulating the position in which any vessel may, while in the navigation area, take in or discharge cargo or ballast or take in or land passengers;
(f) for regulating the manner in which any vessel entering the navigation area may be dismantled, either for the safety of the vessel or for preventing injury to other vessels or property or to any part of the navigation area;
(g) for requiring the removal from any part of the navigation area of any vessel if—
   (i) it is on fire; or
   (ii) it is unserviceable; or
   (iii) it is in such condition as to be liable to become immobilised or waterlogged, or to sink, or to constitute a danger to life or property or to cause pollution; or
   (iv) it is making an unlawful use of, or causing an obstruction to, the navigation area, or interfering with the reasonable use or enjoyment of the navigation area by other vessels or persons exercising a public right of navigation therein; or
   (v) its removal is necessary to enable maintenance or repair work to be carried out in the navigation area, or to premises adjacent thereto;
(h) for requiring the removal outside the navigation area of any vessel, if such removal is considered by the navigation officer to be necessary in order to avoid danger to life or property, or to any part of the navigation area;
(i) for removing obstructions to navigation from the navigation area and keeping it clear for the passage of vessels;
(j) for prohibiting the mooring or anchoring of any vessel in any particular part or parts of the navigation area;
(k) for regulating the loading, discharging, storing and safeguarding of the cargo of any vessel, or its fuel, water or stores, and the dispatch of its business in the navigation area;
(l) for specifying the precautions to be taken in respect of apparatus, machinery and equipment (including equipment for the prevention of pollution) forming part of or carried on any vessel;
(m) for limiting the speed of any vessel in the navigation area;
(n) as to the use of the motive power of any vessel;
(o) for prohibiting or restricting the use of fires or lights on board vessels within the navigation area.

(2) In an emergency the navigation officer may give special directions applicable to all vessels, or to a particular class of vessels, for any of the purposes mentioned in subsection (1).
(3) Nothing in this section shall authorise the navigation officer to give a special direction otherwise than for the purpose of ensuring the ease, convenience or safety of navigation or the safety of persons or property in the navigation area.

(4) A special direction may be given in any manner considered by the navigation officer to be appropriate.

(5) The navigation officer may revoke or amend a special direction.

Commencement
Pt 2 s. 6(1)-(5): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 6-(5): England

7 Failure to comply with directions

(1) The master of a vessel who fails to comply with a general direction or special direction shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) It shall be a defence for the master of a vessel charged with an offence under subsection (1) to prove that he took all reasonable precautions and exercised due diligence to avoid the commission of the offence or that he had a reasonable excuse for the act or for the failure to act.

Commencement
Pt 2 s. 7(1)-(2): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 7-(2): England

8 Enforcement of special directions

(1) This section shall have effect in relation to a vessel if a special direction is not complied with within a reasonable time.

(2) For the purposes of subsection (1) a special direction shall be deemed not to have been complied with within a reasonable time if there is no one on board the vessel to attend to the special direction and the navigation officer after making reasonable enquiries has been unable to discover the whereabouts of the master.
(3) In determining whether a master of a vessel has had a reasonable time in which to comply with a special direction, the navigation officer shall have regard to—
   (a) the risk of serious harm arising from non-compliance;
   (b) the time in which it would ordinarily take a competent master to comply with such a direction; and
   (c) any knowledge which the navigation officer has of the personal circumstances of the master which might affect his ability to comply with a special direction.

(4) Where this section has effect the navigation officer may put persons on board the vessel to carry out the special direction, or may otherwise cause the vessel to be handled in accordance with the special direction.

(5) Subject to subsection (6), if any person authorised by the navigation officer under subsection (4) is refused entry to the vessel the navigation officer may apply to a justice of the peace who may by warrant authorise the navigation officer to exercise the powers of subsection (4) if he is satisfied on sworn information in writing that the special direction is not being complied with and that non-compliance gives rise to danger to persons or property.

(6) If any person referred to in subsection (4) is refused entry to the vessel and in his reasonable opinion non-compliance with the special direction gives rise to grave and imminent danger to persons or property, that person may exercise the powers of subsection (4) without a justice's warrant.

(7) Any person authorised by the navigation officer under subsection (4) to carry out the special direction may break open the wheel house, cabin or other enclosed area for the purpose of gaining access to the controls, engine, or any equipment forming part of the vessel if the vessel is unoccupied and if in his reasonable opinion non-compliance with the special direction gives rise to grave and imminent danger to persons and property.

(8) A person who exercises the powers of subsection (7) shall leave the vessel as effectually secured against trespassers as he found it.

(9) The Authority shall pay reasonable compensation to the owner of any vessel in respect of any damage which is caused to the vessel by the exercise of the powers of subsection (7), but nothing in this subsection shall require the Authority to pay compensation—
   (a) to the extent that the damage necessarily results from such exercise in any case where the direction is lawfully and reasonably given; or
   (b) in respect of any damage to the extent that it results from the act or default of the master, owner or any other person (not being an employee or agent of the Authority).

(10) Expenses reasonably incurred by the Authority in the exercise of the powers conferred by this section shall be recoverable by it as if they were a charge of the Authority in respect of the vessel.

(11) This section is without prejudice to any other remedy available to the Authority.

Commencement
Pt 2 s. 8(1)-(11): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. 1 Pt 1 s. 3)

Extent
Pt 2 s. 8-(11): England
9 Master's responsibility in relation to vessels
The giving of a general direction or a special direction shall not diminish or in any other way affect the responsibility of the master of the vessel to which the direction is given in relation to his vessel, to persons on board the vessel, to the cargo or to any other person or property.

Commencement
Pt 2 s. 9: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 9: England

10 Directions as to loading or unloading of vessels, etc.
(1) The Authority may designate any part of the navigation area for the loading and unloading of any goods to which this section applies.

(2) As soon as reasonably practicable after designating any part of the navigation area under subsection (1) the Authority shall publish details of the designation on the Authority's website and shall take such other reasonable steps as it considers appropriate to publicise the designation.

(3) Where pursuant to subsection (1) the Authority has designated a place for the loading or unloading of goods of any description the navigation officer may direct that goods of the description, intended to be loaded onboard or unloaded from a vessel, shall not be deposited or received elsewhere than at the place so designated.

(4) If any person disobeys a direction given under subsection (3)—
   (a) the Authority may remove the goods to the place so designated and recover the reasonable expenses incurred by it in so doing from that person;
   (b) the removal shall be at the risk of that person.

(5) A person acting on behalf of the Authority who removes goods in accordance with subsection (4) may remove any equipment which is provided for the handling of the goods.

(6) The goods to which this section applies are goods which are loaded or unloaded in connection with any trade or business, goods in bulk and goods the nature or character of which is such as, in the opinion of the Authority, to give rise to special risk of pollution, contamination, taint, stain, injury or danger to other goods or to persons, property or water or to necessitate the provision of special facilities for the handling thereof or for the safety, protection, welfare or accommodation of persons employed in, or in connection with, such handling.

(7) Nothing in this section shall authorise the Authority to prevent or restrict the lawful use of any staithes within the meaning of section 25 of the 1988 Act.
Comencement
Pt 2 s. 10(1)-(7): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 10-(7): England

Safety of vessels, etc.

Law In Force

11 Byelaws for registration of vessels
(1) In this section—
“the byelaws” means any byelaws made or deemed to be made under this section and for the time being in force;
“the relevant sections” means section 12 (construction and equipment standards) and section 14 (vessels: insurance requirements) of this Act;
and references to registration are references to the registration of a vessel under the byelaws.

(2) The Authority may make byelaws for the purpose of providing for the registration of vessels in the navigation area or on adjacent waters, and for the determination and recovery of tolls in respect of vessels moored, used or navigated in the navigation area or on adjacent waters.

(3) Where any such byelaws are made, the Authority shall set up and maintain the necessary register.

(4) The byelaws may in particular—
(a) provide for the registration of vessels under different categories;
(b) make provision as to the display on registered vessels of registration documents or numbers;
(c) provide for the exemption of prescribed vessels or classes of vessels from the requirement to register under the byelaws;
(d) prescribe the period for which any registration is to remain effective; and
(e) determine the procedure to be followed in registering.

(5) The Authority may require an applicant for registration, on making his application, to pay a reasonable fee in respect of the administrative expenses of dealing with the application; and different fees may be specified in relation to different cases or classes of case.

(6) The Authority may require an applicant for registration, in the case of a vessel which is subject to standards, or which falls within a category designated under section 14(1), to submit with his application—
(a) evidence of compliance with the standards applicable to the vessel (whether in the form of an original document, or a copy);
(b) the insurance certificate relating to the vessel, or a copy of it, or other evidence which in the reasonable opinion of the Authority is sufficient to show that a policy complying with the requirements of Schedule 3 is in force; and
(c) such other information relating to the vessel as may be reasonably required by the Authority.

(7) The evidence referred to in subsection (6)(b) may if the Authority sees fit consist of a declaration in writing by the applicant in a form prescribed by the Authority to the effect that the policy is in force.

(8) Where any person tenders the appropriate fee for registering any vessel under the byelaws, the Authority shall register the vessel in accordance with the provisions of the byelaws unless it appears to it that any requirement made by or under the byelaws or the relevant sections has not been complied with in respect of that vessel.

(9) Where the Authority refuses to register a vessel on any ground such as is mentioned in subsection (8), it shall notify the applicant in writing of the matters which gave rise to the refusal to register.

(10) Where the Authority is satisfied that a vessel does not comply with any requirement of the relevant sections, it may cancel the registration of that vessel if—
(a) it has given the owner written notice of the non-compliance in question and required him to remedy it within 14 days of the date on which the notice is given; and
(b) that period has expired without the non-compliance being remedied; but where the Authority considers that it is necessary to cancel the registration as a matter of urgency, it may do so with effect from the date on which the notice is given.

(11) The Authority shall give reasons for any decision under subsection (10) to cancel the registration of a vessel.

(12)
(a) Any person who is aggrieved by the refusal of the Authority to register a vessel under the byelaws, or by the cancellation of such registration, may appeal to a magistrates' court.
(b) On an appeal to it under this subsection the court may dismiss the appeal, or give such direction to the Authority as it thinks fit.
(c) On such an appeal the decision of the court shall be final.
(d) This subsection does not confer a right of appeal in relation to any question which in accordance with this Act is to be determined by the standards appeals panel.

(13) Paragraphs 7 and 8 of Schedule 5 to the 1988 Act shall apply to byelaws made under this section as they apply to byelaws made under section 10(3) of the 1988 Act.

(14) The Broads Authority Vessel Registration Byelaws 1997 (other than byelaws 23 and 28) shall be deemed to have been made under this section, and shall have effect as though the references in those byelaws to the “navigation area” included adjacent waters.

Commencement
Pt 2 s. 11(1)-(14): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 11-(14): England
12 Construction and equipment standards

(1) As from the appointed day the Authority by resolution may from time to time impose in relation to vessels in the navigation area or on adjacent waters reasonable standards and specifications (in this Act referred to as “standards”) relating to construction and equipment for the purposes of ensuring safety or preventing noise or pollution.

(2) Where there is in force a scheme imposing standards in relation to vessels on navigable waters under the control of the British Waterways Board and the Environment Agency the only standards which may be imposed or have effect under subsection (1) are—

(a) standards identical in effect to those identified in the said scheme;
(b) additional standards in relation to vessels which are pleasure boats or pleasure vessels to be let for hire, or to be used for carrying passengers for hire, for the purposes of section 94 of the 1907 Act;
(c) standards not falling within paragraph (a) or (b), being standards to be imposed pursuant to any agreement (whether made before or after the appointed day fixed for the purposes of this section) between the Authority of the one part and the British Marine Federation, the Inland Waterways Association and the Royal Yachting Association of the other part.

(3) Before imposing standards such as are referred to in subsection (2)(b) or (c) or which differ materially from those contained in the 2006 byelaws, the Authority shall—

(a) (subject to subsection (5)) consult such bodies as appear to it to represent boating interests on its intention to do so and inform any such bodies of their entitlement to make representations within 56 days; and
(b) publish a notice of its intention to do so in a newspaper circulating in the area of the Broads and on the Authority's website.

(4) The notice published under subsection (3) shall—

(a) summarise the effects of the standards;
(b) summarise the material differences between the standards contained in the existing byelaws, or in any scheme such as is referred to in subsection (2), and the standards to be imposed under this section; and
(c) state that representations may be made to the Authority in writing on the said differences within 56 days of the date of the notice.

(5) Nothing in subsection (3)(a) shall require the Authority to consult the bodies referred to in subsection (2)(c) before imposing standards pursuant to any agreement such as is referred to in subsection (2)(c).

(6) The Authority shall not impose standards to which subsection (3) refers until it has considered all representations made within 56 days of the date on which any bodies representing boating interests are consulted under subsection (3) and of the date of the newspaper notice published under subsection (3).

(7) Different standards may be imposed by the Authority under this section in relation to different categories of vessels and in relation to different parts of the navigation area or any adjacent waters.
(8) Any standards imposed by the Authority may include requirements as to the maintenance, use and operation of appliances, fittings and equipment on a vessel and may extend to anything which is only temporarily installed or used on a vessel.

(9) The requirements of subsection (1) do not apply in relation to a vessel to the extent that the vessel is excluded from those requirements by any exemption granted by the Authority and for the time being in force.

(10) The Authority may exempt any vessel from the requirements of subsection (1) to such extent and upon such terms and conditions as it may determine if, having regard to all the circumstances, it considers that the application of those requirements is not justified in the interests of safety or preventing noise or pollution.

Commencement
Pt 2 s. 12(1)-(10): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 12-(10): England

13 Standards appeals panel

(1) A panel, referred to in this Act as “the standards appeals panel”, shall be established and operate in accordance with the provisions of Schedule 2.

(2) The standards appeals panel is to determine—
   (a) any question as to whether a vessel complies with any standard which is applicable to the vessel;
   (b) any question as to whether any standard imposed is applicable to the vessel;
   (c) any question as to the reasonableness of a standard imposed under section 12; and
   (d) any question such as is referred to in section 17(11) as to whether a vessel fails materially to comply with any standards applicable to the vessel;
if the question is the subject of an application made in accordance with subsection (3).

(3) An application to refer a question to the standards appeals panel must be made in writing to the Authority and signed by—
   (a) the owner of the vessel, in the case of a question arising under subsection (2)(a), (b) or (d); and
   (b) not fewer than 6 persons, each of whom is the owner of any category of vessel to which this section applies, in the case of a question arising under subsection (2)(c).
14  Vessels: insurance requirements

(1) The Authority may from time to time designate categories of vessels to which this section is to apply.

(2) The owner or master of a vessel to which this section applies shall not keep, let for hire or use the vessel in the navigation area or on adjacent waters unless there is in force in relation to the vessel a policy of insurance complying with the requirements of Schedule 3.

(3) The requirements of subsection (2) do not apply in relation to a vessel to the extent that the vessel is exempted by the Authority from those requirements.

15  Offences as to standards and insurance requirements

(1) The owner or master of a vessel who without reasonable excuse and (in the case of a master of a vessel who is not also the owner) knowingly—

(a) keeps, lets for hire or uses a vessel in the navigation area or on adjacent waters which does not comply with any standards applicable to the vessel; or

(b) contravenes the requirements of section 14(2) as to insurance policies,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(2) It shall be a defence for the owner or master of a vessel charged with an offence under subsection (1) to prove that he had taken all reasonable precautions and exercised due diligence to avoid the commission of any such offence.
16 Exemption of certain vessels

(1) In this section—
    “medium size unpowered vessel” means any unpowered vessel, not being a small unpowered vessel, having a block area of less than 13 square metres;
    “small unpowered vessel” means any unpowered vessel having a block area of less than 6 square metres;
    “the specified provisions” means—
        (a) any byelaws made or deemed to be made under section 11;
        (b) section 12 (construction and equipment standards);
        (c) section 14 (vessels: insurance requirements).

(2) For the purposes of this section, the block area of a vessel means the area of the vessel in square metres calculated by multiplying the length of the vessel by the breadth of the full beam of the vessel at its widest part, both figures including the length or breadth (as the case may be) of any fixed fendering attached to the vessel.

(3) Nothing in this Act or the 1988 Act, or in any byelaws made or deemed to be made under section 11—
    (a) shall require the registration of any small unpowered vessel on adjacent waters which does not enter into the navigation area;
    (b) shall entitle the Authority to require the payment of any toll, due or other similar charge in respect of any small unpowered vessel or any medium size unpowered vessel for the time being on adjacent waters.

(4) The Authority shall not exercise the powers of section 14 so as to designate any category of small unpowered vessels on adjacent waters.

(5) Subject to subsection (4) the Authority shall not designate under section 14 any category of small unpowered vessels except in accordance with a resolution of the navigation committee.

(6) Nothing contained in or in force or done under the specified provisions shall apply to any vessel which—
    (a) is not for the time being in use for the purposes of navigation, or for residential or commercial purposes;
    (b) is moored on waters occupied or customarily used by a person carrying on a business; and
(c) is so moored for the purposes of being serviced, repaired or stored by that person or of being sold or offered or exposed for sale by that person (whether acting as principal or agent).

Commencement
Pt 2 s. 16(1)-(6)(c): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 16-(6)(c): England

Other provisions as to vessels

17 Entry on and inspection of vessels

(1) An authorised officer who produces written evidence of his authority may board any vessel in the navigation area or on adjacent waters for the purpose of—
   (a) ascertaining whether any requirement made by or by virtue of any provision contained in or applied by this Act (other than section 8), or any byelaw made under or deemed to be made under this Act is being complied with; or
   (b) determining whether any power or duty which is conferred or imposed by or by virtue of any of those provisions should be exercised or performed; or
   (c) exercising or performing any such power or duty.

(2) An authorised officer who boards any vessel pursuant to this section may—
   (a) carry out such inspections, measurements and tests of or in relation to the vessel or of any article found on the vessel;
   (b) take away such samples of any article or substance, as are reasonably necessary for any purpose mentioned in subsection (1).

(3) Section 173 of and Schedule 20 (other than paragraph 7 of Schedule 20) to the 1991 Act shall apply with all necessary modifications to the powers of entry which are conferred by subsection (1) as though for references to the Agency there were substituted references to the Authority.

(4) The master of any vessel subject to boarding and inspection under subsection (1) shall provide reasonable facilities for the boarding, inspection and measuring of the vessel and for the exercise by the authorised officer of the powers of subsection (2).

(5) Except in an emergency, an authorised officer shall not board any vessel pursuant to this section except with the consent of the owner or master or under the authority of a warrant by virtue of Schedule 20 to the 1991 Act as that Schedule has effect in accordance with subsection (3).

(6) For the purposes of any inspection under this section, the master of the vessel shall cause the whole of any installation forming part of or on the vessel to be made available for inspection.
(7) The Authority, if requested so to do by the owner or master of a vessel which is boarded under this section, shall provide a full report of the findings of the authorised officer who boarded the vessel within 28 days of the boarding.

(8) Notice in writing of the entitlement to the report referred to in subsection (7) shall be given—
   (a) by the officer who boards a vessel, to the master of the vessel at the time of the boarding; and
   (b) (if the owner is not the master) by the Authority, to the owner of the vessel as soon as reasonably practicable after the boarding.

(9) Subject to subsection (10) the costs incurred by the Authority under this section shall be borne by the Authority.

(10) In any case in which the Authority exercises the powers of this section in relation to a vessel which it determines fails materially to comply with any standards applicable to the vessel, the costs reasonably incurred by the Authority in exercising those powers shall be borne by the owner of the vessel.

(11) Any question as to whether, for the purpose of subsection (10), a vessel fails materially to comply with any standards applicable to it shall be referred to the standards appeals panel for determination.

(12) Any person who without reasonable excuse intentionally obstructs an authorised officer acting in accordance with this section or contravenes any requirement of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standardscale.

Commencement
Pt 2 s. 17(1)-(12): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 17-(12): England

Meaning of “unsafe vessel”
For the purposes of this Act a vessel is unsafe if—
   (a) the vessel does not comply with any standards applicable to the vessel; or
   (b) a person has been convicted of an offence under this Act, the 1988 Act, or any byelaw of the Authority, in respect of the vessel,
and the Authority is satisfied after taking advice where appropriate from a person qualified to examine or assess compliance with any standards imposed under section 12 that the non-compliance or the circumstances which resulted in the conviction, as the case may be, continues or continue to give rise to a danger to any person or to any property, or risk of pollution, from the vessel.
19 Powers as to unsafe vessels, etc.

(1) An authorised officer may require the master of any unsafe vessel in the navigation area or on adjacent waters—
   (a) to remove the vessel to a place either within or outside the navigation area or adjacent waters; and
   (b) where reasonably practicable, to carry out such works to the vessel, or to take such other action, as will remove any imminent danger to the safety of any person or property on or near the vessel, or any imminent risk of pollution.

(2) An authorised officer who boards a vessel pursuant to section 17 may if the vessel is unsafe carry out such works or take such other action as is referred to in subsection (1)(b); and the Authority may recover the costs reasonably so incurred from the owner of the vessel.

(3) The master of a vessel who without reasonable excuse fails to comply with a requirement made under subsection (1) and any person who without reasonable excuse intentionally obstructs an authorised officer acting under subsection (2) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(4) The Authority shall pay reasonable compensation to the owner of any vessel in respect of any damage which is caused to the vessel by the exercise of the powers of this section, if it is shown that at the time of such exercise the vessel was not unsafe, but nothing in this subsection shall require the Authority to pay compensation in respect of any damage to the extent that the damage results from the act or default of the master, owner or any other person (not being an employee or agent of the Authority).
20 Removal of unsafe vessels, etc.

(1) The Authority may exercise the powers of this section in relation to any unsafe vessel in the navigation area or on adjacent waters in any case in which—
   (a) there is no-one on board the vessel; or
   (b) the master has failed without reasonable excuse to comply with a requirement made under section 19(1).

(2) The Authority may relocate the vessel on, or remove it from, the navigation area or adjacent waters; and may store the vessel.

(3) Not less than 28 days before relocating or removing a vessel under subsection (2), the Authority, unless it exercises its powers in an emergency, shall—
   (a) give the owner of the vessel notice in writing of its intention to do so; and
   (b) affix a copy of the notice to the vessel, or display it in a conspicuous place in the vicinity of the vessel and take reasonable steps to ensure that the notice remains in position for a period of 28 days.

(4) Subsection (3)(a) shall not apply where the Authority has used all reasonable endeavours to notify the owner of the vessel concerned but has been unable to do so.

(5) Subject to subsection (9) a vessel relocated or removed by the Authority under this section shall vest in the Authority upon the issue by the Authority of a certificate (“the vesting certificate”).

(6) The vesting certificate—
   (a) may be issued not less than 3 months after the date of the notice given by the Authority in respect of the vessel under subsection (3), or where subsection (4) applies, 3 months after the date of relocation or removal of the vessel;
   (b) shall be served on the owner (except in the circumstances referred to in subsection (4)) and displayed at or near the place from which the vessel was removed; and
   (c) shall be displayed at the principal office of the Authority.

(7) Subject to subsection (9) and following the issue of the vesting certificate the Authority may deal with the vessel as it thinks fit including the disposal or destruction of the vessel.

(8) The Authority may recover from the owner of any vessel relocated or removed under this section all expenses reasonably incurred by the Authority in respect of the relocation, removal, storage, disposal and destruction of the vessel, including all administrative and legal costs reasonably incurred by the Authority in the exercise of those powers or in connection with any legal proceedings brought by the Authority in relation to the vessel.

(9) If within 24 months of the date of the issue of the vesting certificate, a claim is made to the vessel by a person who subsequently proves to the satisfaction of the Authority that he is its owner, then the Authority shall—
   (a) if the vessel is unsold and upon payment of the expenses referred to in subsection (8), permit that person to retake it;
   (b) if it has been sold, pay to that person the amount of the proceeds of such sale after deducting the said expenses and, if those proceeds are insufficient to reimburse the Authority those expenses, the deficiency may be recovered from that person by the Authority.

(10) Subsection (9)(a) shall not apply to anything attached to or carried in or on the vessel which has been proved to the Authority's satisfaction to belong to another.
(11) If the Authority satisfies the court that it is entitled to sell a vessel removed under this section the court—
   (a) may authorise the sale of the vessel subject to such terms and conditions, if any, as may be specified by the court;
   (b) may authorise the Authority to deduct from the proceeds of sale any costs of sale and any amount due from the owner of the vessel to the Authority in respect of the vessel; and
   (c) may direct the payment into court of the net proceeds of sale, less any amount deducted under paragraph (b), to be held to the credit of the owner of the vessel.

(12) A decision of the court authorising a sale under subsection (11) shall, subject to any right of appeal, be conclusive, as against the owner, of the Authority's entitlement to sell the vessel, and gives a good title to the purchaser as against the owner.

(13) In this section the “court” means the High Court or a county court, and a county court shall have jurisdiction in the proceedings.

(14) References in this section to a vessel include anything attached to or carried in or on the vessel.

(15) The Authority shall not exercise the powers of subsection (5), (6) or (7) in relation to any vessel which is the subject of an appeal to the standards appeals panel under section 13 until the appeal has been determined.

(16) The Authority shall pay reasonable compensation to the owner of any vessel in respect of any damage which is caused to the vessel (or loss caused to its owner) by the exercise of the powers of this section and any expenses reasonably incurred by the owner in returning the vessel to the place where it was immediately before the Authority exercised those powers, if it is shown that at the time of such exercise the vessel was not unsafe, but nothing in this subsection shall require the Authority to pay compensation in respect of any damage to the extent that the damage results from the act or default of the master, owner or any other person (not being an employee or agent of the Authority).

Commencement

Pt 2 s. 20(1)-(16): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent

Pt 2 s. 20-(16): England

21 Request for information as to vessels

(1) On a request made by an authorised officer who produces, if requested, written evidence of his authority—
   (a) the master of any vessel in the navigation area or on adjacent waters shall give the officer particulars of his own name and address together with such particulars as are available to him to verify his identity, and (if known to him) the name and address of the owner of the vessel;
(b) the master of any vessel in the navigation area or on adjacent waters shall produce for inspection by the authorised officer any registration certificate or plate issued in respect of the vessel;
(c) the owner or master of any vessel in the navigation area or on adjacent waters shall give the authorised officer such information as is available to him respecting the construction and equipment of the vessel and its compliance with the requirements of section 12;
(d) the owner or master of any vessel in the navigation area or on adjacent waters shall give the authorised officer such information or document as is available to him regarding any policy of insurance in force in relation to the vessel;
(e) the owner of any vessel in the navigation area or on adjacent waters shall give the authorised officer particulars of the name and address of, or such other particulars as are available to him to assist the identification of, any person who, at any time specified by the authorised officer, was acting as master of the vessel.

(2) A request under subsection (1) need not be in writing and may be made in any manner considered by the authorised officer to be appropriate.

(3) Any person who is unable to give or produce any information or document requested by an authorised officer under subsection (1) must, if then so requested by the authorised officer, give or produce that information or document within 28 days at the principal office of the Authority either in person or by sending the information or document by first class post in a pre-paid envelope properly addressed to the principal office of the Authority.

(4) A person who—
   (a) fails, without reasonable excuse, to comply with a request made under subsection (1) or (3) above; or
   (b) in furnishing any information in compliance with such a request makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,
shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement
Pt 2 s. 21(1)-(4)(b): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 21-(4)(b): England

Law In Force

22 Notices requiring information from masters and owners, etc. as to vessels

(1) Where, with a view to performing a function conferred on the Authority by or under the provisions of this Act, Part II (navigation) of the 1988 Act, or Schedule 5 to the 1988 Act, or by or under any byelaw made under any of those provisions, the Authority reasonably considers that it ought to have information as to any vessel which is or has been in the navigation area or on adjacent waters, or as to the master or owner of any such vessel, the Authority may serve a notice
on any person reasonably believed by it to be the master or owner, or to have been the master or owner at any date specified in the notice, requiring the recipient to furnish to the Authority within a period specified in the notice (which shall not be less than 28 days beginning with the day on which the notice is served) the information referred to in the notice.

(2) The information which may be required includes—
   (a) the name and address of any person whom the recipient of the notice believes to be the master or owner of the vessel, or to have been such master or owner at any date specified in the notice; or
   (b) the capacity in which any person who is or has been or is believed by the recipient of the notice to be or have been the master has or takes command, charge, possession or management of the vessel, or had or took such command, charge, possession or management at any date specified in the notice; or
   (c) the nature of the interest in or control over the vessel, at any date specified in the notice, of any person who is or has been or is believed by the recipient of the notice to be or have been the owner; or
   (d) such information as may be available to the recipient of the notice as to whether the vessel complies with any standards applicable to the vessel; or
   (e) details of any insurance policy applicable to the vessel maintained in compliance with section 14.

(3) A notice under this section shall—
   (a) name or otherwise identify the vessel in respect of which it is served;
   (b) specify the function for the purpose of the performance of which the notice is served; and
   (c) specify the enactment by or under which that function is to be performed.

(4) A notice shall not be served under this section on any person who, at the date of service, is believed by the Authority to be no longer the master or owner of the vessel named or identified in the notice if the Authority believes that more than 6 months have elapsed since the recipient ceased to be such owner or master.

(5) A person who—
   (a) fails, without reasonable excuse, to comply with the requirements of a notice served on him under subsection (1) above; or
   (b) in furnishing any information in compliance with such a notice makes a statement which he knows to be false in a material particular or recklessly makes a statement which is false in a material particular,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement
Pt 2 s. 22(1)-(5)(b): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 22-(5)(b): England
23 Notice requiring information from landowners, etc. as to vessels

(1) A notice served by the Authority under section 16 (power of local authorities to obtain particulars of persons interested in land) of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) in respect of any land comprised in or adjoining the navigation area or adjacent waters may require the recipient of the notice to furnish to the Authority, in respect of any vessel such as is referred to in subsection (3), such information as is referred to in subsection (4) as is available to the recipient of the notice.

(2) Section 16 of the said Act of 1976, as extended by subsection (1), shall have effect as though for the reference in subsection (1) to fourteen days there were substituted a reference to twenty-eight days.

(3) Subsection (1) applies to any vessel which at the date of the service of the notice is moored on or adjoining any land such as is referred to in subsection (1), or which has been so moored at any time within a period of 42 days expiring on the date of the notice, but subsection (1) does not apply to any vessel which is ashore.

(4) Such a notice may require the recipient to disclose—
   (a) the name, address, telephone number and email address of the owner of the vessel;
   (b) details of any person other than the recipient of the notice who has care or charge of the vessel;
   (c) information as to whether the owner of the vessel pays rent to the recipient of the notice, or whether it is moored free of charge;
   (d) information as to whether any person other than the recipient of the notice has planning permission to allow the vessel to be moored;
   (e) information as to whether the recipient of the notice holds keys for the vessel;
   (f) information reasonably required to enable the Authority to determine whether the mooring of the vessel constitutes a trespass on the land where it is moored;
   (g) details of the type of fuel used on the vessel, and of its engine;
   (h) information as to the use made of the vessel.

Commencement
Pt 2 s. 23(1)-(4)(h): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 23-(4)(h): England
(b) any land in the vicinity of the navigation area, or of any adjacent waters, being land which affords access to any vessel in the navigation area or on adjacent waters; for the purpose of determining whether, and if so in what manner, any of the powers referred to in subsection (2) should be exercised, or of exercising any of those powers.

(2) Subsection (1) applies to the powers of—
   (a) section 17 (entry on and inspection of vessels);
   (b) section 19 (powers as to unsafe vessels, etc.);
   (c) section 20 (removal of unsafe vessels, etc.);
   (d) paragraph 12 of Schedule 5 to the 1988 Act
   but does not apply to any vessel which is ashore.

(3) Section 173 of, and Schedule 20 to, the 1991 Act shall apply with all necessary modifications to the powers of entry which are conferred by subsection (1) as though for references to the Agency there were substituted references to the Authority.

(4) Except in an emergency an authorised officer shall not exercise the powers of entry of subsection (1) otherwise than with the consent of the relevant person or under the authority of a warrant issued under Schedule 20 to the 1991 Act as that Schedule has effect in accordance with subsection (3).

(5) In subsection (4) “relevant person” means—
   (a) in the case of land or adjacent waters belonging to or under the control of a recreational club, an officer of that club;
   (b) in the case of land or adjacent waters forming part of a commercial boatyard, the owner of the boatyard; and
   (c) in any other case, the occupier of the land or adjacent waters.

Commencement
Pt 2 s. 24(1)-(5)(c): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 24-(5)(c): England

Water skiing and wake boarding, etc.

Law In Force

25 Coming into force, etc. of provisions as to water skiing and wake boarding
Sections 26 to 32 shall come into force as from the appointed day.
26 Zones for water skiing or wake boarding

(1) The Authority may from time to time by resolution designate any part of the navigation area as a zone where water skiing or wake boarding is to be permitted.

(2) A resolution passed under subsection (1) shall state whether it relates to water skiing or wake boarding, or to both activities.

(3) A resolution passed under subsection (1) may specify conditions subject to which water skiing or wake boarding is permitted in the zone to which the resolution relates, including conditions as to the hours, days and times of year when water skiing or wake boarding is permitted.

(4) The Authority may from time to time by further resolution amend or revoke any resolution passed under subsection (1).

(5) Before passing a resolution under subsection (1) or (4) the Authority—

(a) shall consult the navigation committee, such persons who own or occupy residential property, the amenity of which appears to the Authority likely to be affected by the resolution, Natural England and such organisations as appear to the Authority to represent persons likely to be affected by the resolution; and

(b) shall publish notice of its intention to pass the resolution in a newspaper circulating in the area of the Broads.

(6) The notice referred to in subsection (5) shall—

(a) identify any existing or proposed zone to which the proposed resolution relates;

(b) summarise the effects of the proposed resolution; and

(c) state that representations relating to the proposed resolution may be made in writing to the Authority within such period, expiring not less than 28 days after publication of the notice, as may be specified in the notice.

(7) After considering any representations made in response to the notice referred to in subsection (5) the Authority may if it considers it reasonable to do so pass such a resolution as is mentioned in subsection (1) or (4).

(8) It shall be the duty of the Authority to exhibit and maintain signs in the vicinity of every zone designated under this section denoting the boundaries of the zone.
Commencement
Pt 2 s. 26(1)-(8): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 26-(8): England

27 Permits for water skiing and wake boarding

(1) The Authority may on application by any person issue a permit authorising that person and if the Authority thinks fit such other person or persons as is or are named in the application to engage in water skiing or wake boarding in a zone.

(2) A permit shall state whether it relates to water skiing or wake boarding.

(3) The applicant for a permit shall provide such information as the Authority may reasonably require as to—
   (a) the applicant and (where the permit is sought in respect of the applicant and any other person or persons), the other person or persons;
   (b) the water skis, wake boards, towing vessel and other equipment to be used;
   (c) (where the permit is required in connection with an event), the event;
and such other matters as the Authority may specify.

(4) A permit may authorise the holder to engage in water skiing or wake boarding within one or more zones (which shall be specified in the permit).

(5) A permit—
   (a) shall be valid for such period as may be specified in the permit; and
   (b) may be issued subject to such reasonable conditions as may be so specified.

(6) The conditions subject to which a permit is issued may include conditions—
   (a) requiring the holder to maintain a policy of insurance complying with the requirements of Schedule 3;
   (b) requiring the holder to supply information (including information as to any policy of insurance) on request to the Authority;
   (c) requiring the holder to be a member of an organisation which requires as a condition of membership that members observe adequate standards of safety when engaging in water skiing or wake boarding;
   (d) requiring the holder to observe any conditions specified in a resolution passed under section 26;
   (e) making requirements as to the manner in which the holder may carry out water skiing or wake boarding, including requirements for the avoidance of danger to the holder or other persons or of damage to land or other property;
   (f) making requirements as to the design or nature of the vessel or the equipment to be used in carrying out water skiing or wake boarding;
and such other reasonable conditions, including conditions making requirements as to the holder of the permit and any person (not being the holder) who navigates, or is towed by, any towing vessel, as the Authority thinks fit.

(7) The Authority may charge reasonable fees for the issue of permits.

(8) Without prejudice to the power of the Authority to refuse a permit on any other grounds, the Authority may refuse a permit if the number of permits already in force is equal to or exceeds the maximum number from time to time determined by the Authority for the purposes of this Act.

Commencement
Pt 2 s. 27(1)-(8): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 27-(8): England

Law In Force

28 Directions as to water skiing and wake boarding

(1) The Authority may display signs within or in the vicinity of a zone giving directions to persons engaging in water skiing or wake boarding, or intending to do so.

(2) An authorised officer may also give such directions as are mentioned in subsection (1), and such directions need not be in writing, and may be given by any reasonable means.

(3) A direction under subsection (1) or (2)—

(a) may prohibit water skiing or wake boarding temporarily, on the whole or any part of a zone, by any person other than participants in any event;
(b) may prohibit water skiing or wake boarding temporarily, on the whole or part of any zone, where in the opinion of the Authority or of an authorised officer such a prohibition is necessary in any emergency;
(c) may be given so as to restrict the numbers of persons engaging in water skiing or wake boarding on the whole or any part of a zone where in the reasonable opinion of the Authority or of an authorised officer this is necessary to prevent congestion or in the interests of safety.

Commencement
Pt 2 s. 28(1)-(3)(c): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 28-(3)(c): England
29 Offences as to water skiing and wake boarding
Any person who without reasonable excuse—
(a) engages in water skiing or wake boarding anywhere in the navigation area otherwise than in a zone;
(b) engages in water skiing or wake boarding in a zone otherwise than in accordance with a permit;
(c) contravenes any condition of a resolution passed under section 26, or of a permit;
(d) fails on demand to produce to an authorised officer any permit issued to him by the Authority; or
(e) contravenes any direction given under section 28,
shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement
Pt 2 s. 29(a)-(e): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 29-(e): England

30 Cancellation and amendment of permits
(1) Subsection (2) shall have effect where a person is convicted of an offence under section 29, or under any byelaw relating to water skiing or wake boarding, or is in breach of any other byelaw of the Authority, or where it appears to the Authority that any condition of a permit as to insurance has not been observed.

(2) Where this subsection has effect the Authority may cancel any permit, or amend the conditions of any permit, held by or applicable to any person—
(a) who has been convicted of any such offence; or
(b) in respect of which any condition as to insurance has not been observed.

Commencement
Pt 2 s. 30(1)-(2)(b): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 30-(2)(b): England
31 Appeals

(1) A panel, referred to in this Act as “the water skiing and wake boarding appeals panel”, shall be established and operate in accordance with the provisions of Schedule 2 and of this section.

(2) Any person aggrieved by any decision of the Authority—
   (a) to refuse to issue a permit;
   (b) as to the conditions subject to which a permit shall be issued; or
   (c) to cancel or amend any permit under section 30;
may appeal to the panel.

(3) An appeal under subsection (2) may be brought at any time before the expiration of the period of 28 days beginning with the date upon which notification in writing is given of the decision.

(4) A person desiring to appeal against such decision as is mentioned in subsection (2) shall give a written notice to the Authority specifying the decision against which he wishes to appeal and the grounds upon which such appeal is made.

(5) On an appeal under this section, the panel may take such decision as it thinks fit.

(6) It shall be the duty of the Authority to give effect to the decision of the panel taken under subsection (5).

32 Water skiing and wake boarding: interpretation

(1) In sections 26 to 31 and this section—
   “the holder” means any person authorised by a permit to engage in water skiing or wake boarding;
   “permit” means a permit issued under section 27;
   “towing vessel” means a vessel used or intended to be used for towing a person engaging in water skiing or wake boarding;
   “wake boarding” means the towing by a vessel of a device ridden by a person, being a device designed to travel on the wake created by the vessel;
   “water skiing” does not include wake boarding, the use of a personal water craft, or any similar activity;
   “zone” means a zone designated under section 26.

(2) References in this Act to a person who engages in water skiing or wake boarding include both the person riding on the water skis or wake board and any person acting as master of, or otherwise
concerned in the navigation of, any towing vessel, and “water skiing” and “wake boarding” shall be construed accordingly.

Commencement
Pt 2 s. 32(1)-(2): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 2 s. 32-(2): England

PART 3
MISCELLANEOUS

Law In Force

33 Meaning of “personal water craft”, etc.

(1) For the purposes of this Act, the 1988 Act and of any byelaw made by the Authority under this Act or (whether before or after the passing of this Act) the 1988 Act “personal water craft” means any personal water craft, that is, any water craft (not being a structure which, by reason of its concave shape, provides buoyancy for the carriage of persons or goods) propelled by a jet drive or other mechanical means of propulsion and steered either—

(a) by means of a handlebar operated linkage system (with or without a rudder at the stern); or

(b) by the person or persons riding the craft using his or their body weight for the purpose; or

(c) by a combination of the methods referred to respectively in (a) and (b) above.

(2) The Secretary of State may by order amend the definition set out in subsection (1), and that definition as so amended shall have effect for the purposes of this Act, the 1988 Act and any byelaw such as is referred to in subsection (1).

(3) An order under subsection (2) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement
Pt 3 s. 33(1)-(3): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 3 s. 33-(3): England
34 Meaning of “vessel” in certain byelaws

(1) The byelaws made under the 1988 Act and referred to in subsection (2) shall have effect as though for the definition of “vessel” there were substituted the definition of that expression in section 25 of that Act as amended by section 43(2) of, and paragraph 9(4) of Schedule 7 to, this Act.

(2) Subsection (1) applies to the following byelaws—
   Broads Authority Speed Limit Byelaws 1992;
   Broads Authority Navigation Byelaws 1995;
   Broads Authority Vessel Dimension Byelaws 1995;
   Broads Authority Vessel Registration Byelaws 1997.

Commencement
Pt 3 s. 34(1)-(2): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Pt 3 s. 34-(2): England

35 Breydon Water and Lower Bure

(1) In this section—
   “Breydon Water and the Lower Bure” mean the areas described in Schedule 4 and shown edged in red on the deposited plan; and
   “the deposited plan” means the plan deposited in connection with the Bill for this Act in the office of the Clerk of the Parliaments, the Private Bill Office of the House of Commons and at the principal office of the Authority.

(2) As from the appointed day Breydon Water and the Lower Bure shall form part of the navigation area for all purposes and accordingly—
   (a) the 1988 Act and this Act, and any byelaws made or directions given under the 1988 Act, shall apply to Breydon Water and the Lower Bure as they apply to the navigation area as defined in the 1988 Act;
   (b) the definition of the Haven in section 25 of the 1988 Act shall have effect subject to this section;
   (c) the Great Yarmouth Port Authority Acts and Orders 1866 to 2005 and any byelaws made thereunder shall not apply to Breydon Water and the Lower Bure.

(3) As from the appointed day Breydon Water shall form part of the Norwich navigation for all purposes and accordingly the 1988 Act shall apply to Breydon Water as it applies to the Norwich navigation as defined in that Act.

(4) The Authority shall not fix a day to be the appointed day for the purposes of this section without having obtained the written consent of the Great Yarmouth Port Authority.
(5) In the event of any discrepancy between the boundaries of Breydon Water and the Lower Bure described in Schedule 4, and the boundaries shown on the deposited plan, the description shall prevail.

(6) The Authority and the Great Yarmouth Port Authority may enter into and carry into effect agreements for the purposes of or in connection with the transfer of Breydon Water and the Lower Bure by subsection (2).

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**Commencement**

Pt 3 s. 35(1)-(6): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

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**Extent**

Pt 3 s. 35-(6): England

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**Law In Force**

### 36 Haddiscoe Cut

(1) In this section—

“the Act of 1827” means the Act 7 & 8 Geo. 4 c. xlii intituled “An Act for making and maintaining a Navigable Communication for ships and other vessels between the City of Norwich and the Sea at or near Lowestoft in the County of Suffolk”; and

“Haddiscoe Cut” means the Haddiscoe New Cut authorised by the Act of 1827 from its commencement by a junction with the river Yare to its termination by a junction with the river Waveney.

(2) As from the appointed day—

(a) the following provisions shall cease to have effect—

(i) in the British Transport Commission Act 1958 (c. xliv)—

(aa) subsections (3), (4) and (7) of section 17 (as to Haddiscoe Cut);

(ii) in the 1988 Act—

(aa) subsection (7) of section 8 (the navigation area);

(bb) subsection (2) of section 10 (functions of Authority and others in relation to the navigation area);

(b) subsection (5) of section 8 and subsection (1) of section 10 of the 1988 Act shall apply to Haddiscoe Cut;

(c) the Environment Agency shall cease to discharge any functions in relation to Haddiscoe Cut under the provisions of the said Act of 1958 referred to in paragraph (a).

(3) The Authority and the Environment Agency may enter into and carry into effect agreements for the purposes of or in connection with subsection (2).
37 Agreements with others

(1) The Authority may enter into agreements with any other person for the purpose of—
   (a) facilitating the administration of any provision of the relevant enactments for the regulation of vessels in the navigation area or on adjacent waters; and
   (b) integrating such administration with the administration by that person of any powers and controls exercised by that person or other arrangements made by it for the regulation of vessels.

(2) In particular, any agreement made under subsection (1) may provide—
   (a) for treating registration or other certificates issued by one of the parties to the agreement as certificates issued by the other;
   (b) for treating distinguishing marks or numbers assigned to vessels registered or certified by one party to the agreement as having been assigned to that vessel by the other; and
   (c) for apportioning any registration fees or other charges between the parties to the agreement.

(3) To the extent provided by any agreement made under subsection (1), any certificate issued by a party to such an agreement shall be deemed for the purposes of the relevant enactments to have been issued by the Authority, and any mark, number or other distinguishing sign displayed on a vessel in accordance with the requirements of a person who is a party to such an agreement shall be treated as complying with the requirements of the relevant enactments.

(4) In this section, “the relevant enactments” means this Act, the 1988 Act and any byelaw of the Authority.
38 Provision of information

(1) This section applies to information which is held by or on behalf of the Authority (including information obtained by or on behalf of the Authority before the coming into force of this section) for the purposes of the following provisions of this Act—
   sections 11 to 15 (provisions as to safety of vessels, etc.);
   sections 17 to 24 (other provisions as to vessels);
   sections 25 to 32 (provisions as to water skiing and wake boarding, etc.);
   section 40 (application of requirements of Public Health Acts Amendment Act 1907), and
   the provisions thereby applied to the Authority.

(2) Information to which this section applies may be supplied to a responsible authority for the purposes of facilitating the exercise of any functions of the Authority or of the responsible authority under any enactment.

(3) Information to which this section applies may be supplied to any person who can show to the satisfaction of the Authority that he has a reasonable cause for wanting the particulars to be made available to him, but nothing in this subsection authorises any disclosure of information which contravenes the data protection legislation.

(4) Information obtained by virtue of this section must not be further disclosed except to a responsible authority for the purposes mentioned in subsections (2) and (3).

(5) In this section “responsible authority” means any of the following—
   (a) the chief officer of police for any police area in which the navigation area or any adjacent waters are situated;
   (b) the fire and rescue authority for any area in which the navigation area or any adjacent waters are situated;
   (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc. Act 1974 (c. 37) for any area in which the navigation area or any adjacent waters are situated;
   (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 (c. 8) for any area in which the navigation area or any adjacent waters are situated;
   (e) the local authority by which statutory functions are exercisable in any area in which the navigation area or any adjacent waters are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
   (f) in relation to a vessel—
      (i) the Secretary of State;
      (ii) the Environment Agency;
      (iii) a harbour authority or a navigation authority; and
      (iv) the British Waterways Board.

(6) "the data protection legislation" has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act);
“statutory function” means a function conferred by or under any enactment.
39 Removal of vegetation, etc.

(1) Where it appears to the Authority that any part (including the roots) of a hedge, tree or shrub—
   (a) overhangs or projects into, over or beneath the waters of the navigation area so as to endanger or cause significant obstruction to the passage of vessels, or
   (b) is dead, diseased, damaged or insecurely rooted, and that by reason of its condition it, or part of it, is likely to cause danger by falling on the waters of the navigation area, the Authority may, subject to subsection (3), lop or cut it so as to remove the cause of the danger or obstruction unless the owner or occupier removes the cause of the danger or obstruction within the period of the notice referred to in subsection (3).

(2) The Authority may enter the land where the hedge, tree or shrub is situated if it is not reasonably practicable to lop or cut it so as to remove the cause of the danger or obstruction without such entry.

(3) Except in an emergency the Authority shall give not less than 14 days notice either to the owner of the hedge, tree or shrub or to the occupier of the land on which it is situated of its intention to exercise the powers of this section.

(4) The notice referred to in subsection (3) shall specify the works which the owner or occupier must carry out in order—
   (a) to remove the cause of the danger or obstruction; and
   (b) ensure that the Authority does not exercise its powers under subsection (1), and if all of those works are carried out within the notice period the Authority shall not exercise those powers.

(5) The sections of the Public Health Act 1936 (c. 49) mentioned in Schedule 5 to this Act (other than so much of those sections as authorises a local authority to require the person served with a
notice to carry out works) shall have effect as if references in those sections to that Act included references to this section and as if the Authority were a local authority.

**Commencement**

Pt 3 s. 39(1)-(5): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

**Extent**

Pt 3 s. 39-(5): England

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40 **Application of requirements of Public Health Acts Amendment Act 1907**

(1) For the purposes of this section a relevant vessel is any vessel which is a pleasure boat or pleasure vessel for the purposes of section 94 of the 1907 Act.

(2) As from the appointed day section 94 of the 1907 Act shall apply in respect of a relevant vessel in the navigation area or on adjacent waters as though there were substituted for the expression “the local authority” the expression “the Broads Authority”.

**Commencement**

Pt 3 s. 40(1)-(2): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

**Extent**

Pt 3 s. 40-(2): England

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41 **For protection of Network Rail**

(1) For the protection of Network Rail the following provisions shall, unless otherwise agreed in writing between the Authority and Network Rail, apply and have effect.

(2) In this section “Network Rail” means Network Rail Infrastructure Limited and any associated company of Network Rail Infrastructure Limited which holds property for railway purposes, and for the purpose of this definition “associated company” means any company which is (within the meaning of section 736 of the Companies Act 1985 (c. 6)) the holding company of Network Rail.

(3) No general or special direction shall be given so as unreasonably to prevent or delay Network Rail from using any vessel in any emergency for the purpose of inspecting, maintaining, repairing or renewing any lands, works or apparatus forming part of any operational railway of Network Rail; and any question arising under this subsection shall be determined with regard to the need to ensure the safety of members of the public.

(4) Nothing in section 24 (entry on land) or section 39 (removal of vegetation, etc.) shall authorise the Authority to enter on any operational railway of Network Rail otherwise than with the consent
in writing of Network Rail and in accordance with any reasonable conditions subject to which the consent is given.

(5) Paragraph 21(9) of Schedule 5 to the 1988 Act shall apply to any dispute between the Authority and Network Rail arising under this section.

### Commencement

Pt 3 s. 41(1)-(5): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

### Extent

Pt 3 s. 41-(5): England

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#### Law In Force

**42 Protection of Crown interests**

(1) Nothing in this Act affects prejudicially any estate, interest, right, power, privilege, authority or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing in this Act shall authorise any person to take, use, enter upon or in any manner interfere with, any land or hereditaments or any rights of whatsoever description (including any portion of the shore or bed of the sea or of any river, channel, creek, bay or estuary)—

(a) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners, without the consent in writing of those Commissioners; or

(b) belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, without the consent in writing of that government department.

(2) A consent under subsection (1) may be given unconditionally, or subject to such conditions and upon such terms as may be considered necessary or appropriate.

### Commencement

Pt 3 s. 42(1)-(2): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

### Extent

Pt 3 s. 42-(2): England

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#### Law In Force

**43 Transitional provisions, amendments, repeals and revocations**

(1) Schedule 6 contains transitional provisions.

(2) Schedule 7 contains amendments to the 1988 Act.

(3) The enactments referred to in Schedule 8, Part 1 shall be repealed on the coming into force of this Act.
(4) The enactments referred to in Schedule 8, Part 2 shall be repealed as from the appointed day.

(5) The byelaws referred to in Schedule 8, Part 3 shall be revoked on the relevant date determined in accordance with paragraph 7 of Schedule 6.

Commencement

Pt 3 s. 43(1)-(5): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent

Pt 3 s. 43-(5): England

SCHEDULE 1

PROCEDURES AS TO GENERAL DIRECTIONS

Section 5

1

In this Schedule “the statutory consultees” means—
   (a) Associated British Ports;
   (b) the Great Yarmouth Port Authority;
   (c) the navigation committee;
   (d) the British Marine Federation, the Inland Waterways Association and the Royal Yachting Association; and
   (e) such other bodies (if any) appearing to the Authority to represent boating interests as the Authority considers appropriate.

Commencement

Sch. 1 para. 1(a)-(e): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent

Sch. 1 para. 1-(e): England

2

The Authority from time to time following consultation with the statutory consultees shall appoint a suitable person to act as the independent person for the purposes of this Schedule, and references in this Schedule to the independent person are references to the person so appointed.
Commencement
Sch. 1 para. 2: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 1 para. 2: England

3
The Authority shall consult the statutory consultees upon any proposal to give, amend or revoke a general direction and except in a case of emergency shall do so before giving notice of the proposal under paragraph 4.

Commencement
Sch. 1 para. 3: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 1 para. 3: England

Law In Force
4
Not less than 42 days before giving, amending or revoking a general direction or in a case of emergency as soon as is reasonably practicable the Authority shall—

(a) publish notice of its intention to do so once in a newspaper circulating in the area of the Broads and on the Authority’s website; and
(b) give notice of its intention to do so to the statutory consultees.

Commencement
Sch. 1 para. 4(a)-(b): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 1 para. 4-(b): England

Law In Force
5
Any notice published under paragraph 4—

(a) shall state a place where copies of the direction and any proposed amendment to it may be obtained and a place at which such copies may be inspected;
(b) shall state that representations may be made to the Authority in writing during the said period of 42 days or such longer period as may be specified in the notice; and except in a case of emergency the Authority shall not give, amend or revoke the direction until it has considered all such representations as are made during the period stated in the notice.

Commencement
Sch. 1 para. 5(a)-(b): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 1 para. 5-(b): England

Law In Force

6
In addition to the requirements of paragraph 4, notice of the giving of a general direction or of the amendment or revocation of a general direction may be given in any manner considered by the Authority to be appropriate.

Commencement
Sch. 1 para. 6: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 1 para. 6: England

Law In Force

7
If any of the statutory consultees within the period allowed for in accordance with paragraph 5(b) objects to the giving, revoking or amending of a general direction the Authority shall refer the matter to the independent person.

Commencement
Sch. 1 para. 7: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 1 para. 7: England
8
As soon as reasonably practicable after an objection is referred to the independent person under paragraph 7 the independent person shall invite the Authority and statutory consultee by which the objection was made to put their case by way of written representations.

Commencement
Sch. 1 para. 8: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 1 para. 8: England

9
Following receipt of any representations made under paragraph 8 the independent person shall as soon as reasonably practicable provide the Authority and the statutory consultee by which the objection has been made with a report containing his conclusions on the direction and on the objection.

Commencement
Sch. 1 para. 9: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 1 para. 9: England

10
Except in an emergency the Authority shall consider the report of the independent person provided under paragraph 9 before giving, revoking or amending any general direction.

Commencement
Sch. 1 para. 10: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 1 para. 10: England
SCHEDULE 2

PROVISIONS AS TO APPEALS PANELS

Sections 13 and 31

1
In this Schedule “the panel” means the standards appeals panel or the water skiing and wake boarding appeals panel, as the case may require.

Commencement
Sch. 2 para. 1: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 2 para. 1: England

2
The standards appeals panel shall consist of not less than 1 person appointed by the Authority and 2 persons appointed by such bodies as appear to the Authority to represent boating interests, the appointments in each case to be made at the Authority's expense and from amongst persons having knowledge or experience of the standards.

Commencement
Sch. 2 para. 2: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 2 para. 2: England

3
The water skiing and wake boarding appeals panel shall consist of—
(a) 1 person appointed by the standards committee established by the Authority under section 53 of the Local Government Act 2000 (c. 22) (“the standards committee”) from amongst the members of that committee who are not members or officers of the Authority or of any other relevant authority such as is referred to in section 49(6) of that Act;
(b) 2 persons appointed by a body appearing to the Authority to represent water skiing and wake boarding interests nationally;
(c) 2 further persons (not being members or officers of the Authority) appointed by the standards committee.

**Commencement**

Sch. 2 para. 3(a)-(c): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

**Extent**

Sch. 2 para. 3-(c): England

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4 The Authority shall refer any application duly made under section 13 or section 31 to the panel and provide the panel with reasonable facilities to determine the question which is the subject of the application.

**Commencement**

Sch. 2 para. 4: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

**Extent**

Sch. 2 para. 4: England

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5 Subject to the other provisions of this Schedule, the panel shall determine its own procedure (including the quorum for any meeting).

**Commencement**

Sch. 2 para. 5: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

**Extent**

Sch. 2 para. 5: England

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6 A determination by the panel in relation to any question referred to it shall be final.
7
The reasonable costs incurred in convening the panel in relation to any question referred to it, including the reasonable costs of the Authority in providing facilities to it, shall be paid by such party as the panel may direct.

8
The panel may cause the amount of the costs so incurred by it to be certified and any amount so certified and directed by it to be paid by a person may be recovered from that person by or on behalf of the panel summarily as a civil debt.

9
The panel may make orders as to the costs of the parties in relation to any question referred to it and as to the parties by whom the costs are to be paid.
SCHEDULE 3

REQUIREMENTS AS TO INSURANCE POLICIES

Sections 14(2) and 27(6)(a)

1
A policy required under section 14(2) shall insure the owner of the vessel and such other person, persons or classes of persons (if any) as is or as are authorised by the owner to have control of the vessel, in respect of any liability (other than a liability specified in paragraph 4) which may be incurred by the owner, or any such other person, resulting from the presence of the vessel in the navigation area or on adjacent waters, in respect of death of, or bodily injury to, any person or any damage to property.
2
A policy required under section 27(6)(a) shall insure the holder of the policy in respect of any liability (other than a liability specified in paragraph 4) which may be incurred by the holder in respect of the death of, or bodily injury to, any other person or any damage to property, resulting from the carrying out by the holder of water skiing or wake boarding.

Commencement
Sch. 3 para. 2: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 3 para. 2: England

3
A policy required under section 14(2) or section 27(6)(a) shall be issued by an insurer authorised under the Financial Services and Markets Act 2000 (c. 8) to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member state of the [European Union] ¹.

Notes
¹ Words substituted by Treaty of Lisbon (Changes in Terminology) Order 2011/1043 Pt 2 art.4(1) (June 1, 2012: substitution comes into force on April 22, 2011 but cannot take effect until the commencement of 2009 c.i Sch.3 para.3 on June 1, 2012)

Commencement
Sch. 3 para. 3: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 3 para. 3: England

4
A policy shall not by virtue of this Schedule be required—
(a) to cover liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment;
(b) in the case of a policy required under section 14(2), to cover liability in respect of—
   (i) damage to the vessel to which the policy relates;
   (ii) goods carried on or in the vessel to which the policy relates, or any vessel drawn or propelled by such vessel;
(c) in the case of a policy required under section 27(6)(a), to cover liability in respect of
damage to any water skis, wake board or other equipment used in connection with water
skiing or wake boarding;
(d) to cover any liability of a person in respect of damage to property in his custody or
under his control;
(e) to cover any contractual liability; or
(f) to provide cover in respect of any one accident for a sum in excess of such sum as may
for the time being be prescribed by the Authority for the purposes of this paragraph.

Commencement
Sch. 3 para. 4(a)-(f): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 3 para. 4-(f): England

SCHEDULE 4
BREYDON WATER AND THE LOWER BURE

Section 35

Law In Force

The area known as Breydon Water and the Lower Bure as enclosed by notional lines drawn—
(a) across the river Bure, between grid references TG 5190 1009 and TG 5193 1012;
(b) across the upstream river Yare, between grid references TG 4700 0511 and TG 4696 0520;
(c) across the river Waveney, between grid references TG 4722 0379 and TG 4725 0375;
(d) across the downstream river Yare between grid references TG 5187 0781 and TG 5196 0786;
and on its landward sides by the level of mean high water springs within the area so enclosed.

Commencement
Sch. 4 para. 1(a)-(d): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 4 para. 1-(d): England
SCHEDULE 5
SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED BY SECTION 39(5)

Section 39(5)

Law In Force

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Commencement
Sch. 5 para. 1: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 5 para. 1: England

SCHEDULE 6
TRANSITIONAL PROVISIONS

Section 43(1)

PART 1
GENERAL PROVISIONS

Law In Force

1
In this Part of this Schedule—
“the appointed day” means the appointed day referred to in paragraph 5, 7 or 14, as the case may be;
“the existing enactments” means—
(a) the 2006 byelaws;
(b) the Broads Authority Speed Limit Byelaws 1992; and
(c) section 94 of the 1907 Act.

Commencement
Sch. 6(1) para. 1 definition of "the appointed day"- definition of "the existing enactments" (c): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 6(1) para. 1- definition of "the existing enactments" (c): England

2
The repeal, revocation or amendment, as the case may be, by this Act of the existing enactments shall not affect the liability of any person for any offence under any provision of the existing enactments committed before the appointed day.

Commencement
Sch. 6(1) para. 2: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 6(1) para. 2: England

3
Any proceedings under the existing enactments (including proceedings for an offence such as is referred to in paragraph 2) may be continued notwithstanding the repeal, revocation or amendment of the existing enactments.

Commencement
Sch. 6(1) para. 3: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 6(1) para. 3: England
4
Any application, approval, certificate, consent, document, exemption, notice or warrant made, submitted, given, granted or issued under any provision of the existing enactments shall continue to have effect after the appointed day as though it had been made, submitted, given, granted or issued under the corresponding provision of this Act until it expires or is revoked or otherwise ceases to have effect in accordance with this Act.

Commencement
Sch. 6(1) para. 4: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 6(1) para. 4: England

PART 2
BOAT SAFETY STANDARDS

5
In this Part of this Schedule—
“the appointed day” means the appointed day fixed for the purposes of section 12 (construction and equipment standards) of this Act;
“boat standards” means the boat safety standards set out in the 2006 byelaws.

Commencement
Sch. 6(2) para. 5 definition of "the appointed day"- definition of "boat standards": June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 6(2) para. 5- definition of "boat standards": England

6
(a) As from the appointed day the boat standards shall have effect as though they were standards and specifications imposed under section 12; and shall continue to apply to the categories of vessel to which they applied before the appointed day; and shall apply to vessels of those categories on adjacent waters as well as in the navigation area.
(b) The 2006 byelaws shall be revoked on the appointed day.
Commencement
Sch. 6(2) para. 6(a)-(b): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 6(2) para. 6-(b): England

PART 3
WATER SKIING AND WAKE BOARDING

7
In this Part of this Schedule—
“the appointed day” means the appointed day fixed for the purposes of sections 26 to 32 of this Act;
“the 1992 byelaws” means the Broads Authority Speed Limit Byelaws 1992;
“the relevant date” means a date 6 months after the appointed day;
“the specified waters” means the stretches of water specified in Schedule 2 to the 1992 byelaws;
“the transitional period” means the period commencing on the appointed day and ending on the relevant date;
“water ski permit” means a water ski permit issued by the Authority under byelaw 9 of the 1992 byelaws.

Commencement
Sch. 6(3) para. 7 definition of "the appointed day"- definition of "water ski permit": June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 6(3) para. 7- definition of "water ski permit": England

8
During the transitional period—
(a) the specified waters shall be deemed to have been designated as zones under section 26; and
(b) any water ski permit issued by the Authority shall be deemed to be a permit issued under section 27.
During the transitional period the Authority shall not be required to exhibit and maintain any signs such as are referred to in section 26(8) in the vicinity of the specified waters.

Notwithstanding anything in the 1992 byelaws, or any condition of any water ski permit, every person who immediately before the appointed day held a water ski permit shall be entitled to engage in water skiing until the relevant date in accordance with the permit on the specified waters.

Paragraph 10 shall have effect subject to—
   (a) any resolution passed under section 26(1) or (4); and
   (b) any direction given under section 28; and
(c) the right of the Authority under section 30 to cancel or amend the permit in the circumstances referred to in section 30(1).

Commencement

Sch. 6(3) para. 11(a)-(c): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent

Sch. 6(3) para. 11-(c): England

Law In Force

12

Without prejudice to the generality of paragraph 11 the Authority may during the transitional period by resolution passed under section 26 vary the times specified in Schedule 2 to the 1992 byelaws during which water skiing is permitted.

Commencement

Sch. 6(3) para. 12: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent

Sch. 6(3) para. 12: England

Law In Force

13

On the relevant date the following provisions of the 1992 byelaws shall be revoked—
paragraph 2(a) of byelaw 5 (application of speed limits);
byelaw 6 (water skiing);
byelaw 9 (water ski permit);
in byelaw 11 (log books), paragraph b, the words “any light sports vessel is used in accordance with byelaw 6 or” in paragraph c, and paragraph d;
in byelaw 12 (wash) the words “any light sports vessel in accordance with Byelaw 6 or”; Schedule 2 (water skiing-light sports vessels).

Commencement

Sch. 6(3) para. 13: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent

Sch. 6(3) para. 13: England
PART 4

PLEASURE BOAT LICENCES

Law In Force

14
In this Part of this Schedule—
“the appointed day” means the appointed day fixed for the purposes of section 40 (application of requirements of 1907 Act) of this Act;
“licence” means a licence granted under section 94 of the 1907 Act;
“local authority” means any local authority from which functions are transferred to the Authority under section 40.

Commencement
Sch. 6(4) para. 14 definition of “the appointed day”- definition of “local authority”: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 6(4) para. 14- definition of ”local authority”: England

Law In Force

15
Any licence granted by a local authority and in force on the appointed day shall be deemed to have been granted by the Authority.

Commencement
Sch. 6(4) para. 15: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 6(4) para. 15: England

Law In Force

16
Anything done or commenced before the appointed day by or against, or in relation to, a local authority under section 94 of the 1907 Act may be continued after the appointed day by or against, or in relation to, the Authority under section 94, as it has effect in accordance with section 40 of this Act, and paragraphs 3 and 4 of this Schedule, instead of the local authority.
SCHEDULE 7

AMENDMENTS TO THE NORFOLK AND SUFFOLK BROADS ACT 1988

Section 43(2)

1
Amend section 1 (the Broads Authority) as follows—

(1) For subsection (5) substitute—

“(5) The members appointed under subsection (3)(b) shall include persons appointed by the Secretary of State after consultation with such bodies appearing to him to represent the following interests, that is to say—

(a) boating;
(b) conservation;
(c) farming and landowning;
(d) land based recreation

as he considers appropriate, and in making such appointments the Secretary of State shall have regard to the desirability of maintaining an overall balance under this subsection (5) between those interests.”.

(2) Omit subsection (6).

Commencement
Sch. 7 para. 1(1)-(2): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 7 para. 1-(2): England
Amend section 4 (conservation of areas of natural beauty) as follows—
In subsections (4) and (5), for “The Agency” substitute “Natural England”.

Commencement
Sch. 7 para. 2: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 7 para. 2: England

Amend section 8 (the navigation area) with effect from the appointed day fixed for the purposes of section 35 of this Act as follows—
(1) In subsection (1), after paragraph (c) insert

“and
(d) Breydon Water and the Lower Bure”.

(2) Omit subsection (7).

Commencement
Sch. 7 para. 3(1)-(2): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 7 para. 3-(2): England

Amend section 9 as follows—
(1) For subsection (6) substitute—

“(6) In addition to consulting the Navigation Committee in accordance with requirements imposed by other provisions of this Act, the Authority shall—

(a) consult the Navigation Committee—

(i) before delegating any function of the Authority in relation to the navigation area to any person;
(ii) before appointing any member of the Navigation Committee under this section;
(iii) before proposing, determining or bringing into force any new policy, plan, strategy or procedure or any change to an existing policy, plan, strategy or procedure which may significantly affect the use or enjoyment of the whole or any part of the navigation area;

(iv) before determining any application for planning permission which may significantly affect the use or enjoyment of the whole or any part of the navigation area and which materially conflicts with any policy, plan, strategy or procedure of the Authority;

(v) on the preparation of the annual budget, including in particular any income or expenditure attributable to the navigation area;

(vi) (except in case of urgency) before incurring expenditure which may have a significant effect on the use or enjoyment of the whole or any part of the navigation area and which has not been specifically provided for in the annual budget approved by the Authority;

(vii) before applying for any amendment of or alteration to the Navigation Committee's constitution as set out in this section or the Authority's constitution as set out in section 1 of this Act or any change to the functions of the Authority in relation to the navigation area as set out in Part II of and Schedule 5 to this Act and under Parts 2 and 3 of the 2009 Act; and

(b) report to the Navigation Committee upon the exercise of powers in relation to the navigation area by the Authority or any officer of the Authority since the last meeting of the Navigation Committee.”.

(2) Omit subsection (8).

(3) For subsection (9) substitute—

“(9) In exercising its functions the Authority shall have regard to any representations made to it by the Navigation Committee on matters relating to the navigation area and, where the Authority resolves not to adopt any recommendations made to it by the Navigation Committee, it shall provide full reasons for doing so.”.

Commencement

Sch. 7 para. 4(1)-(3): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent

Sch. 7 para. 4-(3): England
“(2A) The Authority may carry out works and do other things in relation to any adjacent waters in or over which it has sufficient rights or interest for the improvement of navigation on those waters.”.

(2) For subsection (7) substitute—

“(7) The Authority shall appoint a person to be known as the navigation officer and may appoint a person to act as deputy to the navigation officer.”.

(3) Omit subsections (8) and (9).

(4) For subsection (10) substitute—

“(10) The person appointed as the navigation officer shall be an officer of the Authority.”.

(5) Omit subsections (11) and (12).

(6) For subsection (13) substitute—

“(13) The navigation officer and any deputy appointed under subsection (7) above shall be a warden for the purposes of section 6 of this Act.”.

(7) Omit subsections (14), (15) and (17)(c).

Commencement
Sch. 7 para. 5(1)-(7): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. 1 Pt 1 s. 3)

Extent
Sch. 7 para. 5-(7): England

Law In Force

6

For subsection (13) of section 11 (licences required for construction of works) substitute—

“(13) Before determining any application for a works licence the granting of which would significantly affect the use or enjoyment of the whole or any part of the navigation area, the Authority shall consult the Navigation Committee.”.

Commencement
Sch. 7 para. 6: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. 1 Pt 1 s. 3)

Extent
Sch. 7 para. 6: England
7
Amend section 13 (navigation charges) as follows—
(1) Omit subsections (1) and (2) and insert—
“(1) The Authority may determine and recover tolls in respect of vessels moored, used or navigated on adjacent waters as well as in the navigation area.”.
(2) For subsection (3) substitute—
“(3) The Authority shall consult the Navigation Committee before determining the level of any tolls or other charges to be imposed in respect of the navigation area or adjacent waters.”.

Commencement
Sch. 7 para. 7(1)-(2): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 7 para. 7-(2): England

8
Amend section 17 (accounts and auditing) on the appointed day as follows—
(1) For subsection (2) substitute the following—
“(2) The Authority shall keep proper records of its finances.”.
(2) Omit subsections (3) and (4).
(3) For subsections (5) to (9) substitute—
“(5) The Authority shall prepare a report as soon as reasonably possible after the end of each financial year describing the navigation income received by it and the navigation expenditure incurred by it in that year.
(6) It shall be the duty of the Authority to secure that taking one financial year with another navigation expenditure is equal to navigation income.
(7) Monies held in the navigation revenue account immediately before the appointed day fixed for the purposes of paragraph 8 of Schedule 7 to the 2009 Act (together with any interest properly attributable to those monies) shall as from that day only be applied as navigation expenditure.
(8) In this section—
“the navigation revenue account” means the navigation account kept in accordance with this section as originally enacted; 
“navigation expenditure” means—
(a) the expenditure which the Authority incurs in respect of its functions under Part II of this Act and under the 2009 Act;
(b) expenditure incurred in respect of the provision of moorings; and
(c) expenditure incurred in relation to adjacent waters under section 10(2A) of this Act,
but for the purposes of this section expenditure incurred wholly or mainly in connection with conserving the natural beauty, wildlife or cultural heritage of any area, including expenditure on dredging wholly or mainly for conserving those things, shall not be classified as navigation expenditure unless in the case of expenditure incurred wholly or mainly in connection with conserving the cultural heritage of any area it is incurred for the purpose of maintaining, improving, facilitating or promoting the public right of navigation;
“navigation income” means—
(a) the charges which the Authority makes in the discharge of its functions under Part II of this Act and the 2009 Act;
(b) the charges which the Authority makes under section 26 of the Harbours Act 1964 (including tolls in respect of adjacent waters);
(c) any other income attributable to the functions of the Authority under the above provisions, or accruing to it in respect of moorings;
(d) any interest properly attributable to navigation income;
(e) any grant made to the Authority specifically for purposes for which navigation expenditure can be incurred.

(9) For the avoidance of doubt expenditure incurred and income received in respect of Mutford Lock shall be regarded as navigation expenditure and navigation income respectively.

(10) The Authority may apply navigation income for the purposes of carrying out to adjacent waters works of maintenance or improvement which are intended to facilitate the use of those waters for the purposes of navigation by persons other than the occupier of, or the owner of any interest in, the land upon which the waters are situated.

(11) For the purposes of subsection (10) above members of a club or other association which occupies land upon which adjacent waters are situated shall be deemed not to be occupiers of the land.”.

### Commencement
Sch. 7 para. 8(1)-(3): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

### Extent
Sch. 7 para. 8-(3): England

✔️ Law In Force

9
Amend section 25(1) (interpretation) as follows—
(1) Insert at the appropriate places—

““the 2009 Act” means the Broads Authority Act 2009;”
““adjacent waters” has the meaning given by section 2(2) of the 2009 Act;”
““Breydon Water and the Lower Bure” means the areas described in Schedule 4 to the 2009 Act and shown edged red on the deposited plan referred to in section 35(1) of that Act;”
““the navigation officer” has the meaning given by section 10(7);”
““toll” means a charge levied by the Authority under section 26 of the Harbours Act 1964 (and includes any charge made in the discharge of the Authority's functions under Part II of this Act and any charge levied in respect of a vessel moored, used or navigated on any adjacent waters);”.

(2) Omit the entries relating to the Broads Navigation Officer and the Norwich Navigation Officer.

(3) For the definition of “Trinity House” substitute ““Trinity House” means the Corporation of Trinity House of Deptford Strond;”.

(4) For the definition of “vessel” substitute—

““vessel” includes—

(a) every description of craft, including a personal water craft used or capable of being used for transportation by water;
(b) a sailboard;
(c) any raft, pontoon or similar floating or submersible structure capable of being moved under its own power or under tow but does not include any craft or pontoon which is permanently fixed.”.

Commencement

Sch. 7 para. 9(1)-(4): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent

Sch. 7 para. 9-(4): England

Law In Force

10

Omit paragraph 6(b) of Schedule 1.

Commencement

Sch. 7 para. 10: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent

Sch. 7 para. 10: England
Amend Schedule 3, paragraph 33 (code of practice for land drainage works) as follows—

(1) In sub-paragraph (1), omit “shall” and insert “may”.

(2) In sub-paragraph (2), omit “the code of practice” and insert “any code of practice issued under sub-paragraph (1) above”.

Commencement
Sch. 7 para. 11(1)-(2): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 7 para. 11-(2): England

As from the appointed day fixed for the purposes of section 35 amend Schedule 5 as follows—

(1) Substitute for paragraph 1(3) the words—

“1

(3) Subject to sub-paragraph (4) below, the Authority shall provide and maintain buoys, beacons and such other aids to navigation as it thinks necessary within the Norwich navigation and the Lower Bure.”.

(2) Substitute for paragraph 1(4) the words—

“1

(4) The Authority shall not provide, alter, discontinue the use of or remove any buoy, beacon or other aid to navigation for the purposes of the Norwich navigation and the Lower Bure without the written consent of Trinity House.”.

(3) Omit paragraphs 5 and 6.

(4) Substitute for paragraph 10(2)(b)(i) and (ii)—

“(i) for a total of more than six hours in any period of twenty four hours.”.

(5) At end of paragraph 10(2)(b)(iii) insert—

“(iv) without taking all reasonable measures—
(A) to minimise the duration of any restriction or prohibition of the use of the waterway; and
(B) to mitigate any effect of the exercise of the power on the use of the waterway by vessels not involved in the function; or”.
(6) In paragraph 12(1), after “abandoned” insert “or which is unserviceable”.

(7) After paragraph 12(5) insert—

“(5A) The expenses which may be deducted or recovered under sub-paragraph (5) shall include—

(a) all expenses reasonably incurred by the Authority in respect of the raising, removal, storage, disposal or destruction of the vessel;
(b) all administrative and legal costs reasonably incurred by the Authority in the exercise of those powers, or in connection with any legal proceedings brought by the Authority in relation to the vessel”.

(8) Omit paragraph 17.

(9) Omit paragraph 18.

(10) In paragraph 19(1), omit the word “Norwich” in the first place where it occurs.

Commencement
Sch. 7 para. 12(1)-(10): June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

Extent
Sch. 7 para. 12-(10): England

SCHEDULE 8
ENACTMENTS REPEALED OR REVOKED

Section 43(3)

PART 1
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**Commencement**

Sch. 8(2) para. 1: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

**Extent**

Sch. 8(2) para. 1: England

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**PART 3**

**REVOCATIONS**
**Law In Force**

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**Commencement**

Sch. 8(3) para. 1: June 1, 2012 as specified on page 8686 of the London Gazette dated May 3, 2012 (2009 c. i Pt 1 s. 3)

**Extent**

Sch. 8(3) para. 1: England
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2010 No. 699

TRANSPORT AND WORKS, ENGLAND

CANALS AND INLAND WATERWAYS, ENGLAND

The Environment Agency (Inland Waterways) Order 2010

Made 4th March 2010

Coming into force 6th April 2010

An application has been made to the Secretary of State in accordance with the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2000¹ (“the Rules”) made under sections 6, 6A, 7(3)(b) and (c) and (4) and 10 of the Transport and Works Act 1992 (“the Act”) for an Order under sections 3 and 5 of the Act;

The Secretary of State, in accordance with rule 24 of the Rules, has directed that the written representations procedure applied to all objections that had not been withdrawn;

The Secretary of State, in accordance with section 10(2) of the Act, taking into consideration the objections made and not withdrawn and additional representations made during the written representations procedure, has under section 13(1) of the Act determined to make an Order giving effect to the proposals comprised in the application with modifications which in the Secretary of State's opinion do not make any substantial change in the proposals;

The Secretary of State is of the opinion that the primary object of this Order cannot be achieved by means of an order under the Harbours Act 1964;

In accordance with section 14(1) of the Act notice of the Secretary of State's determination was given to the applicant and every person who made an objection and was published in the London Gazette on 5th March 2010;

Accordingly, the Secretary of State, in exercise of the powers conferred by sections 3 and 5 of, and paragraphs 1, 2, 4, 7, 8, 12, 13 and 16 of Schedule 1 to the Act, makes the following Order.

Notes

¹ These Rules were revoked by rule 2 of the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 (S.I. 2006/1466), but continue to apply to the making of this Order by rule 3 of those Rules.

Extent

Preamble: England
1.— Citation and commencement

(1) This Order may be cited as the Environment Agency (Inland Waterways) Order 2010.

(2) This Order comes into force on 6th April 2010.

Comencement
Pt 1 art. 1(1)-(2):  April 6, 2010

Extent
Pt 1 art. 1(1)-(2): England

2. Interpretation
In this Order—
“the Agency” means the Environment Agency;
“commercial vessel” means any vessel that is kept or used for any commercial purpose not being a non-charging vessel, and in this definition “non-charging vessel” means a vessel in respect of which neither the owner nor any operator receives any form of payment from any person for or in connection with any voyage or excursion other than as a contribution to the direct expense of operating the vessel during that voyage or excursion;
“master” in relation to a vessel means the person for the time being (whether lawfully or not) having command or charge of the vessel;
“notice” means notice in writing;
“officer”, except in article 21, means an officer or agent of the Agency duly authorised in writing by the Agency to exercise powers conferred by this Order;
“on” in relation to a vessel on the waterways includes in or upon the waterways, whether or not the vessel is floating;
“unincorporated association” does not include a partnership;
“vessel” includes every description of vessel with or without means of propulsion of any kind and includes anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on, in or by water; and
“waterways” means unless the context otherwise requires any of the waterways described in article 3(2).
3.— Application

(1) The provisions of this Order apply to the waterways.

(2) The waterways are—
   (a) the waterways for which the Agency is the navigation authority pursuant to the Anglian Water Authority Act 1977¹ (Schedule 1 of which is set out, as amended by article 28 of this Order, in Schedule 1 of this Order);
   (b) that part of the River Little Ouse between Brandon Staunch and Brandon Bridge;
   (c) the Great Ouse Flood Relief Channel between the Head sluice lock at Denver and the Tail sluice at Saddlebrow;
   (d) [the Medway navigation, as defined in section 32 of the Southern Water Authority Act 1982²];
   (e) the Thames within the meaning of section 4 of the Thames Conservancy Act 1932³.

Notes
1. As amended by this Order.
2. Words revoked by Environment Agency (Inland Waterways) (Amendment) Order 2013/1888 art.2(2) (August 23, 2013)
3. As amended by the Thames Conservancy Act 1950 (c. i.)section 3.

Commencement
Pt 1 art. 3(1)-(2)(e): April 6, 2010

Extent
Pt 1 art. 3(1)-(2)(e): England

PART 2

REGISTRATION OF VESSELS
4.— Requirement for registration

(1) An owner or master of a vessel must not keep, let for hire or use the vessel on the waterways unless—

(a) the vessel is registered with the Agency under article 5; and
(b) any requirement imposed by the Agency under article 8 when registering the vessel is complied with.

(2) Paragraph (1) does not apply in relation to a vessel if the vessel is exempted from its provisions by the Agency in accordance with paragraph (3).

(3) The Agency may exempt any vessel or class of vessel from the provisions of paragraph (1) if, having regard to all the circumstances, it considers that the application of those requirements is not justified in the interests of the regulation of the waterways.

Commencement
Pt 2 art. 4(1)-(3): April 6, 2010

Extent
Pt 2 art. 4(1)-(3): England

5.— Duty to register

(1) Subject to the requirements of articles 6, 7 and 8, the Agency must register a vessel upon the receipt of an application for its registration.

(2) Registration will ordinarily be for a period of 1 year from such date following the application for registration as the Agency may determine for the registration in question but the Agency may also if it sees fit register any vessel for such shorter period as it may determine.

(3) When registering a vessel, the Agency must—

(a) assign a registration number to the vessel; and
(b) issue a registration certificate for the vessel.

(4) When registering a vessel, the Agency may also—

(a) assign a name or mark to the vessel unless the vessel is also registered under section 8 of the Merchant Shipping Act 1995; and
(b) issue a registration plate for the vessel.

(5) Any name assigned to a vessel on its registration is to be—

(a) the name of the vessel specified in the application for the vessel's registration; or
(b) such alternative name as the applicant may propose and which is acceptable to the Agency if the Agency determines that it is necessary to assign a different name to the vessel in order to avoid any confusion as to the identity of the vessel or the possibility of causing offence to any person.
(6) The Agency may from time to time designate different categories of vessel either by reference to types, classes or sizes of vessel, or by reference to the use or location of vessels or by any combination of such means or other means for the purposes of any of the following requirements—

(a) registration under article 5;
(b) insurance under article 11;
(c) construction and equipment standards under article 12; and
(d) additional requirements for commercial vessels under article 15.

Commencement
Pt 2 art. 5(1)-(6)(d): April 6, 2010

Extent
Pt 2 art. 5(1)-(6)(d): England

Law In Force

6. General requirements for registration
The requirements for registration of a vessel are—

(a) presentation to the Agency—
   (i) in such manner as it may require of the particulars set out in Schedule 2;
   (ii) of such additional information as the Agency may require respecting the characteristics and location of the vessel; and
(b) payment of the registration charge applicable under any enactment in respect of the registration of the vessel by the Agency.

Commencement
Pt 2 art. 6(a)-(b): April 6, 2010

Extent
Pt 2 art. 6(a)-(b): England

7.— Refusal and revocation of registration
(1) The Agency may refuse to register a vessel if the requirements of article 6 have not been complied with or if the Agency has previously revoked the registration of the vessel under paragraph (3) or (4).

(2) The Agency may refuse to register a vessel if, having regard to the information supplied in accordance with article 6(a), it is not satisfied at the time when it determines the application that—

(a) there is in force a policy of insurance for the vessel which complies with the requirements of Schedule 3 where such a policy is required by article 11; and
(b) the vessel is constructed and equipped in accordance with such specification as may for the time being be prescribed by the Agency for such a vessel under article 12.
(3) Following receipt of any representation concerning a vessel (including any representation from an officer of the Agency), the Agency may refuse to register the vessel and it may revoke an existing registration of a vessel if, in its reasonable opinion and having regard to the representation, it is in the interest of safety.

(4) The Agency may revoke the registration of a vessel if it appears to it that—
   (a) the basis upon which the vessel was registered was or has become incorrect in any material respect; and
   (b) any requirements imposed in respect of the vessel under article 8 have not been complied with.

(5) The Agency must give notice to the owner, and, if different, the person who applied for registration, of a vessel of any refusal or revocation of registration in relation to it and in doing so must give its reasons.

(6) Before refusing or revoking a registration under paragraph (3) or (4) the Agency must provide the owner of the vessel with an opportunity to make oral or written representations.

(7) Subject to paragraph (8), an owner or another person with the owner's consent may complain to a magistrates' court under Part II of the Magistrates' Court Act 1980 against the refusal or revocation of a registration under paragraph (3) or (4) and, if the court decides that such refusal or revocation is unreasonable, the Agency must register the vessel without delay.

(8) The imposition of any requirement for insurance under article 11, or any question concerning the imposition of a standard or specification for a vessel under article 12, may not be the subject of complaint under paragraph (7).

Commencement
Pt 2 art. 7(1)-(8): April 6, 2010

Extent
Pt 2 art. 7(1)-(8): England

8.— Requirements in respect of registered vessels

(1) The Agency may make it a requirement of the registration of a vessel under article 5 that any one or more of the following means of identification is displayed on the vessel in such manner as the Agency may specify in order to allow the vessel to be identified—
   (a) the registration number of the vessel;
   (b) any name or mark assigned to the vessel; and
   (c) any registration certificate and plate issued for the vessel.

(2) The Agency may make it a requirement of the registration of a vessel under article 5 that—
   (a) the use of the vessel on the waterways is limited to the use specified in the category for which it is registered;
   (b) any change in ownership of the vessel is notified to the Agency by the transferor; and
(c) any registration certificate or plate issued in respect of the vessel is surrendered to the Agency at the end of the registration period.

Commencement
Pt 2 art. 8(1)-(2)(c): April 6, 2010

Extent
Pt 2 art. 8(1)-(2)(c): England

Law In Force

9. Liability of owner on transfer of ownership
For the purposes of the requirements of this Order and any other enactment referred to in this Order applicable to the waterways, a person who is the owner of a vessel registered under this Order and who transfers ownership of the vessel is to be deemed to remain the owner of the vessel until that person has given notice to the Agency in writing of the name and address of the person to whom ownership of the vessel has been transferred.

Commencement
Pt 2 art. 9: April 6, 2010

Extent
Pt 2 art. 9: England

Law In Force

10.— Provision of information
(1) This article applies to information which is held by or on behalf of the Agency for the purposes of this Order (including information obtained by or on behalf of the Agency before the coming into force of this article).

(2) Information may be supplied to a responsible authority for the purposes of facilitating the exercise of the Agency's functions under this Order or any functions of that authority.

(3) Information may be supplied to any person who can show to the satisfaction of the Agency or the Secretary of State reasonable cause for wanting the particulars to be made available to that person.

(4) Information obtained by virtue of this article must not be further disclosed except to a responsible authority for the purposes mentioned in paragraphs (2) and (3).

(5) In this article, “responsible authority” means any of the following—
(a) the chief officer of police for any police area in which the waterways are situated;
(b) the fire authority for any area in which the waterways are situated;
(c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974 for any area in which the waterways are situated;
(d) the local planning authority within the meaning given by the Town and Country Planning Act 1990 for any area in which the waterways are situated;
(e) the local authority by which statutory functions are exercisable in any area in which the waterways are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
(f) in relation to a vessel—
   (i) a navigation authority within the meaning of section 221(1) of the Water Resources Act 1991;
   (ii) the [Canal & River Trust]¹; or
   (iii) the Secretary of State.

(6) In this article, “statutory function” means a function conferred by or under any enactment.

Notes
¹ Words substituted by British Waterways Board (Transfer of Functions) Order 2012/1659 art.2(6) (July 2, 2012 subject to transitional provisions and savings specified in SI 2012/1659 arts 5 and 6)

Commencement
Pt 2 art. 10(1)-(6): April 6, 2010

Extent
Pt 2 art. 10(1)-(6): England

PART 3
FURTHER REGULATION OF VESSELS

11.— Insurance

(1) The owner or master of a vessel must not keep, let for hire or use the vessel on the waterways unless there is in force in relation to the vessel a policy of insurance complying with the requirements of Schedule 3.

(2) The requirements of paragraph (1) do not apply in relation to a vessel to the extent that the vessel is exempted by the Agency from those requirements.

(3) The Agency may exempt any unpowered vessel or class of unpowered vessel from the application of paragraph (1) to such extent and upon such terms and conditions as it may determine if, having regard to its assessment of the risk of damage or injury which such insurance would provide cover against, it considers such exemption appropriate.
12.— Construction and equipment standards

(1) The Agency may impose in relation to vessels such reasonable standards and specifications relating to construction and equipment for one or more of the following purposes—
   (a) securing the safety of persons or property;
   (b) the prevention of damage or injury to persons or property; or
   (c) the prevention of noise or pollution.

(2) Different standards and specifications may be imposed by the Agency for the purposes of paragraph (1) in relation to different categories of vessels and in relation to different parts of the waterways.

(3) Any such standard or specification imposed by the Agency may include requirements as to the maintenance, use and operation of appliances, fittings and equipment on a vessel and may extend to anything which is only temporarily installed or used on a vessel.

(4) An owner or master of a vessel to which any standard or specification imposed under paragraph (1) applies must not keep, let for hire or use the vessel on the waterways otherwise than in accordance with that standard or specification.

(5) The requirements of paragraph (1) and (4) do not apply in relation to a vessel to the extent that the vessel is exempted by the Agency from those requirements.

(6) The Agency may exempt any vessel or class of vessel from the requirements of paragraph (1) and (4) to such extent and upon such terms and conditions as it may determine if, having regard to all the circumstances, it considers that the application of those requirements is not justified by reference to the purposes listed in the paragraph.

(7) When exercising power under this article, the Agency must have regard to reasonable standards and specifications imposed by other persons for the purposes specified in paragraph (1) and to the desirability of achieving common standards in relation to the regulation of vessels by different persons.
13.— Standards appeals panel

(1) A panel, referred to in this Order as “the standards appeals panel”, must be established by the Agency and operate in accordance with the provisions of Schedule 4.

(2) The standards appeals panel is to determine—
   
   (a) any question as to whether a vessel to which this article applies complies with a standard or specification imposed under article 12; and
   
   (b) any question as to the reasonableness of a standard or specification prescribed under article 12,

if the question is the subject of an application made in accordance with paragraph (3).

(3) An application to refer a question to the standards appeals panel must be made in writing to the Agency and signed by—

   (a) the owner of the vessel in the case of a question arising under paragraph (2)(a); and
   
   (b) not less than six persons, each of whom is the owner of a vessel to which this article applies in the case of a question arising under paragraph (2)(b).

(4) This article applies to a vessel which is either—

   (a) registered under article 5; or
   
   (b) would be registered under article 5 but for a refusal or revocation of registration on the grounds of a failure to comply with standard or specification under article 12.

Commencement
Pt 3 art. 13(1)-(4)(b): April 6, 2010

Extent
Pt 3 art. 13(1)-(4)(b): England

14.— Inspection of vessels

(1) The owner or master of a vessel on the waterways must provide reasonable facilities for the inspection of the vessel by any person exercising powers of entry pursuant to sections 169 or 172 of the Water Resources Act 1991 for the purpose of ascertaining whether any requirement under or by virtue of this Order is being complied with.

(2) For the purposes of any inspection under this article, the owner or master of the vessel must cause the whole of any installation on the vessel to be made available for inspection.

Commencement
Pt 3 art. 14(1)-(2): April 6, 2010

Extent
Pt 3 art. 14(1)-(2): England
15.— Additional requirements for commercial vessels

(1) The Agency may from time to time determine to impose additional requirements in relation to commercial vessels on the waterways for the purposes of safety or amenity or the proper regulation of navigation.

(2) Without prejudice to the generality of paragraph (1), the requirements which the Agency may determine to impose in relation to commercial vessels include—
   (a) requirements in relation to the number of persons who may be carried;
   (b) requirements in relation to the procedures to be followed when letting vessels for hire; and
   (c) except in relation to a vessel when let for hire without a master and crew, requirements in relation to the number and availability of the crew and the qualifications and competencies of the master and crew of such vessels.

(3) Different requirements may be determined by the Agency for the purposes of paragraph (1) in relation to different categories of commercial vessel and in relation to different parts of the waterways.

(4) An owner or master of a commercial vessel to which any requirements determined under paragraph (1) apply must not keep, let for hire or use the vessel on the waterways otherwise than in accordance with those requirements.

(5) Paragraph (4) does not apply in relation to a vessel to the extent that the vessel is exempted by the Agency from requirements determined under paragraph (1).

(6) The Agency may exempt any vessel or class of vessel from requirements prescribed under paragraph (1) to such extent and upon such terms and conditions as it may determine if, having regard to all the circumstances, it considers that the application of those requirements is not justified in the interests of safety or amenity, or in the interests of the proper regulation of navigation.

(7) When exercising power under this article, the Agency must have regard to additional requirements in relation to commercial vessels imposed by other persons for the purposes specified in paragraph (1) and to the desirability of achieving common standards in relation to the regulation of vessels by different persons.

Commencement
Pt 3 art. 15(1)-(7): April 6, 2010

Extent
Pt 3 art. 15(1)-(7): England
(b) the requirements of paragraph (5) do not apply.

(2) A notice under paragraph (1)(a) must—
(a) identify the vessel in respect of which the notice is served and its approximate location;
(b) state that if the owner fails either to apply for the registration of the vessel or to remove the vessel before the expiry of a period specified in the notice and being not less than 28 days from the date when the notice is first given under paragraph (3)(a), the Agency may relocate or remove the vessel and recover all expenses reasonably incurred in doing so from the owner; and
(c) state that the vessel and its contents, once relocated or removed by the Agency, are liable to vest in and be disposed of by the Agency.

(3) A notice under paragraph (1)(a) must be given—
(a) by fixing a copy of the notice on the vessel or in a conspicuous place in the vicinity of the vessel; and
(b) unless the Agency has made such enquiries as it may determine are reasonable to ascertain the name and address of the owner of the vessel but has been unable to do so, by serving a copy of the notice on the owner of the vessel.

(4) Section 123(1) to (4) of the Environment Act 1995 (service of documents) applies to the service of a notice under paragraph (3)(b) as it applies to the service of notice under that Act.

(5) The Agency must not relocate or remove a vessel under this article if, within the period specified in the notice given for the purposes of paragraph (2)(b) in respect of the vessel, the owner of the vessel—
(a) applies for the registration of the vessel; or
(b) enters into an agreement with the Agency on such terms as the Agency may see fit for the removal of the vessel from the waterways.

(6) The Agency may recover from the owner of any vessel relocated or removed under this article all expenses reasonably incurred by the Agency in respect of the relocation or removal and storage of the vessel or in relocating, removing or storing anything attached to or carried in or on the vessel.

(7) A vessel relocated or removed by the Agency under this article (together with anything attached to or carried in or on the vessel) vests in the Agency 3 months after the date the notice was first given by the Agency under paragraph (3)(a) in respect of the vessel.

(8) If within 24 months of the date the notice was first given under paragraph (3)(a) in respect of a vessel a claim is made to the vessel or to anything attached to or carried in or on the vessel by a person who subsequently proves to the satisfaction of the Agency that the person is its owner, then the Agency must—
(a) if the property is unsold and upon payment of the expenses referred to in paragraph (6), permit that person to retake it and, in the case of a vessel, together with anything attached to or carried in or on the vessel which has not been proved to the Agency's satisfaction to belong to another; or
(b) if it has been sold, pay to that person the amount of the proceeds of such sale after deducting the expenses referred to in paragraph (6) and the costs incurred in selling (including where appropriate valuing) the vessel and, if those proceeds are insufficient to reimburse the Agency those expenses, the deficiency may be recovered from that person by the Agency.

(9) Subject to paragraph (8)(b), the proceeds of the sale of any vessel vested in the Agency under paragraph (7) must be spent by the Agency only in the carrying out of its navigation functions.
In this article “vessel” includes any part of the vessel.

Commencement
Pt 3 art. 16(1)-(10): April 6, 2010

Extent
Pt 3 art. 16(1)-(10): England

17.— Power to require information, etc.

(1) In response to a demand made by an officer who produces, if requested, written evidence of that officer's authority—
   (a) the master of any vessel on the waterways must give the officer particulars of that master's name and address together with such particulars as are available to the master to verify the master's identity, and (if known to the master) the name and address of the owner of the vessel;
   (b) the master of any vessel on the waterways must produce for inspection by the officer any registration certificate or plate issued in respect of the vessel and any exemption granted under this Order and in force for the time being in relation to the vessel;
   (c) the owner or master of any vessel on the waterways must give the officer such information as is available to that person respecting the construction and equipment of the vessel and its compliance with the requirements of article 12;
   (d) the owner or master of any vessel must give the officer such information as is available to that person regarding any policy of insurance in force in relation to the vessel; and
   (e) the owner of any vessel on the waterways must give the officer particulars of the name and address of, or such other particulars as are available to that person to assist the identification of any person who, at any time specified by the officer, was acting as master of the vessel.

(2) Any person who fails to give or produce any information or document required by an officer under paragraph (1) must, if then so required by the officer, give or produce that information or document within 28 days—
   (a) by presenting it in person at an office of the Agency; or
   (b) by serving it by post within that period on such office of the Agency as is specified by the officer making the request.

Commencement
Pt 3 art. 17(1)-(2)(b): April 6, 2010

Extent
Pt 3 art. 17(1)-(2)(b): England
PART 4

PROVISIONS AS TO OFFENCES

18.— Offences

(1) Any person who contravenes or attempts to contravene or knowingly allows a contravention of—

(a) the requirements of article 4(1) (requirement for registration);
(b) the terms of any exemption granted under article 4(3) (requirement for registration), article 11(3) (insurance), article 12(6) (construction and equipment standards) or article 15(6) (additional requirements for commercial vessels);
(c) the requirements of article 11(1) (insurance);
(d) the requirements of article 12(4) (construction and equipment standards);
(e) the requirements of article 14(1) (inspection of vessels); or
(f) the requirements of article 15(4) (additional requirements for commercial vessels),

is guilty of an offence.

(2) Any person who fails, without reasonable cause, proof of which lies on that person, to give or produce any information demanded under article 17 (power to require information, etc.), or in giving or producing it makes any statement which that person knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, is guilty of an offence.

(3) For the purposes of paragraph (2) a person is to be treated as making a false statement if that person produces, furnishes, signs or otherwise makes use of a document that contains a false statement.

(4) A person guilty of an offence under this article is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Commencement
Pt 4 art. 18(1)-(4): April 6, 2010

Extent
Pt 4 art. 18(1)-(4): England

19. Proceedings for offences
Proceedings for an offence under this Order may be instituted only by or with the consent of the Agency.
20.— **Defence of due diligence**

(1) In proceedings for an offence under article 18(1)(d) it is a defence for the person charged to prove that that person charged took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(2) If in any case the defence provided under paragraph (1) involves the allegation that the commission of the offence was due to the act or default of another person, the person charged may not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, the person charged has served on the prosecutor a notice in writing giving such information as was then in that person's possession, identifying, or assisting in the identification of, that other person.

21.— **Offences by bodies corporate etc.**

(1) If an offence committed by a body corporate is shown—

   (a) to have been committed with the consent or connivance of an officer; or
   (b) to be attributable to any neglect on the part of an officer,

the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) If the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to the acts and defaults of a member in connection with that member's functions of management as if the member were a director of the body.

(3) In paragraph (1) “officer”, in relation to a body corporate, means—

   (a) a director, member of the committee of management, chief executive, manager or other similar officer of the body, or a person purporting to act in any such capacity; and
   (b) an individual who is a controller of the body.
(4) If an offence committed by a partnership is shown—
   (a) to have been committed with the consent or connivance of a partner, or
   (b) to be attributable to any neglect on the part of a partner,
the partner as well as the partnership is guilty of the offence and liable to be proceeded against and punished accordingly.

(5) In paragraph (4) “partner” includes a person purporting to act as a partner.

(6) If an offence committed by an unincorporated association is shown—
   (a) to have been committed with the consent or connivance of an officer of the association
       or a member of its governing body; or
   (b) to be attributable to any neglect on the part of such an officer or member,
that officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.

(7) Regulations made under section 187(7) of the Licensing Act 2003 (regulations in respect of
    offences by foreign bodies) are to have effect with necessary modifications in relation to the
    provisions of this article.

(8) In this article “offence” means an offence under this Order.

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**Law In Force**

22.— Jurisdiction and procedure in respect of offences

(1) A fine imposed on a partnership or an unincorporated association on its conviction for an offence
is to be paid out of the funds of the partnership or association.

(2) Proceedings for an offence alleged to have been committed by a partnership or an unincorporated
association must be brought in the name of the partnership or association (and not in that of any of
its members).

(3) Rules of court relating to the service of documents are to have effect as if the partnership or
association were a body corporate.

(4) In proceedings for an offence brought against a partnership or an unincorporated association,
section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980
(procedure) apply as they do in relation to a body corporate.

(5) Proceedings for an offence may be taken—
   (a) against a body corporate, partnership or unincorporated association at any place at which
       it has a place of business; and
   (b) against an individual at any place where that person is for the time being.

(6) Paragraph (5) does not affect any jurisdiction exercisable apart from this article.
(7) In this article “offence” means an offence under this Order.

Commencement
Pt 4 art. 22(1)-(7): April 6, 2010

Extent
Pt 4 art. 22(1)-(7): England

PART 5
MISCELLANEOUS

Law In Force

23. Charging
Without prejudice to any other power available to it, the Agency may demand, take and recover or waive such charges for or in connection with the use of the waterways and for any services or facilities provided by it in connection with the waterways as it thinks fit.

Commencement
Pt 5 art. 23: April 6, 2010

Extent
Pt 5 art. 23: England

Law In Force

24.— Consultation
(1) The Agency must consult with such organisations as appear to the Agency to be representative of users of the waterways in relation to the exercise by it of its functions under this Order.

(2) Matters for consultation pursuant to paragraph (1) include the introduction of or material alteration to—
(a) registration requirements;
(b) insurance requirements;
(c) construction and equipment standards; and
(d) additional requirements for commercial vessels.
25. Publication
The Agency must take such steps as it considers are reasonably necessary to publicise the existence and to disclose the details of—

(a) any exception given by the Agency under article 4(2);
(b) any designation of a category of vessel made by the Agency under article 5(6);
(c) the imposition of any standards and specifications by the Agency under article 12;
(d) the imposition of additional requirements by the Agency in relation to commercial vessels under article 15; and
(e) any agreement entered into by the Agency under article 26.

26. Agreements with others
(1) The Agency may enter into agreements with any other person for the purpose of—
(a) facilitating the administration of provisions for the regulation of vessels on the waterways (including the provisions of this Order); and
(b) integrating such administration with the administration by that person of any powers and controls exercised by that person or other arrangements made by that person for the regulation of vessels.

(2) In particular, any such agreement may provide—
(a) for treating registration or other certificates issued by one of the parties to the agreement as certificates issued by the other;
(b) for treating distinguishing marks or numbers assigned to vessels registered or certified by one party to the agreement as having been assigned to that vessel by the other; and
(c) for apportioning any registration fees or other charges between the parties to the agreement.
(3) To the extent provided by any such agreement, any certificate issued by a party to such an agreement is to be deemed for the purposes of this Order to have been issued by the Agency, and any mark, number or other distinguishing sign displayed on a vessel in accordance with the requirements of a person who is a party to such an agreement is to be treated as complying with the requirements of this Order.

### Commencement

Pt 5 art. 26(1)-(3): April 6, 2010

### Extent

Pt 5 art. 26(1)-(3): England

27. Disapplication of requirements of 1907 Act

A licence under section 94 of the Public Health Acts Amendment Act 1907 is not required—

(a) in respect of a vessel on the waterways if the vessel is subject to requirements as to its construction and equipment which have been imposed under article 12; or

(b) in respect of any person in charge of or navigating that vessel if that person is subject to requirements imposed under article 15.

### Commencement

Pt 5 art. 27(a)-(b): April 6, 2010

### Extent

Pt 5 art. 27(a)-(b): England

28.— Enlargement and re-definition of Anglian recreational waterways

(1) The Anglian Water Authority Act 1977 is modified to extend the waterways for which the Agency is the navigation authority to include—

(a) that part of the River Little Ouse between Brandon Staunch and Brandon Bridge; and

(b) the Great Ouse Flood Relief Channel between the Head sluice lock at Denver and the Tail sluice at Saddlebrow.

(2) In consequence of paragraph (1)—

(a) Breckland District Council is no longer the navigation authority for the part of the River Little Ouse referred to in that paragraph;

(b) the Act of 1670\(^1\) intituled “An Act for making navigable the Rivers commonly called Brandon and Waveney” and the Act of 1810\(^2\) intituled “An Act for amending an Act of the twenty second year of His late Majesty King Charles the Second so far as the same relates to the River Brandon otherwise the Lesser Ouse from the White House near Brandon Ferry to Thetford in Norfolk in the Counties of Norfolk and Suffolk and for improving the
navigation of the said River” cease to have effect in relation to that part of the River Little Ouse; and
(c) for Schedule 1 to the Anglian Water Authority Act 1977 there is substituted the replacement Schedule set out in Schedule 1 to this Order.

Notes
1 1670 c. 16. (Original Act No.29).
2 1810 c. clxvi.

Commencement
Pt 5 art. 28(1)-(2)(c): April 6, 2010

Extent
Pt 5 art. 28(1)-(2)(c): England

Law In Force

29. Consequential amendments
Schedule 5 (which makes miscellaneous minor amendments consequential on the other provisions of this Order) has effect.

Commencement
Pt 5 art. 29: April 6, 2010

Extent
Pt 5 art. 29: England

Law In Force

30.— Repeal and revocation of enactments
(1) The enactments mentioned in the first and second columns of Part 1 of Schedule 6 are repealed to the extent specified in the third column.
(2) The byelaws set out in Part 2 of Schedule 6 (which were made under enactments repealed by this article) are also revoked to the extent specified in that Part.
(3) The transitional provisions set out in Schedule 7 have effect.

Commencement
Pt 5 art. 30(1)-(3): April 6, 2010

Extent
Pt 5 art. 30(1)-(3): England
SCHEDULE 1

SCHEDULE 1 TO THE ANGLIAN WATER AUTHORITY ACT 1977

Articles 3 and 28(2)(c)

PART 1

STATUTORY NAVIGATIONS IN RESPECT OF WHICH THE AUTHORITY ARE THE NAVIGATION AUTHORITY

1. The New River Ancholme from Ferriby Sluice in the Parish of South Ferriby in the District of Glanford and the County of Humberside to Bishops Bridge formerly known as Bishops Briggs in the Parish of Glentham in the District of West Lindsey in the County of Lincolnshire.

2. The River Nene Navigation from the outfall of the Northampton Arm of the Grand Union Canal at Cotton End in the Parish, District and County of Northampton to Bevis Hall in the Parish of Wisbech St. Mary in the District of Fenland in the County of Cambridgeshire.

3. The River Welland from Fosdyke Bridge in the Parish of Fosdyke in the District of Boston in the County of Lincolnshire to National Grid reference point TF 350345.
PART 2

STATUTORY NAVIGATION TO BE TRANSFERRED TO THE AUTHORITY

4. The River Stour from Brundon Mill in the Parish of Sudbury in the District of Babergh in the County of Suffolk to the Cattawade Barrage partly in the Parish of Brantham in the same District and partly in the Parish of Lawford in the District of Tendring in the County of Essex.

PART 3

OTHER WATERWAYS IN RESPECT OF WHICH THE AUTHORITY ARE TO BE THE NAVIGATION AUTHORITY AND WHICH ARE TO BECOME RECREATIONAL WATERWAYS

5. The River Great Ouse system comprising—

(a) The River Great Ouse from National Grid reference point TF 6028 0712 to Denver Sluice in the Parish of Denver in the District of West Norfolk in the County of Norfolk:

(b) The Old Bedford River from the Old Bedford Sluice in the said Parish of Denver to Welches Dam Lock in the Parish of Manea in the said District of Fenland:

(c) The Hundred Foot River, otherwise known as the New Bedford River, from Denver Sluice aforesaid to its confluence with the River Great Ouse in the Parish of Earith in the District of Huntingdon in the County of Cambridgeshire:

(d) The River Great Ouse, also known as the Ten Mile River and the Ely Ouse River, from Denver Sluice aforesaid to Popes Corner in the Parish of Thetford in the District of East Cambridgeshire in the County of Cambridgeshire:

(e) The Great Ouse Flood Relief Channel between the Head sluice lock at Denver and the Tail sluice at Saddlebrow:

(f) The Old West River from Popes Corner aforesaid to its confluence with the Hundred Foot River in the said Parish of Earith:

(g) The River Great Ouse, also known as the Bedford Ouse, from the Hundred Foot River in the said Parish of Earith to Kempston Mill in the Parish of Kempston Urban in the District of Bedford in the County of Bedfordshire:

(h) The River Little Ouse from Brandon Bridge in the Parish of Weeting-with-Broomhill in the District of Breckland in the County of Norfolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Brandon Creek in the Parish of Southery in the said District of West Norfolk:

(i) The River Lark from Judes Ferry in the Parish of Mildenhall in the District of Forest Heath in the County of Suffolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Pypers Hill in the Parish of Littleport in the said District of East Cambridgeshire:
(j) The River Cam from Bottisham Lock in the Parish of Horningsea in the District of South Cambridgeshire in the County of Cambridgeshire to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, at Popes Corner aforesaid:

(k) Reach Lode from Reach in the Parish of Reach in the said District of East Cambridgeshire to its confluence with the River Cam in the Parish of Wicken in the same district:

(l) Burwell Lode from Burwell in the Parish of Burwell in the said District of East Cambridgeshire to its confluence with Reach Lode in the same parish:

(m) Wicken Lode from Wicken Fen in the said Parish of Wicken to its confluence with Reach Lode in the Parish of Swaffham Prior in the said District of East Cambridgeshire:

(n) The River Wissey from one mile upstream of Stoke Ferry Bridge in the Parish of Stoke Ferry in the said District of West Norfolk to its confluence with the River Great Ouse, when it is also known as the Ten Mile River and the Ely Ouse River, in the Parish of Fordham in the same district.

6. The River Welland from Hudd's Mill in the Parish of Stamford in the District of South Kesteven in the County of Lincolnshire to Fosdyke Bridge in the said Parish of Fosdyke.

7. The River Glen from Tongue End in the Parish of Bourne in the District of South Holland in the County of Lincolnshire to its confluence with the River Welland in the Parish of Surfleet in the same district.”

Commencement
Sch. 1 para. 1: April 6, 2010

Extent
Sch. 1 para. 1: England

SCHEDULE 2

PARTICULARS FOR REGISTRATION

Article 6

Law In Force

1. The name of the vessel.
2. The name and address of the owner of the vessel.

3. The name and address of the applicant if not the owner.

4. The size and dimensions of the vessel.
5. In which of the categories, designated for the time being by the Agency for the purposes of registration, the vessel falls.

Commencement
Sch. 2 para. 5: April 6, 2010

Extent
Sch. 2 para. 5: England

6. Whether the application is for renewal of a registration or for a new registration.

Commencement
Sch. 2 para. 6: April 6, 2010

Extent
Sch. 2 para. 6: England

7. The period of registration applied for.

Commencement
Sch. 2 para. 7: April 6, 2010

Extent
Sch. 2 para. 7: England

8. In the case of a vessel which is subject to a requirement for insurance under article 11, a copy of a certificate of insurance for the vessel or other evidence that there is in force a policy of insurance in relation to it.
In the case of a vessel which is subject to any requirement under article 12—

(a) a certificate that the applicant has read the current specification applicable to the vessel under that article and that the vessel complies in every respect with that specification; and

(b) such additional information as the Agency may require concerning compliance with that specification.

SCHEDULE 3

INSURANCE POLICIES AS TO VESSELS

Article 11

An insurance policy must be issued by an insurer authorised under the Financial Services and Markets Act 2000 to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member State.
2. Subject to paragraph 3, the policy must insure the owner of the vessel and such other person, persons or classes of persons (if any) as is or as are authorised by the owner to have control of the vessel, in respect of any liability which may be incurred by the owner or any such other person resulting from the presence of the vessel on the waterways in respect of the death of or bodily injury to any person or any damage to property.

Commencement
Sch. 3 para. 2: April 6, 2010

Extent
Sch. 3 para. 2: England

3. The policy is not by virtue of this Order required—
   (a) to cover liability in respect of the death, arising out of and in the course of employment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of that person's employment;
   (b) to cover liability in respect of damage to the vessel to which the policy relates;
   (c) to cover liability in respect of goods carried on or in the vessel to which the policy relates, or any vessel drawn or propelled by such vessel;
   (d) to cover any liability of a person in respect of damage to property in that person's custody or under that person's control;
   (e) to cover any contractual liability; or
   (f) to provide cover in respect of any one accident for a sum in excess of such sum as may for the time being be determined by the Agency for the purposes of this paragraph.

Commencement
Sch. 3 para. 3(a)-(f): April 6, 2010

Extent
Sch. 3 para. 3(a)-(f): England

SCHEDULE 4
STANDARDS APPEALS PANEL

Article 13
1. The standards appeals panel is to consist of not less than two persons appointed by the Agency and not less than three persons appointed by the Maritime and Coastguard Agency\(^1\), the appointments in each case to be made at the Agency’s expense and from amongst persons having knowledge or experience of relevant construction standards.

Notes

\(^1\) The Marine and Coastguard Agency is an executive agency of the Department for Transport.

Commencement
Sch. 4 para. 1: April 6, 2010

Extent
Sch. 4 para. 1: England

2. The Agency must refer any application duly made under article 13(3) to the standards appeals panel and provide the panel with reasonable facilities to determine the question which is the subject of the application.

Commencement
Sch. 4 para. 2: April 6, 2010

Extent
Sch. 4 para. 2: England

3. Subject to the other provisions of this Schedule, the standards appeals panel is to determine its own procedure (including the quorum for any meeting).

Commencement
Sch. 4 para. 3: April 6, 2010

Extent
Sch. 4 para. 3: England
Law In Force

4. A determination by the standards appeals panel of any question referred to it is final.

Commencement
Sch. 4 para. 4: April 6, 2010

Extent
Sch. 4 para. 4: England

Law In Force

5. The costs incurred in convening the standards appeals panel in relation to any question referred to it, including the costs of the Agency in providing facilities for it, must be paid by such party as the panel may direct.

Commencement
Sch. 4 para. 5: April 6, 2010

Extent
Sch. 4 para. 5: England

Law In Force

6. The standards appeals panel may cause the amount of the costs so incurred by it to be certified and any amount so certified and directed by it to be paid by a person may be recovered from that person by or on behalf of the standards appeals panel summarily as a civil debt.

Commencement
Sch. 4 para. 6: April 6, 2010

Extent
Sch. 4 para. 6: England

Law In Force

7. The standards appeals panel may make orders as to the costs of the parties in relation to any question referred to it and as to the parties by whom the costs are to be paid.
Commencement
Sch. 4 para. 7: April 6, 2010

Extent
Sch. 4 para. 7: England

8.
Any order under paragraph 7 may be made a rule of the High Court on the application of any party named in the order.

Commencement
Sch. 4 para. 8: April 6, 2010

Extent
Sch. 4 para. 8: England

SCHEDULE 5
CONSEQUENTIAL AMENDMENTS

Article 29

1. Anglian Water Authority Act 1977
Section 17 (charges) of the Anglian Water Authority Act 1977 is amended by the insertion in subsection (1) after “under this Part of this Act” of “and under the Environment Agency (Inland Waterways) Order 2010”.

Commencement
Sch. 5 para. 1: April 6, 2010

Extent
Sch. 5 para. 1: England
2. Southern Water Authority Act 1982
The Southern Water Authority Act 1982 is amended as follows—
(a) in the definition of “registration certificate” in section 32 (Interpretation of Part IV), for “subsection (1)(c) of section 34 (Registration of vessels) or subsection (1)(c) of section 38 (Registration of houseboats) of this Act” there is substituted “the Environment Agency (Inland Waterways) Order 2010”; and
(b) in section 46 (application of charging provisions) after “under this Part of this Act” there is inserted “and under the Environment Agency (Inland Waterways) Order 2010”.

Commencement
Sch. 5 para. 2(a)-(b): April 6, 2010

Extent
Sch. 5 para. 2(a)-(b): England

SCHEDULE 6
REPEALS AND REVOCATIONS

Article 30(2)

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<td>Section 91. In section 92(1) the words “registered under this Act”. Section 97(5).</td>
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BYELAWS REVOKED

1. Parts 1, 2 and 3 of the Thames Registration Byelaws 1953.

2. The whole of the Anglian Water Authority Recreational Waterways (Registration) Byelaws 1979.

3. In the Thames Navigation Licensing and General Byelaws 1993—
   Byelaw 77 Requirements as to construction and equipment;
   Byelaw 78 Licences for vessels;
   Byelaw 79 Licence plates and production thereof;
Byelaw 80 Inspection of vessels;
Byelaw 81 Exemption of vessels from licensing;
Byelaw 82 Engines generating electricity etc.; and
In Byelaw 85 (penalties) the reference to Byelaws 77, 78 and 82 in paragraph (a)(i).

Commencement
Sch. 6(2) para. 3: April 6, 2010

Extent
Sch. 6(2) para. 3: England

SCHEDULE 7
TRANSITIONAL PROVISIONS

Article 30(3)

Law In Force

1. Paragraphs 2 and 3 apply to any vessel which, immediately before this Order comes into force, was registered with the Agency under—
   (a) the Thames Conservancy Act 1966;
   (b) Part 4 of the Southern Water Authority Act 1982;
   (c) the Anglian Water Authority Recreational Waterways (Registration) Byelaws 1979;
   (d) the Thames Registration Byelaws 1953; or
   (e) the Thames Navigation Licensing and General Byelaws 1993.

Commencement
Sch. 7 para. 1(a)-(e): April 6, 2010

Extent
Sch. 7 para. 1(a)-(e): England

Law In Force

2. Notwithstanding the repeal and revocation of enactments by article 28, the provisions of the Acts and Byelaws referred to in paragraph 1 continue to apply until the transition date.
3. Article 28(1) has no effect until the transition date.

4. In this Schedule, “the transition date” in relation to any vessel means the earlier of—
   (a) the date on which a vessel's registration under an enactment referred to in paragraph 1 would have expired had this Order not come into force; or
   (b) the date on which that registration is revoked or otherwise ceases by virtue of the Acts and Byelaws referred to in paragraph 1.

EXPLANATORY NOTE
(This note is not part of the Order)
This Order makes provision for a new uniform registration system to govern use of the main inland waterways in respect of which the Environment Agency is the navigation authority. The particular waterways to which the Order relates comprise certain waterways known as the Anglian waterways, the river Thames above Teddington Lock and the Upper Medway in Kent. The Order also confers additional powers upon the Environment Agency in respect of the waterways and amends or repeals provisions of existing legislation where required in consequence of the new powers conferred by the Order. It also amends the existing definitions of the Anglian waterways to bring within the Agency's jurisdiction an additional stretch of the Little Ouse between Brandon Staunch and Brandon Bridge and the Great Ouse Relief Channel between the Head sluice lock at Denver and the Tail sluice at Saddlebrow.
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NATIONAL BARGEE TRAVELLERS ASSOCIATION

CONSTITUTION

ADOPTED BY RESOLUTION OF THE GENERAL MEETING OF 22nd NOVEMBER 2014

AND AMENDED BY RESOLUTION OF THE GENERAL MEETING OF 21st NOVEMBER 2015
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National Bargee Travellers Association
Constitution

1. Definitions

1.1 The “Association” and “NBTA” mean the National Bargee Travellers Association a not-for-profit unincorporated body whose registered address is 30 Silver Street, Reading, Berkshire, RG1 2ST, UK.

1.2 “Bargee Traveller” means itinerant boat dweller, boat dweller without a home or permanent mooring, travelling boat dweller, live-aboard continuous cruiser or itinerant live-aboard boater and includes anyone whose home is a boat and who does not have a permanent mooring for their boat with planning permission for year-round residential use.

1.3 The “Committee” means the committee of the NBTA.

1.4 The “Constitution” means this document.

1.5 “EGM” means Extraordinary General Meeting.

1.6 “Member” means a member of the NBTA.

2. Name

2.1 The Association shall be known as the National Bargee Travellers Association including by the abbreviation NBTA.

3. Objects

3.1 The objects of the Association shall be as follows:

a) To campaign as Bargee Travellers on Britain's inland and coastal waterways on any issue that is relevant to Bargee Travellers.

b) To provide an effective means for Bargee Travellers on Britain's inland and coastal waterways to voice their concerns on any issue that is relevant to Bargee Travellers.

c) To provide advice and support for Bargee Travellers on Britain's inland and coastal waterways on any issue that is relevant to Bargee Travellers, including onward referral to specialist professional agencies.

(collectively the “Objects”)
4. Powers

4.1 In furtherance of the above objects, the Association shall have the following powers:

   a) To promote any or all of the Objects by publications, meetings, visits, lectures, events, exhibitions, rallies, non-violent demonstrations and any other appropriate agreed mechanism.

   b) To assist financially or otherwise any appropriate individual, group or organisation whether official or otherwise.

   c) To secure publicity for the promotion of the Objects

   d) To exercise the powers in Art 4 (a), Art 4 (b) and Art 4 (c) only in a way that would not, in the opinion of the Committee, bring the NBTA into disrepute.

   e) To open, hold, operate and close a bank account.

   f) To raise, hold and disburse funds and donations in furtherance of the Objects, providing that the funds or donations are not accompanied by any conditions that would restrict the NBTA’s activities or where the donor would obtain influence over the NBTA as a consequence of the gift.

   g) To set, levy and waive membership fees, including making membership free of charge or by voluntary donation.

   h) To set or remove time limits for the periodic renewal of membership including defining an absence of time limit.

   i) Any other activity compatible with the Objects, unless revoked by the Committee.

5. Membership

5.1 The NBTA shall have Ordinary Members and Associate Members.

   a) Membership as an Ordinary Member is open to any Bargee Traveller.

   b) Membership as an Associate Member is open to any person or organisation.

5.2 Eligibility

   A person or organisation shall be eligible to become a Member only if that person or organisation agrees with and supports the objects of the NBTA and agrees to be bound by the Constitution.
5.3 Joining

a) A person shall become a Member by:
   (i) providing the information requested on the membership form and, if a membership fee is in force, upon payment of such fee; or
   (ii) by being co-opted by the Committee, with the agreement of that person.

b) An organisation shall become a Member by:
   (i) being admitted by the Committee, having provided the information requested on the membership form and, if a membership fee is in force, upon payment of such fee.

c) The Committee shall have the power to:
   i) Reject an application for membership from a person. The Committee shall provide a reason for its rejection of the application if it receives a written request from the applicant or his or her agent within 14 days of the rejection.
   ii) Decide that an organisation and / or its representatives shall not be eligible for membership on the grounds that the organisation's aims may be incompatible with the objects of the NBTA. The Committee shall be under no obligation to provide a reason for its determination of ineligibility unless the Committee receives a written request from the organisation or its agent within 14 days of the declaration.

5.4 Information for prospective Members

The NBTA shall provide on request to prospective Members a membership form and a copy of the Constitution.

5.5 Period of membership

Membership shall continue until one of the following occurs:

a) If applied, the time limit at which periodic renewal of membership is required has been reached or

b) If applied, the fee for renewal of membership has not been paid and six months has elapsed since the fee became due or

c) The Member submits their or its resignation from membership in writing to the Committee or
d) The membership is terminated by the Committee.

5.6 Powers of members

a) All Members are entitled to recruit new Members.

b) Members are encouraged to take an active part in promoting and running the NBTA and in supporting Bargee Travellers.

c) Members are encouraged to contribute voluntary donations either in cash, in kind, or in the form of voluntary work for the NBTA, if and when they are able to do so.

5.7 Termination of membership

a) Membership may be terminated if:

   i) a Member intentionally hinders or obstructs the activities of the NBTA; or

   ii) there is evidence that the actions of a member are in opposition to the objects of the NBTA.

b) The decision to terminate any membership may only be made by the General Meeting. The Committee has the power to suspend membership pending the decision of a General Meeting.

c) The Member whose membership is in question shall have the right to present his her or its defence, to the allegation made which would result in the termination of membership, at the General Meeting hearing the matter.

d) The decision of the General Meeting shall be final.

e) The General Meeting shall be entitled to apply a bar preventing further application for membership or a time limit before re-application may be made.

6. Decision making

6.1 Decisions of the NBTA shall be made by the General Meeting by consensus wherever possible. Where consensus cannot be reached, decisions shall be made by majority vote. The Chair shall have the casting vote.

6.2 Associate Members may take part in discussions and consensus decision-making. Associate Members are not entitled to block consensus.
6.3 In any vote each Ordinary Member shall have one vote. Associate members are not entitled to vote.

6.4 Decisions can be made in meetings of the Committee and by members of the Committee if the decisions are within the remit of the decisions made at General Meetings. Decisions can be made by this means which are not within the remit of decisions made at General Meetings provided that:

   a) they are not contrary to a decision made at a General Meeting and
   b) they are also brought up at General Meetings for discussion and/or further decision.

6.5 A decision of the Committee is not a valid decision unless there is a quorum of 3 members of the Committee.

6.6 A decision of the General Meeting is not a valid decision unless there is a quorum of 3 Ordinary Members.

6.7 All meetings of the Committee and all General Meetings shall be inquorate unless they are attended by a minimum of (1) the Secretary; (2) the Treasurer; and (3) the Chairman or another member of the Committee deputising for the Chairman.

6.8 Motions to be made at a General Meeting must be made known by the promoter of the motion to, and published by, the Secretary no later than 21 days prior to the General Meeting.

6.9 Motions or matters raised at a General Meeting not in accordance with the provisions of Art 6.8 above will be raised at the General Meeting for discussion under Any Other Business ("AOB"). AOB matters:

   a) must be agreed by the General Meeting to be included on the agenda under AOB;
   b) must not amend modify or revoke the Constitution; and
   c) will be adopted only by consensus.

6.10 For the avoidance of doubt

   (a) a consensus decision by Members about a motion; or
   (b) voting on a motion

   at a General Meeting, in accordance with Art 6.1, will be valid strictly on the basis of the consensus decision made by Members present or votes cast of Members present. Members are not permitted to participate in the decision-making of a General Meeting in writing.

6.11 Members who are not in attendance at a General Meeting or a Committee Meeting may make written submissions in advance of the meeting to the Secretary. It shall be incumbent on the Chairman to read such comments to the respective meeting before respective decisions are made. Written submissions may not be used to block consensus or contribute to a simple majority vote.
6.12 Members may nominate a proxy to attend a General Meeting in their stead. The proxy may, if in attendance at the General Meeting
(a) prevent consensus on behalf of the absent Member; and
(b) may vote on behalf of the absent Member.
The proxy may not act in writing.

6.13 A Member wishing to nominate a proxy must do so in advance by submitting notification by approved means to the Secretary.

6.14 For the purposes of Art 6.12 (notification of appointment of proxy) the Committee will from time to time agree the approved mechanisms by which Members may notify the Secretary of proxy representation and the Secretary shall make these mechanisms known to Members.

7. Committee

7.1 The NBTA shall appoint the Committee. Between 4 and 15 members may be appointed to the Committee.

7.2 Appointments to and Composition of the Committee

7.2.1 The following categories of person are eligible for appointment to the Committee:
(a) Ordinary Members;
(b) Individuals who are the designated representative of an organisation that is an Associate Member of the NBTA; or
(c) Associate Members who are boat dwellers with a residential mooring that the Committee has agreed will enhance and further the interests of the NBTA

7.2.2 Associate Members shall not comprise more than 25% by number of the total membership of the Committee.

7.3 Appointments to the Committee shall be agreed by consensus of the General Meeting. Where consensus cannot be reached, decisions shall be made by majority vote.

7.4 Any member seeking election to the Committee shall declare any position of influence or authority or any interest in any organisation that is involved with the UK’s inland and coastal waterways at the time of seeking to be elected. In the event that no such declaration is made and such a position or interest is subsequently found to exist then that person shall be debarred from continuing to be a member of the Committee with immediate effect.

7.5 Any member seeking election to the Committee shall declare any unspent conviction for a criminal offence involving violence, the threat of violence, firearms, sex offences
or dishonesty. In the event that a member is elected to the Committee and such a conviction is subsequently found to exist that was unspent at the time of election then that person shall be debarred from continuing to be a member of the Committee with immediate effect.

7.6 Committee membership shall be reviewed by the General Meeting at least every 18 months.

7.7 Committee members can be recalled at any General Meeting by a consensus decision, or where consensus cannot be reached, by a majority vote. A Committee member who is recalled is not entitled to be included in the decision to recall but is entitled to present their case for continuing to be a Committee member.

7.8 Decisions of the Committee shall be made by the methods set out in Art. 6.

7.9 The Committee may appoint representatives from within the Committee or from the general membership to carry out other functions and to represent the NBTA as needed.

7.10 The powers and duties of the Committee are to:
   a) carry out the decisions of the General Meetings; and
   b) to carry out the management of the NBTA.

8. **Office Holders**

8.1 The Committee may appoint members of the Committee to carry out the functions of Chair, Deputy Chair, Secretary and Treasurer. Committee members may carry out these functions using the title "Committee Member" or the title of the function.

9. **Local Groups**

9.1 Members of the NBTA may form local or regional groups of the NBTA where there is a demand for such groups. Local or regional groups shall be run according to the principles set out in the Constitution.

10. **Meetings**

10.1 General Meetings
   a) The NBTA shall aim to convene General Meetings annually. There shall be a General Meeting at least once every 18 months.
   b) The NBTA shall give at least 28 days notice to members of a General Meeting.
c) Only Members shall be eligible to take part in the decisions of the General Meeting.

d) The purpose of General Meetings is:

i) to formulate the policy of the NBTA;

ii) to evaluate the NBTA’s activities over the period since the last General Meeting and to decide what action is to be taken over the following period until the next General Meeting;

iii) to receive and approve financial statements for the previous financial year;

iv) to appoint or recall Committee members;

v) to determine membership fees and membership time limits, if any;

vi) to consider any proposed amendments to the Constitution;

vii) to consider resolutions of the Committee or the membership; and/or

viii) to consider any suspensions of membership.

10.2 Extraordinary General Meetings

a) The NBTA may convene an EGM when one is deemed necessary. An EGM may be requisitioned by:

i) the Committee; or

ii) petition of a minimum of 10 Members.

b) An EGM may be called as a result of:

i) resolution of the Committee made to that effect during a Committee Meeting; or

ii) the receipt by the Committee of a properly formulated petition.

c) If the EGM is called by the Committee then the resolution shall define the scope of the subject of the EGM.

d) If the EGM is called by petition the the petition shall state the purpose of the EGM.

e) An EGM shall be held within 12 weeks of the calling of the EGM.
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f) An EGM shall be convened in accordance with the principles set out in Art. 10.1 but confined to the subject matter of the scope of the EGM.

10.3 Committee Meetings

a) The Committee shall meet at least once every four months or more frequently if deemed to be necessary by the Committee.

b) The purpose of Committee meetings is to ensure that decisions of General Meetings are being carried out and to ensure that the NBTA is functioning.

c) All Members are invited to Committee meetings. Invitations shall be sent by e-mail or other convenient mechanism at least 7 days before the Committee meeting.

11. Policy

11.1 Policy of the NBTA shall be decided by the General Meeting.

12. Financial management

12.1 The Treasurer shall have charge of the funds of the NBTA. These shall be deposited in an account in the NBTA’s name with a clearing bank or other UK licensed deposit taker.

12.2 Cheques or other withdrawals shall be authorised by the Treasurer and signed by any two of the Office holders of the NBTA. In the event that any two or more Office holders are related or are a couple, the Committee shall designate alternative Committee members as signatories.

12.3 The NBTA shall have the power to pay expenses to Members and Committee members if they incur out-of-pocket expenses whilst carrying out the functions of the NBTA. The NBTA shall have no obligation to pay such expenses.

13. Alterations to the Constitution

13.1 The NBTA may only amend the Constitution by a consensus decision agreed by every ordinary member who is present at a General Meeting and after members have been informed by e-mail, or other convenient means, of proposed changes to the Constitution at least three weeks before the relevant General Meeting.

14. Honorary Officers

14.1 The NBTA may appoint an Honorary President who shall be invited by the Committee
to hold office until either they or the Committee decide otherwise.

15. **Winding up**

15.1 If on the winding up or dissolution of the NBTA there remains after the settling of all liabilities any funds or property whatsoever, this shall not be paid to or distributed among the members of the NBTA but shall be given to such an organisation or organisations established for similar purposes as the NBTA shall decide.

Signature of Chair

Name of Chair: Pamela Smith

Date: 21st November 2015

Signature of Secretary

Name of Secretary: Nicholas James Brown

Date: 21st November 2015