BROADS AUTHORITY BILL

Petition against the Bill – on merits - Praying to be heard by Counsel Etc.

To the Right Honourable the Lords Spiritual and Temporal of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled

The humble petition of MOLLIE YENSIE HOWES

SHEWETH as follows:

1. A Bill (hereinafter referred to as “the Bill”) has been introduced and is now pending in your Right Honourable House intituled “A Bill to confer further powers on the Broads Authority; to make other provisions as to that Authority; and for related purposes.”

2. The Bill is promoted by the Broads Authority. The preamble to the Bill recites that it is expedient that further provisions should be made for the regulation and management of the navigation area of the Broads Authority.

3. Your petitioner objects to the Bill, - Part 1 Clause 2 - Part 2 Clauses 4, 5, 6, 8, 9, 11, 18, 19 - Schedule 7 Clause 8.

4. Your petitioner is a member of 4 Sailing Clubs, joining the first one in 1969, a former commodore of one (now Vice-President) and a continuing trustee of another, was the secretary the Vintage Wooden Boat Association for seven years and is the owner of 2 sailing craft, one a half decker. Your petitioner is interested in the flora and fauna of the area, a member of the Broads Society and the Museum of the Broads and is also a Justice of the Peace.

5. Your petitioner is concerned that the reason cited for the Bill was for the Boat Safety Scheme and insurance. The Boat Safety Scheme has already been introduced through Byelaws Your petitioner believes that insurance can also be introduced through changes to the Registration Byelaws.

6. Clause 2 (2) is for the inclusion of private waters as “adjacent waters”. It includes dykes, marinas, boatyards and Broads all cut out of privately owned land. Your petitioner would point out that this is the safest inland waterway in the country. One of the Broads affected has a Sailing Club, of which your petitioner is a member, and there have been no problems or accidents on this particular water. It
is up to the owners or tenants of adjacent waters as to who may or may not use them. All references to adjacent waters in this Bill should therefore be removed.

7. Clause 4 (2) (a) and (b). These both deny your petitioner’s rights, under Magna Carta, to navigate, or fish, on tidal waters without let or hindrance. Clause 4 (6) As general directions apply to navigation, your petitioner requests that any alterations to them should be decided by the Navigation Committee with their decisions upheld by the full Authority. As the Bill is currently written, any decisions made by the navigation committee can be overturned by the members of the Authority.

8. Clause 5. Schedule 1 lists the organisations to be consulted before making, revoking or amending general directions. Your petitioner considers that that this duty should be carried out by the navigation committee with their local knowledge. Please see also your petitioner’s comments under paragraph 7 above.

9. Clause 6 (1) (a). This is particularly draconian as it means that any General Direction, automatically becomes a Special Direction. Clause 6 (1) (b) to (e) are covered under General Directions (Clause 4). Clause 6 (4) “The navigation officer may revoke or amend a Special Direction”. Your petitioner questions whether the navigation officer is suitably qualified as required in the Port Marine Safety Code and is concerned that, once again, there is no mention of the navigation committee.

10. Clause 8 (1) Your petitioner argues that “within a reasonable time” is too open to interpretation. A time limit should be specified. Clause 8 (3) Your petitioner is concerned that a person put on board her craft may not be fully qualified to handle her craft. Clause 8 (5) and (6). Your petitioner considers that “grave and imminent danger” is very subjective. Surely the occasions should be specified, for example – on fire, leaking fuel, or likely to explode. Again the use of persons who may not be qualified.

11. Clause 9. Notwithstanding Clause 8 (7), if any damage is caused by any person authorised by the Authority to the petitioner’s craft or its contents, it would be expected that the Authority would pay. There is nothing in the Bill cover this situation.

12. Clause 11. Your petitioner would respectfully refer you to her comments on adjacent waters under her paragraph 6.

13. Clause 18 (b). By including the words “any byelaw” your petitioner is concerned that unsafe vessels would include vessels with unpaid tolls and speeding fines.

14. Clause 19 (2) Your petitioner would strongly object to any unauthorised person doing any work on her vessel.

15. Clause 8 (2) of Schedule 7. Your petitioner can see no valid reason for removing Section 17 (7) of the 1988 Act. This states “Any deficit in the navigation revenue account shall be made up by contributions from the general revenue account”. 
Other Authorities use part of their grant monies for navigation purposes. Your petitioner requests that the two accounts remain separate.

16. Finally, your petitioner is concerned that throughout the Bill the navigation committee has no delegated powers; the only requirement is to be consulted with the Authority able to overturn any decisions they make. Together with the recent changes to the appointments to that committee being made without consulting them, and the recent reduction in their powers, cause navigators to mistrust the Authority.

YOUR PETITIONER therefore humbly prays to Your Honourable House that the Bill may not pass into law as it now stands and that she may be heard by herself, her Counsel or Agent against the Preamble of the Bill and if the same do pass against all the clauses and provisions in the Bill which relate to or affect her property rights and interests and in support of other clauses and provisions for the protection and benefit of your Petitioner and her property rights and interests and that she may have such other relief as Your Honourable House may deem meet.

AND YOUR PETITIONER will ever pray, etc.

Signed........................................

PAUL DERRICK HOWES as Agent for the above named Petitioner.

12th May, 2008.