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SCHEDULES

SCHEDULE 2

PART II

STANDARDS FOR CONSTRUCTION AND EQUIPMENT OF VESSELS

- 1 For the purposes of section 17 (Conditions as to certificates and licences) of this Act the Board may from time to time prescribe standards for the construction of vessels to be used on inland waterways, and standards for any appliances, fittings or equipment in such vessels and for making provision with regard to the use and operation of such appliances, fittings and equipment with a view to securing the safety of passengers in such vessels and of other vessels or persons on the inland waterway, and the prevention of pollution, noise and interference with the operation of radio or television equipment.
- 2 Different standards may be prescribed under section 17 of this Act and this Part of this Schedule in relation to different categories of vessels, and in relation to different inland waterways or parts thereof.
- 3 The Board may from time to time revoke or amend any standards prescribed under section 17 of this Act and this Part of this Schedule.
- 4 References in this Part of this Schedule to proposed standards are to standards as proposed to be prescribed, revoked or amended under section 17 of this Act and this Part of this Schedule.
- 5 Without prejudice to the generality of paragraph 1 above, standards prescribed under section 17 of this Act and this Part of this Schedule may make provision—
 - (a) with regard to the construction, maintenance and operation of engines used for the propulsion of powered boats and to the storage and supply of fuel for such engines;
 - (b) requiring the provision of sufficient and effective fire extinguishers;
 - (c) regulating appliances for cooking, heating, lighting or refrigeration and the storage and supply of fuel for such appliances.
- 6 Before prescribing, revoking or amending standards under section 17 of this Act and this Part of this Schedule the Board shall—
 - (a) have regard to the requirements of the byelaws of any inland navigation undertakers whose waterways are contiguous with those of the Board where those byelaws deal with the subject matter of the proposed standards;
 - (b) take such steps as appear to the Board to be appropriate to bring the proposed standards to the attention of builders, owners and operators of vessels who are likely to be affected by them, and thereafter consider any representations made by any such persons with regard to the proposed standards;
 - (c) consult the Inland Waterways Amenity Advisory Council; and

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- (d) consult such organisations as represent a substantial number of builders, owners and operators of vessels who may be affected by the proposed standards.
- 7 (1) Following the taking of the steps and the completion of the consultation required by paragraph 6 above, the Board shall—
 - (a) give notice to the Inland Waterways Amenity Advisory Council, and to such other organisations as were so consulted, of the date (“the prescribed date”) upon which the proposed standards are to be prescribed, revoked or amended; and
 - (b) take such steps as appear to the Board to be appropriate to bring the proposed standards and the prescribed date to the attention of the builders, owners and operators of vessels who are likely to be affected by the standards;

unless the Board decide not to prescribe, revoke or amend the standards, in which case they shall give notice of their decision to the Inland Waterways Amenity Advisory Council and to the organisations which were so consulted.
- (2) The prescribed date shall not be less than 84 days after the date of the giving of the notices and the taking of the steps required by sub-paragraph (1) above unless it is necessary to prescribe, revoke or amend the standards immediately after the completion of the consultation so as to avoid any serious risk of danger to persons or property.
- 8 The Board shall have regard to any advice given to them by the Inland Waterways Amenity Advisory Council as regards the nature of the steps to be taken in accordance with sub-paragraph (b) of paragraph 6 above and with sub-paragraph (1) (b) of paragraph 7 above.
- 9 The Inland Waterways Amenity Advisory Council shall maintain a list of organisations which claim to represent substantial numbers of builders, owners and operators of vessels who may be affected by any proposed standards and which should thus be consulted by the Board in accordance with the duty imposed on them by sub-paragraph (d) of paragraph 6 above; and the Board shall be deemed to have complied with that duty if they consult every organisation named in the said list.
- 10 Standards prescribed under section 17 of this Act and this Part of this Schedule shall not apply to a vessel used wholly or mainly for the purpose of the carriage of goods on a commercial waterway while the vessel is on any such waterway.
- 11 The Board may on application by any person or any organisation appearing to the Board to represent a substantial number of owners or operators of such vessels as may be affected by any standards grant exemptions in writing on such conditions (if any) as the Board think fit, from the requirements of any standards in respect of any individual vessel, or any category of vessels, being a vessel or, as the case may be, a category of vessels which cannot reasonably be expected to be altered or adapted or otherwise made to comply therewith, having regard in particular to its or their traditional construction or historical character.
- 12 There shall be a standards appeal panel for the purpose of determining appeals under paragraph 13 below consisting of two persons appointed by the Board and three other persons of whom one each shall be appointed by—
 - (a) the Inland Waterways Amenity Advisory Council;
 - (b) in the case of any appeal relating to a narrow boat or other similar vessel normally used on canals, the Inland Waterways Association, and in the case of any other appeal, the Royal Yachting Association; and

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(c) the British Marine Industries Federation.

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Any dispute as to—

- (a) any refusal or withdrawal by the Board of a relevant consent on the grounds that the vessel does not comply, or has ceased to comply, with the standards applicable to it; or
- (b) any refusal by the Board of an exemption for which application is made under paragraph 11 above or any condition subject to which an exemption is granted;

shall be determined by the standards appeal panel constituted under paragraph 12 above whose decision shall be final and binding on the parties.