



Avon Weir Act 1992

1992 CHAPTER v

PART V

THE IMPOUNDED RIVER

43 Powers as to moorings, etc

- (1) Subject to subsection (10) below, the Corporation may provide, lay down, maintain and use moorings in the impounded river or on the banks adjoining the impounded river, on land owned or leased by the Corporation or in which it holds an appropriate interest or on any other land with the consent in writing of the owner and lessee thereof.
- (2) The Corporation may recover in respect of any vessel using any of the moorings provided under this section or moored to land owned or leased by the Corporation in or adjoining the impounded river such reasonable charges as it may from time to time prescribe.
- (3) The Corporation may compound with any person with respect to the payment of the charges prescribed under this section.
- (4) Subject to subsection (9) below the Corporation may, having regard to the requirements of safe and unobstructed navigation, grant licences (which may be given on such terms or conditions or subject to compliance with such requirements as the Corporation thinks fit) to any person to lay down, maintain and use existing and future moorings in the impounded river or on the banks thereof; but
 - (a) nothing in any such licence shall entitle a person to place, lay down, maintain or use any mooring on land not owned or leased by him or by the Corporation or in which he has no appropriate interest;
 - (b) the Corporation shall not unreasonably refuse to grant a licence or grant it on unreasonable terms or conditions or subject to unreasonable requirements—
 - (i) to an owner or lessee of any land not leased by the Corporation with respect to a mooring on that land; or
 - (ii) with respect to a mooring on the banks of the impounded river which is positioned above the mean normal level of impounded water in the

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impounded river and exists at the date of the coming into operation of this Part;

and any question whether the grant of a licence has been unreasonably refused or whether the terms or conditions of the licence or the requirements subject to which it is granted are unreasonable shall be referred to and determined by the Secretary of State.

- (5) Any licence granted under subsection (4) above shall be valid only for such period not exceeding three years commencing with its date as may be specified in the licence.
- (6) The Corporation may charge a reasonable fee for granting a licence under subsection (4) above.
- (7) Any person who—
- (a) without reasonable excuse causes a vessel to be moored except at a mooring provided or licensed by the Corporation under this section; or
 - (b) lays down, maintains, or, without reasonable excuse, uses any mooring not so provided or licensed;
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (8) If any person lays down or maintains a mooring contrary to subsection (7) (b) above the Corporation may remove the mooring in question and recover from that person the expenses incurred in doing so.
- (9) (a) The powers of the Corporation under this section shall not be exercised without the consent of the port authority, which shall not be unreasonably withheld.
- (b) The port authority shall not withhold consent for works in respect of which planning permission has been granted except for the purposes of—
- (i) protecting the navigation in the impounded river or any adjoining waters of the port; or
 - (ii) preventing pollution or otherwise protecting the quality of water in the port.
- (10) The powers of the Corporation under this section shall not be exercised without the consent of the rivers authority, whose consent shall not be unreasonably withheld, and any question whether such consent is unreasonably withheld (other than a difference as to construction or meaning) shall be referred to and settled by arbitration.