



British Waterways Act 1995

1995 CHAPTER i

PART III

REGULATION AND MANAGEMENT OF INLAND WATERWAYS

21 Control of moorings, etc

- (1) As from such day as the Board may by resolution appoint, no person shall, in an inland waterway specified in that resolution, construct or maintain any structure being a mooring post, gangway, landing stage or other erection or installation for any vessel unless there is in force in relation to that structure a certificate granted by the Board under this section.
- (2) An application for the grant or renewal of a certificate under this section shall be made in writing and shall—
 - (a) give the name and address of the person responsible for the structure;
 - (b) specify the type of structure and its precise location;
 - (c) contain such other particulars as the Board may reasonably require.
- (3) Upon receipt of an application made in accordance with the requirements of this section the Board shall grant, or as the case may be, renew a certificate under this section for such period not being less than 5 years as they may determine.
- (4) It shall be a condition of every certificate granted under this section that the structure shall be maintained in good repair and not allowed to become unsafe or an obstruction or danger to navigation.
- (5) The Board may at any time, upon giving written notice in accordance with subsection (6) below, refuse to grant or renew a certificate or, as the case may be, revoke a certificate if they are satisfied that the structure which is the subject of the application or certificate, or any part of it, is not in good repair, or is or will become unsafe or an obstruction or danger to navigation.
- (6) For the purposes of subsection (5) above, written notice shall be given to the applicant for the certificate as applied for or granted and, where different, the person named

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in the application or, as the case may be, certificate as the person responsible for the structure.

- (7) Any dispute between the Board and any applicant for, or person named in, a certificate as responsible for the structure respecting a failure or refusal by the Board to grant or renew a certificate or respecting a decision by the Board to revoke a certificate shall be determined by arbitration.
- (8) Pending the determination of any reference to arbitration under this section in relation to an existing structure, there shall be deemed to be a certificate in force in relation to that structure and any failure or refusal by the Board to grant or renew a certificate in relation to the structure or a revocation of the certificate in relation to a structure shall be ignored.
- (9) Nothing in this section, or in any certificate under this section, shall relieve any person of the obligation to obtain consent under section 109 of the Water Resources Act 1991 (which requires the consent of the National Rivers Authority to the erection of any structure in, over or under a watercourse which is designated as a main river).
- (10) Nothing in this section shall apply to—
- (a) any item of equipment designed to secure or to afford access to or from a vessel which when not in use is normally carried on board the vessel;
 - (b) any mooring post, erection or installation no part of which is situated on, in, under or over the waters of any inland waterway;
 - (c) any structure or apparatus belonging to or required by the National Rivers Authority.
- (11) Nothing in this section, or in any certificate under this section, shall—
- (a) entitle a person to construct or maintain any mooring post, gangway, landing stage or other erection or installation for any vessel on land in respect of which he does not hold such rights as are necessary to enable him to exercise the powers of the certificate;
 - (b) require the Board to grant any right or interest in any land; or
 - (c) prejudice the right of the Board to require any payment for any right or interest granted by them in any land to enable the said powers to be exercised.
- (12) The Board may by notice require a person who contravenes this section—
- (a) to remove or abate within a reasonable time specified in the notice any works to which the contravention relates and to restore the site thereof to its former condition; or
 - (b) in the case of any contravention of subsection (4) above, to repair or alter the structure so as to avoid such contravention;

and, if the person to whom the notice is given fails to comply with the notice, the Board may carry out the work required by the notice and recover the cost of so doing from that person.