



Broads Authority Act 2009

2009 CHAPTER i

PART 3

MISCELLANEOUS

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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (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.