

**Changes to legislation:** Norfolk and Suffolk Broads Act 1988, SCHEDULE 7 is up to date with all changes known to be in force on or before 02 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

## SCHEDULES

### SCHEDULE 7

Section 27(2).

#### TRANSITIONAL PROVISIONS

##### *Initial appointment of members of the Authority*

- 1 (1) The initial appointment of members of the Authority under section 1(3)(a) and (b) of this Act shall be effected as soon as is reasonably practicable after the passing of this Act.
- (2) When the Secretary of State is satisfied that all of those members have been duly appointed, he shall, if he has not already exercised his powers under sub-paragraph (3) below, do so.
- (3) If the Secretary of State is satisfied that at least 27 of those members have been duly appointed, he may by order specify a date for the purposes of this paragraph.
- (4) The Authority shall be deemed to have been duly constituted as from the specified date, notwithstanding the absence of some of its members.
- (5) The initial appointment of members under section 1(3)(c) shall be effected as soon as is reasonably practicable after the establishment of the Navigation Committee.

##### **Modifications etc. (not altering text)**

**C1** [Sch. 7 para. 1\(3\)](#): 6.6.1988 specified for the purposes of para. 1 by [S.I. 1988/955](#), [art. 2](#)

##### *Initial appointment of members of the Navigation Committee*

- 2 Section 9(6) of this Act shall not apply in relation to the initial appointment of members of the Navigation Committee.

##### *First meeting of the Authority*

- 3 (1) The first meeting of the Authority shall be held within twenty-one days after the date specified in the order made by the Secretary of State under paragraph 1(3) above and shall be treated as the annual meeting of the Authority for the year in which it is held.
- (2) The meeting shall be convened, and held at a place appointed, by the chief executive of Norfolk County Council.
- (3) Notice of the meeting shall be published at the place where the meeting is to be held and summonses to attend the meeting shall be signed by the chief executive of Norfolk County Council.

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- (4) Until the completion of the election of a chairman and vice-chairman at the meeting, any functions falling to be exercised by the chairman or vice-chairman shall be exercised by a member of the Authority chosen by those members who are present.
- (5) At the meeting the chief executive of Norfolk County Council shall exercise any functions falling to be exercised by the proper officer of the Authority in relation to the meeting.
- (6) The standing orders for the regulation of the proceedings and business of Norfolk County Council shall, so far as practicable, apply at the meeting.
- (7) The provision made by virtue of this Act in relation to the proceedings of the Authority shall have effect subject to this paragraph and, in particular, paragraph 4 of Schedule 1 to this Act shall not require notice of the first meeting of the Authority to be published at its offices or summonses to attend the meeting to be signed by its proper officer.

#### *Continuity of exercise of functions*

- 4 (1) Anything which immediately before the operative date is in process of being done by or in relation to any body in the exercise of, or in connection with, any statutory functions which by virtue of any provision made by this Act become functions exercisable in relation to the Broads, or any part of the Broads, solely by the Authority may be continued by or in relation to the Authority.
- (2) Anything done by or in relation to any body before the operative date in the exercise of, or in connection with, any functions to which sub-paragraph (1) above applies shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the Authority.
- (3) Any reference in sub-paragraph (1) or (2) above to anything done by or in relation to any body includes, in particular, a reference to anything which by virtue of any enactment is treated as having been done by or in relation to that body.
- (4) Any reference to any body in any document constituting or relating to anything to which the foregoing provisions of this paragraph apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the Authority.

#### *Variation of area of jurisdiction of the Authority*

- 5 (1) Where the Commissioners and the Authority submit joint proposals to the Secretary of State for the variation of the boundary between the navigation area and the Haven, he may by order vary that boundary in accordance with the proposals.
- (2) Where the Secretary of State makes an order under sub-paragraph (1) above, the area of the Haven shall, for the purpose of distinguishing between the functions of the Authority and those of the Commissioners, and while the variation remains in force, be treated as varied in accordance with the order.
- (3) The power conferred on the Secretary of State by this paragraph shall not be exercisable after the end of the period of three years beginning with the date on which section 8 of this Act comes into force.
- (4) Before submitting any proposal under this paragraph, the Authority shall consult the Navigation Committee.

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### *Consultation*

- 6 (1) Consultations carried out by the Secretary of State before the coming into force of subsections (5) and (6) of section 1 of this Act shall be treated as satisfying the requirements in those subsections if they would have done so had those subsections been in force at the time in question.
- (2) Consultations carried out by the Authority before the coming into force of subsection (3) of section 13 of this Act shall be treated as satisfying the requirements of that subsection if they would have done so had that subsection been in force at the time in question.

### *Temporary borrowing*

- 7 (1) Without prejudice to the borrowing powers of the Authority by virtue of section 16 of this Act, but subject to sub-paragraph (2) below, the Authority may borrow by way of temporary loan or overdraft from a bank or otherwise any sums which it may require for the purpose of defraying its expenses before the operative date.
- (2) The sums borrowed under this paragraph shall not exceed such amount as the Secretary of State may determine and shall be repaid before the end of the financial year in which revenue is first received by the Authority as a result of levies made by it under section 14 of this Act.
- (3) Paragraph 12 of Schedule 13 to the <sup>M1</sup>Local Government Act 1972 (joint borrowing) shall apply to the power conferred by this paragraph as it applies to the powers of borrowing conferred by Part I of that Schedule.

#### **Marginal Citations**

**M1** 1972 c. 70.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(8A) inserted by [2008 c. 29 s. 224\(2\)\(b\)](#)