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STATUTORY INSTRUMENTS

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**2002 No. 1998**

**The Wye Navigation Order 2002**

**PART V**

**THE UPPER RIVERS AND THE TRIBUTARIES**

**Byelaws in relation to the upper rivers and the tributaries**

**32.**—(1) In its application to the upper rivers and the tributaries, the power of the Agency to make byelaws under paragraph 1 of Schedule 25 to the Water Resources Act 1991 (Byelaws for regulating use of inland waters) shall have effect with the modifications set out in paragraphs (2) and (3).

(2) In paragraph 1(1) of that Schedule, the words “for the purposes of any of the functions specified in sub-paragraphs (i), (iii) and (v) of section 2(1)(a) of the 1995 Act” and the words “(whether with mechanically propelled boats or otherwise)” shall be omitted.

(3) Paragraph 1(3) of that Schedule shall be replaced by the following—

“(3) Byelaws made in respect of any inland waters by virtue of this paragraph may—

- (a) prescribe navigational rules, including rules regulating the speed of boats on the inland waters and rules prohibiting the use of the inland waters by boats which exceed dimensions (in terms of length, width, height, draught or other criteria) specified in the byelaws;
- (b) prescribe days, periods or water levels during which boats of a specified class or description may not use the inland waters;
- (c) require persons using the inland waters to behave so as to avoid undue interference with the use of the waters by others;
- (d) require the registration of, or of any class of, boats, require the renewal of registration, provide for the revocation of registration in specified circumstances and prohibit the use of the inland waters by boats which are required to be but which are not registered with the Agency;
- (e) authorise the Agency to make reasonable charges in respect of the registration of boats in pursuance of the byelaws, including different charges for boats of different descriptions;
- (f) authorise the Agency to attach conditions to the registration of boats and to grant exemptions (with or without conditions) from the requirements of registration, including exemptions to those vessels used by members of such clubs, associations or bodies as the Agency may from time to time determine;
- (g) authorise the Agency to inspect boats or have them inspected on behalf of the Agency in connection with their registration; and
- (h) require notice of the transfer or sale of any boat so registered to be given to the Agency.

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(4) Any charge payable in respect of a certificate of registration issued in pursuance of the byelaws shall be recoverable by the Agency from the owner of the boat so registered or other person who has applied for its registration.

(5) In this paragraph, “boat” includes a vessel of any description, whether mechanically propelled or otherwise, and “boating” shall be construed accordingly.”

(6) Notwithstanding section 211(1) of the Water Resources Act 1991, any person contravening byelaws made by virtue of paragraph 1 of Schedule 25 to that Act in relation to the upper rivers and the tributaries shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) Without prejudice to article 3(6), before making any byelaws under paragraph 1 of Schedule 25 to that Act in relation to the upper rivers and the tributaries, the Agency shall consult such persons and bodies as it considers necessary and appropriate.

### **Saving**

**33.** Nothing in this Order shall be construed as implying that there is, or that there is not, a public right of navigation over the upper rivers and the tributaries, or any part of those rivers and tributaries.