
STATUTORY INSTRUMENTS

2002 No. 1998

The Wye Navigation Order 2002

PART VI

MISCELLANEOUS

Agreements with other authorities

- 34.**—(1) The Agency may enter into agreements with any other authority which is authorised to—
- (a) require registration of vessels navigating any waterway under the jurisdiction of that authority; or
 - (b) prescribe conditions with respect to their construction, equipment or maintenance which must be satisfied by vessels,

for the purpose of integrating the administration of provisions of any byelaws made to establish a registration scheme under this Order or under Schedule 25 to the Water Resources Act 1991 or in relation to the construction, equipment or maintenance of vessels pursuant to article 17(2)(h) with the administration by that authority of its provisions regarding the registration of vessels or their construction, equipment or maintenance.

- (2) In particular, any such agreement may provide—
- (a) for treating registration or safety certificates issued by one of the parties to the agreement as registration or safety certificates issued by the other;
 - (b) for treating distinguishing marks or numbers assigned to vessels registered or certified by one party to the agreement as having been assigned to that vessel by the other; and
 - (c) for apportioning any registration fees or other charges between the parties to the agreement.

(3) Any certificate issued by an authority who is a party to such an agreement shall be deemed for the purposes of the byelaws referred to in paragraph (1) to have been issued by the Agency under those byelaws, and any mark, number or other distinguishing sign displayed on a vessel in accordance with the requirements of an authority who is a party to such an agreement shall be treated as complying with the requirements of those byelaws.

Power to require information, etc.

- 35.**—(1) On demand by any officer on producing written evidence of his authority—
- (a) the master of any vessel on the rivers shall give the officer particulars of his own name and address, and (if known to him) the name and address of the owner of the vessel; and
 - (b) the owner of any vessel on the rivers shall give the officer particulars of the name and address of any person at any time specified by the officer as acting as master of the vessel,

being particulars or information needed for the purposes of any function conferred on the Agency by or under this Order.

(2) A person who fails without reasonable excuse to give information demanded under paragraph (1), or in giving it makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Obstruction of officers

36. Any person who intentionally obstructs an officer duly acting for the purposes for which he was appointed shall be guilty of an offence and liable on summary conviction for each offence to a fine not exceeding level 3 on the standard scale.

Protection of Crown interests

37.—(1) No power conferred on the Agency by this Order may be exercised in any way likely to affect prejudicially any interest which—

- (a) belongs to Her Majesty in right of the Crown; or
- (b) belongs to any government department or is held in trust for Her Majesty for the purposes of a government department,

unless the appropriate authority's consent to the proposed exercise of the power has been obtained by the Agency in writing.

(2) In giving any such consent the appropriate authority may impose such terms and conditions as it considers appropriate.

(3) In this article—

“the appropriate authority” means—

- (a) in relation to an interest belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, the Crown Estate Commissioners;
- (b) in relation to any interest belonging to Her Majesty in right of the Crown but not forming part of the Crown Estate, the government department having the management of that interest; and
- (c) in relation to an interest belonging to a government department, or held in trust for Her Majesty for the purposes of a government department, that department; and

“interest” means any estate, interest or right in or over land.

Repeal of enactments

38.—(1) The enactments specified in Schedule 2 are repealed to the extent specified.

(2) The portion of the first enactment referred to in Schedule 2 (which is saved from repeal to the extent, if any, that it applies to the upper rivers and the tributaries) is the following portion contained on the eighth membrane of the original Act (numbered V.T. 47) kept in the House of Lords Record Office—

“PROVIDED also that it shall and may be lawful to and for any person or persons, to use occupy or employ any boat, barge, leightor or other Vessell upon the said River of Wye for the carrying transporting or conveying of any passengers goods or any other things whatsoever, as freely to all intents and purposes as is or hath been used or accustomed.”

(3) The portion of the second enactment referred to in Schedule 2 (which is saved from repeal to the extent, if any, that it applies to the upper rivers and the tributaries) is the following portion of that Act appearing in the edition prepared under the direction of the Record Commission and dated 12th March 1831 immediately following the enacting formula and preceding the section numbered II, and which is given the marginal note “The said Rivers declared free and common Rivers”—

“That the said Rivers of Wye and Lugg be and from henceforth be accounted deemed and taken to be free and Common Rivers and Streams to and for all His Majesties Subjects freely to make use of for the carrying and conveying of all Passengers Goods Wares and Commodities by Boats Barges Lighters and other Vessells whatsoever.”

(4) Nothing in paragraph (1) shall affect any public right of way over land conferred by or acquired under the enactments specified in Schedule 2.

(5) For the avoidance of doubt, in construing the enactments mentioned in paragraphs (2) and (3) a court may have regard to the repealed provisions of the Acts in which those enactments are contained.