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STATUTORY INSTRUMENTS

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**2010 No. 699**

**The Environment Agency (Inland Waterways) Order 2010**

**PART 2**

**REGISTRATION OF VESSELS**

**Requirement for registration**

**4.—(1)** An owner or master of a vessel must not keep, let for hire or use the vessel on the waterways unless—

- (a) the vessel is registered with the Agency under article 5; and
- (b) any requirement imposed by the Agency under article 8 when registering the vessel is complied with.

(2) Paragraph (1) does not apply in relation to a vessel if the vessel is exempted from its provisions by the Agency in accordance with paragraph (3).

(3) The Agency may exempt any vessel or class of vessel from the provisions of paragraph (1) if, having regard to all the circumstances, it considers that the application of those requirements is not justified in the interests of the regulation of the waterways.

**Duty to register**

**5.—(1)** Subject to the requirements of articles 6, 7 and 8, the Agency must register a vessel upon the receipt of an application for its registration.

(2) Registration will ordinarily be for a period of 1 year from such date following the application for registration as the Agency may determine for the registration in question but the Agency may also if it sees fit register any vessel for such shorter period as it may determine.

(3) When registering a vessel, the Agency must—

- (a) assign a registration number to the vessel; and
- (b) issue a registration certificate for the vessel.

(4) When registering a vessel, the Agency may also—

- (a) assign a name or mark to the vessel unless the vessel is also registered under section 8 of the Merchant Shipping Act 1995<sup>(1)</sup>; and
- (b) issue a registration plate for the vessel.

(5) Any name assigned to a vessel on its registration is to be—

- (a) the name of the vessel specified in the application for the vessel's registration; or
- (b) such alternative name as the applicant may propose and which is acceptable to the Agency if the Agency determines that it is necessary to assign a different name to the vessel in

order to avoid any confusion as to the identity of the vessel or the possibility of causing offence to any person.

(6) The Agency may from time to time designate different categories of vessel either by reference to types, classes or sizes of vessel, or by reference to the use or location of vessels or by any combination of such means or other means for the purposes of any of the following requirements—

- (a) registration under article 5;
- (b) insurance under article 11;
- (c) construction and equipment standards under article 12; and
- (d) additional requirements for commercial vessels under article 15.

### **General requirements for registration**

6. The requirements for registration of a vessel are—

- (a) presentation to the Agency—
  - (i) in such manner as it may require of the particulars set out in Schedule 2;
  - (ii) of such additional information as the Agency may require respecting the characteristics and location of the vessel; and
- (b) payment of the registration charge applicable under any enactment in respect of the registration of the vessel by the Agency.

### **Refusal and revocation of registration**

7.—(1) The Agency may refuse to register a vessel if the requirements of article 6 have not been complied with or if the Agency has previously revoked the registration of the vessel under paragraph (3) or (4).

(2) The Agency may refuse to register a vessel if, having regard to the information supplied in accordance with article 6(a), it is not satisfied at the time when it determines the application that—

- (a) there is in force a policy of insurance for the vessel which complies with the requirements of Schedule 3 where such a policy is required by article 11; and
- (b) the vessel is constructed and equipped in accordance with such specification as may for the time being be prescribed by the Agency for such a vessel under article 12.

(3) Following receipt of any representation concerning a vessel (including any representation from an officer of the Agency), the Agency may refuse to register the vessel and it may revoke an existing registration of a vessel if, in its reasonable opinion and having regard to the representation, it is in the interest of safety.

(4) The Agency may revoke the registration of a vessel if it appears to it that—

- (a) the basis upon which the vessel was registered was or has become incorrect in any material respect; and
- (b) any requirements imposed in respect of the vessel under article 8 have not been complied with.

(5) The Agency must give notice to the owner, and, if different, the person who applied for registration, of a vessel of any refusal or revocation of registration in relation to it and in doing so must give its reasons.

(6) Before refusing or revoking a registration under paragraph (3) or (4) the Agency must provide the owner of the vessel with an opportunity to make oral or written representations.

(7) Subject to paragraph (8), an owner or another person with the owner's consent may complain to a magistrates' court under Part II of the Magistrates' Court Act 1980(2) against the refusal or revocation of a registration under paragraph (3) or (4) and, if the court decides that such refusal or revocation is unreasonable, the Agency must register the vessel without delay.

(8) The imposition of any requirement for insurance under article 11, or any question concerning the imposition of a standard or specification for a vessel under article 12, may not be the subject of complaint under paragraph (7).

### **Requirements in respect of registered vessels**

8.—(1) The Agency may make it a requirement of the registration of a vessel under article 5 that any one or more of the following means of identification is displayed on the vessel in such manner as the Agency may specify in order to allow the vessel to be identified—

- (a) the registration number of the vessel;
- (b) any name or mark assigned to the vessel; and
- (c) any registration certificate and plate issued for the vessel.

(2) The Agency may make it a requirement of the registration of a vessel under article 5 that—

- (a) the use of the vessel on the waterways is limited to the use specified in the category for which it is registered;
- (b) any change in ownership of the vessel is notified to the Agency by the transferor; and
- (c) any registration certificate or plate issued in respect of the vessel is surrendered to the Agency at the end of the registration period.

### **Liability of owner on transfer of ownership**

9. For the purposes of the requirements of this Order and any other enactment referred to in this Order applicable to the waterways, a person who is the owner of a vessel registered under this Order and who transfers ownership of the vessel is to be deemed to remain the owner of the vessel until that person has given notice to the Agency in writing of the name and address of the person to whom ownership of the vessel has been transferred.

### **Provision of information**

10.—(1) This article applies to information which is held by or on behalf of the Agency for the purposes of this Order (including information obtained by or on behalf of the Agency before the coming into force of this article).

(2) Information may be supplied to a responsible authority for the purposes of facilitating the exercise of the Agency's functions under this Order or any functions of that authority.

(3) Information may be supplied to any person who can show to the satisfaction of the Agency or the Secretary of State reasonable cause for wanting the particulars to be made available to that person.

(4) Information obtained by virtue of this article must not be further disclosed except to a responsible authority for the purposes mentioned in paragraphs (2) and (3).

(5) In this article, "responsible authority" means any of the following—

- (a) the chief officer of police for any police area in which the waterways are situated;
- (b) the fire authority for any area in which the waterways are situated;

- (c) the enforcing authority within the meaning given by section 18 of the Health and Safety at Work etc Act 1974<sup>(3)</sup> for any area in which the waterways are situated;
  - (d) the local planning authority within the meaning given by the Town and Country Planning Act 1990<sup>(4)</sup> for any area in which the waterways are situated;
  - (e) the local authority by which statutory functions are exercisable in any area in which the waterways are situated in relation to minimising or preventing the risk of pollution of the environment or of harm to human health;
  - (f) in relation to a vessel—
    - (i) a navigation authority within the meaning of section 221(1) of the Water Resources Act 1991<sup>(5)</sup>;
    - (ii) the British Waterways Board; or
    - (iii) the Secretary of State.
- (6) In this article, “statutory function” means a function conferred by or under any enactment.

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<sup>(3)</sup> 1974 c. 37.  
<sup>(4)</sup> 1990 c. 8.  
<sup>(5)</sup> 1991 c. 57.

**Changes to legislation:**

There are currently no known outstanding effects for the The Environment Agency (Inland Waterways) Order 2010, PART 2.