
STATUTORY INSTRUMENTS

2010 No. 699

The Environment Agency (Inland Waterways) Order 2010

PART 3

FURTHER REGULATION OF VESSELS

Insurance

11.—(1) The owner or master of a vessel must not keep, let for hire or use the vessel on the waterways unless there is in force in relation to the vessel a policy of insurance complying with the requirements of Schedule 3.

(2) The requirements of paragraph (1) do not apply in relation to a vessel to the extent that the vessel is exempted by the Agency from those requirements.

(3) The Agency may exempt any unpowered vessel or class of unpowered vessel from the application of paragraph (1) to such extent and upon such terms and conditions as it may determine if, having regard to its assessment of the risk of damage or injury which such insurance would provide cover against, it considers such exemption appropriate.

Construction and equipment standards

12.—(1) The Agency may impose in relation to vessels such reasonable standards and specifications relating to construction and equipment for one or more of the following purposes—

- (a) securing the safety of persons or property;
- (b) the prevention of damage or injury to persons or property; or
- (c) the prevention of noise or pollution.

(2) Different standards and specifications may be imposed by the Agency for the purposes of paragraph (1) in relation to different categories of vessels and in relation to different parts of the waterways.

(3) Any such standard or specification imposed by the Agency may include requirements as to the maintenance, use and operation of appliances, fittings and equipment on a vessel and may extend to anything which is only temporarily installed or used on a vessel.

(4) An owner or master of a vessel to which any standard or specification imposed under paragraph (1) applies must not keep, let for hire or use the vessel on the waterways otherwise than in accordance with that standard or specification.

(5) The requirements of paragraph (1) and (4) do not apply in relation to a vessel to the extent that the vessel is exempted by the Agency from those requirements.

(6) The Agency may exempt any vessel or class of vessel from the requirements of paragraph (1) and (4) to such extent and upon such terms and conditions as it may determine if, having regard to all the circumstances, it considers that the application of those requirements is not justified by reference to the purposes listed in the paragraph.

(7) When exercising power under this article, the Agency must have regard to reasonable standards and specifications imposed by other persons for the purposes specified in paragraph (1) and to the desirability of achieving common standards in relation to the regulation of vessels by different persons.

Standards appeals panel

13.—(1) A panel, referred to in this Order as “the standards appeals panel”, must be established by the Agency and operate in accordance with the provisions of Schedule 4.

(2) The standards appeals panel is to determine—

- (a) any question as to whether a vessel to which this article applies complies with a standard or specification imposed under article 12; and
- (b) any question as to the reasonableness of a standard or specification prescribed under article 12,

if the question is the subject of an application made in accordance with paragraph (3).

(3) An application to refer a question to the standards appeals panel must be made in writing to the Agency and signed by—

- (a) the owner of the vessel in the case of a question arising under paragraph (2)(a); and
- (b) not less than six persons, each of whom is the owner of a vessel to which this article applies in the case of a question arising under paragraph (2)(b).

(4) This article applies to a vessel which is either—

- (a) registered under article 5; or
- (b) would be registered under article 5 but for a refusal or revocation of registration on the grounds of a failure to comply with standard or specification under article 12.

Inspection of vessels

14.—(1) The owner or master of a vessel on the waterways must provide reasonable facilities for the inspection of the vessel by any person exercising powers of entry pursuant to sections 169 or 172 of the Water Resources Act 1991⁽¹⁾ for the purpose of ascertaining whether any requirement under or by virtue of this Order is being complied with.

(2) For the purposes of any inspection under this article, the owner or master of the vessel must cause the whole of any installation on the vessel to be made available for inspection.

Additional requirements for commercial vessels

15.—(1) The Agency may from time to time determine to impose additional requirements in relation to commercial vessels on the waterways for the purposes of safety or amenity or the proper regulation of navigation.

(2) Without prejudice to the generality of paragraph (1), the requirements which the Agency may determine to impose in relation to commercial vessels include—

- (a) requirements in relation to the number of persons who may be carried;
- (b) requirements in relation to the procedures to be followed when letting vessels for hire; and
- (c) except in relation to a vessel when let for hire without a master and crew, requirements in relation to the number and availability of the crew and the qualifications and competencies of the master and crew of such vessels.

(1) 1991 c. 57.

(3) Different requirements may be determined by the Agency for the purposes of paragraph (1) in relation to different categories of commercial vessel and in relation to different parts of the waterways.

(4) An owner or master of a commercial vessel to which any requirements determined under paragraph (1) apply must not keep, let for hire or use the vessel on the waterways otherwise than in accordance with those requirements.

(5) Paragraph (4) does not apply in relation to a vessel to the extent that the vessel is exempted by the Agency from requirements determined under paragraph (1).

(6) The Agency may exempt any vessel or class of vessel from requirements prescribed under paragraph (1) to such extent and upon such terms and conditions as it may determine if, having regard to all the circumstances, it considers that the application of those requirements is not justified in the interests of safety or amenity, or in the interests of the proper regulation of navigation.

(7) When exercising power under this article, the Agency must have regard to additional requirements in relation to commercial vessels imposed by other persons for the purposes specified in paragraph (1) and to the desirability of achieving common standards in relation to the regulation of vessels by different persons.

Removal of unregistered vessels

16.—(1) The Agency may relocate on or remove from the waterways any vessel which is not registered under this Order if—

- (a) the Agency has given notice under this paragraph; and
- (b) the requirements of paragraph (5) do not apply.

(2) A notice under paragraph (1)(a) must—

- (a) identify the vessel in respect of which the notice is served and its approximate location;
- (b) state that if the owner fails either to apply for the registration of the vessel or to remove the vessel before the expiry of a period specified in the notice and being not less than 28 days from the date when the notice is first given under paragraph (3)(a), the Agency may relocate or remove the vessel and recover all expenses reasonably incurred in doing so from the owner; and
- (c) state that the vessel and its contents, once relocated or removed by the Agency, are liable to vest in and be disposed of by the Agency

(3) A notice under paragraph (1)(a) must be given—

- (a) by fixing a copy of the notice on the vessel or in a conspicuous place in the vicinity of the vessel; and
- (b) unless the Agency has made such enquiries as it may determine are reasonable to ascertain the name and address of the owner of the vessel but has been unable to do so, by serving a copy of the notice on the owner of the vessel.

(4) Section 123(1) to (4) of the Environment Act 1995⁽²⁾ (service of documents) applies to the service of a notice under paragraph (3)(b) as it applies to the service of notice under that Act.

(5) The Agency must not relocate or remove a vessel under this article if, within the period specified in the notice given for the purposes of paragraph (2)(b) in respect of the vessel, the owner of the vessel—

- (a) applies for the registration of the vessel; or

(2) 1995 c. 25.

- (b) enters into an agreement with the Agency on such terms as the Agency may see fit for the removal of the vessel from the waterways.
- (6) The Agency may recover from the owner of any vessel relocated or removed under this article all expenses reasonably incurred by the Agency in respect of the relocation or removal and storage of the vessel or in relocating, removing or storing anything attached to or carried in or on the vessel.
- (7) A vessel relocated or removed by the Agency under this article (together with anything attached to or carried in or on the vessel) vests in the Agency 3 months after the date the notice was first given by the Agency under paragraph (3)(a) in respect of the vessel.
- (8) If within 24 months of the date the notice was first given under paragraph (3)(a) in respect of a vessel a claim is made to the vessel or to anything attached to or carried in or on the vessel by a person who subsequently proves to the satisfaction of the Agency that the person is its owner, then the Agency must—
- (a) if the property is unsold and upon payment of the expenses referred to in paragraph (6), permit that person to retake it and, in the case of a vessel, together with anything attached to or carried in or on the vessel which has not been proved to the Agency's satisfaction to belong to another; or
 - (b) if it has been sold, pay to that person the amount of the proceeds of such sale after deducting the expenses referred to in paragraph (6) and the costs incurred in selling (including where appropriate valuing) the vessel and, if those proceeds are insufficient to reimburse the Agency those expenses, the deficiency may be recovered from that person by the Agency.
- (9) Subject to paragraph (8)(b), the proceeds of the sale of any vessel vested in the Agency under paragraph (7) must be spent by the Agency only in the carrying out of its navigation functions.
- (10) In this article “vessel” includes any part of the vessel.

Power to require information, etc.

- 17.—(1) In response to a demand made by an officer who produces, if requested, written evidence of that officer's authority—
- (a) the master of any vessel on the waterways must give the officer particulars of that master's name and address together with such particulars as are available to the master to verify the master's identity, and (if known to the master) the name and address of the owner of the vessel;
 - (b) the master of any vessel on the waterways must produce for inspection by the officer any registration certificate or plate issued in respect of the vessel and any exemption granted under this Order and in force for the time being in relation to the vessel;
 - (c) the owner or master of any vessel on the waterways must give the officer such information as is available to that person respecting the construction and equipment of the vessel and its compliance with the requirements of article 12;
 - (d) the owner or master of any vessel must give the officer such information as is available to that person regarding any policy of insurance in force in relation to the vessel; and
 - (e) the owner of any vessel on the waterways must give the officer particulars of the name and address of, or such other particulars as are available to that person to assist the identification of any person who, at any time specified by the officer, was acting as master of the vessel.
- (2) Any person who fails to give or produce any information or document required by an officer under paragraph (1) must, if then so required by the officer, give or produce that information or document within 28 days—
- (a) by presenting it in person at an office of the Agency; or

- (b) by serving it by post within that period on such office of the Agency as is specified by the officer making the request.

Changes to legislation:

There are currently no known outstanding effects for the The Environment Agency (Inland Waterways) Order 2010, PART 3.