



Broads Authority Act 2009

2009 CHAPTER i

PART 1

PRELIMINARY

1 Short and collective titles

- (1) This Act may be cited as the Broads Authority Act 2009.
- (2) The 1988 Act and this Act may be cited together as the Broads Authority Acts 1988 and 2009.

2 Interpretation

- (1) In this Act, unless the context otherwise requires, words and expressions to which meanings are given by the 1988 Act have the same respective meanings, and—
 - “the 1907 Act” means the Public Health Acts Amendment Act 1907 (c. 53);
 - “the 1988 Act” means the Norfolk and Suffolk Broads Act 1988 (c. 4);
 - “the 1991 Act” means the Water Resources Act 1991 (c. 57);
 - “the 2006 byelaws” means the Broads Authority (Boat Safety Standards) Byelaws 2006;
 - “adjacent waters” has the meaning given by subsection (2);
 - “authorised officer” means an officer or other person duly authorised in writing by the Authority to exercise powers conferred by this Act or the 1988 Act;
 - “the Authority” means the Broads Authority;
 - “harbour authority” has the meaning given by section 221 of the 1991 Act;
 - “the Lower Bure” means all that part of the Lower Bure upstream of Vauxhall Bridge;
 - “master”, in relation to a vessel, means any person whether the owner, master, hirer or other person lawfully or unlawfully having or taking command or charge or management of the vessel for the time being;

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“motor vessel” means any ship, boat, lighter, yacht, houseboat, launch or craft of any kind propelled by any form of power whether mechanical or otherwise and includes any craft propelled by a detachable outboard engine, but does not include any sea-going vessel used as a tug or exclusively for the carriage of animals, fish or goods or any vessel for the time being proceeding solely by or under sail, oar or paddle;

“the navigation committee” means the navigation committee appointed under section 9(1) of the 1988 Act;

“navigation authority” has the meaning given by section 221 of the 1991 Act;

“the navigation officer” means the navigation officer appointed under section 10(7) of the 1988 Act and includes any person appointed by the Authority to act as deputy to the navigation officer;

“personal water craft” has the meaning given by section 33;

“standards” means standards and specifications imposed under section 12(1);

“toll” means a charge levied by the Authority under section 26 of the Harbours Act 1964 (c. 4) and includes any charge levied in respect of a vessel moored, used or navigated on any adjacent waters;

“vessel” includes—

- (a) every description of craft, including a personal water craft, used or capable of being used for transportation by water;
- (b) a sailboard;
- (c) any raft, pontoon or similar floating or submersible structure capable of being moved under its own power or under tow, but does not include any raft or pontoon which is permanently fixed.

(2) For the purposes of this Act “adjacent waters” means any broad, dyke, marina or other substantially enclosed waters connected to the navigation area and from which a vessel may be navigated (whether or not through a lock, moveable barrier or any other work) into the navigation area but does not include—

- (a) the river Waveney upstream of Geldeston lock; or
- (b) the river Tas upstream of Trowse Bridge; or
- (c) any waters under the jurisdiction of Associated British Ports or the Great Yarmouth Port Authority; or
- (d) any waters which are used, for mooring or navigation, only by the owner of the land upon which those waters are situated; or
- (e) any waters which are used, for mooring or navigation, only by an occupant of an adjoining residential dwelling.

(3) Nothing in this Act shall have the effect of constituting the Authority as harbour authority or navigation authority for any adjacent waters.

3 Appointed day

(1) For the purposes of any provision of this Act, and of any provision of the 1988 Act which is amended by this Act, “the appointed day”, in relation to that provision, means such day (not earlier than 3 months after the passing of this Act) as may be fixed for the purposes of that provision in accordance with subsection (2) by resolution of the Authority.

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- (2) The Authority shall publish in a newspaper circulating in the area of the Broads and in the London Gazette notice—
- (a) of the passing of any such resolution and of the day fixed thereby; and
 - (b) of the general effect of the provision for the purposes of which the day has been fixed;
- and the day so fixed shall not be earlier than the expiration of 28 days from the date of the publication of the notice in the London Gazette.
- (3) A photostatic or other reproduction certified by the proper officer to be a true reproduction of a page or part of a page of any such newspaper or London Gazette, being a page or part of a page bearing the date of its publication and containing the notice mentioned in subsection (2), shall be evidence of the publication of the notice and of the date of publication.