



# Broads Authority Act 2009

## 2009 CHAPTER i

### PART 2

#### REGULATIONS AND MANAGEMENT OF NAVIGATION AREA

##### *Water skiing and wake boarding, etc.*

#### **25 Coming into force, etc. of provisions as to water skiing and wake boarding**

Sections 26 to 32 shall come into force as from the appointed day.

#### **26 Zones for water skiing or wake boarding**

- (1) The Authority may from time to time by resolution designate any part of the navigation area as a zone where water skiing or wake boarding is to be permitted.
- (2) A resolution passed under subsection (1) shall state whether it relates to water skiing or wake boarding, or to both activities.
- (3) A resolution passed under subsection (1) may specify conditions subject to which water skiing or wake boarding is permitted in the zone to which the resolution relates, including conditions as to the hours, days and times of year when water skiing or wake boarding is permitted.
- (4) The Authority may from time to time by further resolution amend or revoke any resolution passed under subsection (1).
- (5) Before passing a resolution under subsection (1) or (4) the Authority—
  - (a) shall consult the navigation committee, such persons who own or occupy residential property, the amenity of which appears to the Authority likely to be affected by the resolution, Natural England and such organisations as appear to the Authority to represent persons likely to be affected by the resolution; and

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- (b) shall publish notice of its intention to pass the resolution in a newspaper circulating in the area of the Broads.
- (6) The notice referred to in subsection (5) shall—
  - (a) identify any existing or proposed zone to which the proposed resolution relates;
  - (b) summarise the effects of the proposed resolution; and
  - (c) state that representations relating to the proposed resolution may be made in writing to the Authority within such period, expiring not less than 28 days after publication of the notice, as may be specified in the notice.
- (7) After considering any representations made in response to the notice referred to in subsection (5) the Authority may if it considers it reasonable to do so pass such a resolution as is mentioned in subsection (1) or (4).
- (8) It shall be the duty of the Authority to exhibit and maintain signs in the vicinity of every zone designated under this section denoting the boundaries of the zone.

## **27 Permits for water skiing and wake boarding**

- (1) The Authority may on application by any person issue a permit authorising that person and if the Authority thinks fit such other person or persons as is or are named in the application to engage in water skiing or wake boarding in a zone.
- (2) A permit shall state whether it relates to water skiing or wake boarding.
- (3) The applicant for a permit shall provide such information as the Authority may reasonably require as to—
  - (a) the applicant and (where the permit is sought in respect of the applicant and any other person or persons), the other person or persons;
  - (b) the water skis, wake boards, towing vessel and other equipment to be used;
  - (c) (where the permit is required in connection with an event), the event;
 and such other matters as the Authority may specify.
- (4) A permit may authorise the holder to engage in water skiing or wake boarding within one or more zones (which shall be specified in the permit).
- (5) A permit—
  - (a) shall be valid for such period as may be specified in the permit; and
  - (b) may be issued subject to such reasonable conditions as may be so specified.
- (6) The conditions subject to which a permit is issued may include conditions—
  - (a) requiring the holder to maintain a policy of insurance complying with the requirements of Schedule 3;
  - (b) requiring the holder to supply information (including information as to any policy of insurance) on request to the Authority;
  - (c) requiring the holder to be a member of an organisation which requires as a condition of membership that members observe adequate standards of safety when engaging in water skiing or wake boarding;
  - (d) requiring the holder to observe any conditions specified in a resolution passed under section 26;

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- (e) making requirements as to the manner in which the holder may carry out water skiing or wake boarding, including requirements for the avoidance of danger to the holder or other persons or of damage to land or other property;
- (f) making requirements as to the design or nature of the vessel or the equipment to be used in carrying out water skiing or wake boarding;

and such other reasonable conditions, including conditions making requirements as to the holder of the permit and any person (not being the holder) who navigates, or is towed by, any towing vessel, as the Authority thinks fit.

- (7) The Authority may charge reasonable fees for the issue of permits.
- (8) Without prejudice to the power of the Authority to refuse a permit on any other grounds, the Authority may refuse a permit if the number of permits already in force is equal to or exceeds the maximum number from time to time determined by the Authority for the purposes of this Act.

## **28 Directions as to water skiing and wake boarding**

- (1) The Authority may display signs within or in the vicinity of a zone giving directions to persons engaging in water skiing or wake boarding, or intending to do so.
- (2) An authorised officer may also give such directions as are mentioned in subsection (1), and such directions need not be in writing, and may be given by any reasonable means.
- (3) A direction under subsection (1) or (2)—
  - (a) may prohibit water skiing or wake boarding temporarily, on the whole or any part of a zone, by any person other than participants in any event;
  - (b) may prohibit water skiing or wake boarding temporarily, on the whole or part of any zone, where in the opinion of the Authority or of an authorised officer such a prohibition is necessary in any emergency;
  - (c) may be given so as to restrict the numbers of persons engaging in water skiing or wake boarding on the whole or any part of a zone where in the reasonable opinion of the Authority or of an authorised officer this is necessary to prevent congestion or in the interests of safety.

## **29 Offences as to water skiing and wake boarding**

Any person who without reasonable excuse—

- (a) engages in water skiing or wake boarding anywhere in the navigation area otherwise than in a zone;
- (b) engages in water skiing or wake boarding in a zone otherwise than in accordance with a permit;
- (c) contravenes any condition of a resolution passed under section 26, or of a permit;
- (d) fails on demand to produce to an authorised officer any permit issued to him by the Authority; or
- (e) contravenes any direction given under section 28,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

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### **30 Cancellation and amendment of permits**

- (1) Subsection (2) shall have effect where a person is convicted of an offence under section 29, or under any byelaw relating to water skiing or wake boarding, or is in breach of any other byelaw of the Authority, or where it appears to the Authority that any condition of a permit as to insurance has not been observed.
- (2) Where this subsection has effect the Authority may cancel any permit, or amend the conditions of any permit, held by or applicable to any person—
  - (a) who has been convicted of any such offence; or
  - (b) in respect of whom any condition as to insurance has not been observed.

### **31 Appeals**

- (1) A panel, referred to in this Act as “the water skiing and wake boarding appeals panel”, shall be established and operate in accordance with the provisions of Schedule 2 and of this section.
- (2) Any person aggrieved by any decision of the Authority—
  - (a) to refuse to issue a permit;
  - (b) as to the conditions subject to which a permit shall be issued; or
  - (c) to cancel or amend any permit under section 30;may appeal to the panel.
- (3) An appeal under subsection (2) may be brought at any time before the expiration of the period of 28 days beginning with the date upon which notification in writing is given of the decision.
- (4) A person desiring to appeal against such decision as is mentioned in subsection (2) shall give a written notice to the Authority specifying the decision against which he wishes to appeal and the grounds upon which such appeal is made.
- (5) On an appeal under this section, the panel may take such decision as it thinks fit.
- (6) It shall be the duty of the Authority to give effect to the decision of the panel taken under subsection (5).

### **32 Water skiing and wake boarding: interpretation**

- (1) In sections 26 to 31 and this section—
  - “the holder” means any person authorised by a permit to engage in water skiing or wake boarding;
  - “permit” means a permit issued under section 27;
  - “towing vessel” means a vessel used or intended to be used for towing a person engaging in water skiing or wake boarding;
  - “wake boarding” means the towing by a vessel of a device ridden by a person, being a device designed to travel on the wake created by the vessel;
  - “water skiing” does not include wake boarding, the use of a personal water craft, or any similar activity;
  - “zone” means a zone designated under section 26.
- (2) References in this Act to a person who engages in water skiing or wake boarding include both the person riding on the water skis or wake board and any person acting as

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master of, or otherwise concerned in the navigation of, any towing vessel, and “water skiing” and “wake boarding” shall be construed accordingly.