



Broads Authority Act 2009

2009 CHAPTER i

PART 2

REGULATIONS AND MANAGEMENT OF NAVIGATION AREA

Safety of vessels, etc.

12 Construction and equipment standards

- (1) As from the appointed day the Authority by resolution may from time to time impose in relation to vessels in the navigation area or on adjacent waters reasonable standards and specifications (in this Act referred to as “standards”) relating to construction and equipment for the purposes of ensuring safety or preventing noise or pollution.
- (2) Where there is in force a scheme imposing standards in relation to vessels on navigable waters under the control of the British Waterways Board and the Environment Agency the only standards which may be imposed or have effect under subsection (1) are—
 - (a) standards identical in effect to those identified in the said scheme;
 - (b) additional standards in relation to vessels which are pleasure boats or pleasure vessels to be let for hire, or to be used for carrying passengers for hire, for the purposes of section 94 of the 1907 Act;
 - (c) standards not falling within paragraph (a) or (b), being standards to be imposed pursuant to any agreement (whether made before or after the appointed day fixed for the purposes of this section) between the Authority of the one part and the British Marine Federation, the Inland Waterways Association and the Royal Yachting Association of the other part.
- (3) Before imposing standards such as are referred to in subsection (2)(b) or (c) or which differ materially from those contained in the 2006 byelaws, the Authority shall—
 - (a) (subject to subsection (5)) consult such bodies as appear to it to represent boating interests on its intention to do so and inform any such bodies of their entitlement to make representations within 56 days; and

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- (b) publish a notice of its intention to do so in a newspaper circulating in the area of the Broads and on the Authority’s website.
- (4) The notice published under subsection (3) shall—
- (a) summarise the effects of the standards;
 - (b) summarise the material differences between the standards contained in the existing byelaws, or in any scheme such as is referred to in subsection (2), and the standards to be imposed under this section; and
 - (c) state that representations may be made to the Authority in writing on the said differences within 56 days of the date of the notice.
- (5) Nothing in subsection (3)(a) shall require the Authority to consult the bodies referred to in subsection (2)(c) before imposing standards pursuant to any agreement such as is referred to in subsection (2)(c).
- (6) The Authority shall not impose standards to which subsection (3) refers until it has considered all representations made within 56 days of the date on which any bodies representing boating interests are consulted under subsection (3) and of the date of the newspaper notice published under subsection (3).
- (7) Different standards may be imposed by the Authority under this section in relation to different categories of vessels and in relation to different parts of the navigation area or any adjacent waters.
- (8) Any standards imposed by the Authority 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.
- (9) The requirements of subsection (1) do not apply in relation to a vessel to the extent that the vessel is excluded from those requirements by any exemption granted by the Authority and for the time being in force.
- (10) The Authority may exempt any vessel from the requirements of subsection (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 preventing noise or pollution.