



Middle Level Act 2018

2018 CHAPTER ii

PART 3

REGISTRATION

12 Requirement for registration

- (1) Without prejudice to section 11, byelaws under that section may also make provision for the purpose of providing for the registration of vessels on the waterways.
- (2) Where such byelaws are in force, the Commissioners must set up and maintain the register of vessels.
- (3) The byelaws may in particular—
 - (a) provide for the registration of vessels under different categories;
 - (b) authorise the Commissioners to impose a charge for registration of the vessel, and different charges may be imposed for different categories of vessel;
 - (c) make provision as to the display on registered vessels of registration plates, documents or numbers;
 - (d) provide for the exemption of prescribed vessels or categories of small unpowered pleasure vessels or other vessels from the requirement to register;
 - (e) prescribe the period for which any registration is to be effective;
 - (f) determine the procedure to be followed in registering;
 - (g) require a vessel to be constructed and equipped in accordance with specified standards;
 - (h) require the applicant to submit with an application, evidence of—
 - (i) the particulars set out in Schedule 3; and
 - (ii) such other information as the Commissioners may require; and
 - (i) authorise the Commissioners to impose conditions on the registration, including conditions—
 - (i) requiring a policy of insurance that complies with Schedule 2 to be in force;
 - (ii) limiting the use of the vessel on the waterways to specified categories;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (iii) requiring any change in ownership of the vessel to be notified to the Commissioners;
 - (iv) providing for the owner of the vessel to be deemed to remain the owner of the vessel for the purposes of enforcing any obligations that apply by virtue of the registration until that notification has been received; and
 - (v) requiring any registration certificate or plate issued by the Commissioners to be surrendered at the end of the registration period.
- (4) The Commissioners may require the applicant to pay a reasonable application fee for the processing of an application, and different fees may be prescribed for different cases or classes of case.
- (5) Where any person tenders the appropriate fee for registering a vessel under the byelaws, the Commissioners must register the vessel in accordance with the byelaws, unless—
 - (a) they are not satisfied at the time when they determine the application that any requirement imposed by or under the byelaws has been met; or
 - (b) the Commissioners have previously revoked the registration of the vessel under subsection (6) or (7).
- (6) Following receipt of any representation concerning a vessel (including any representation from an officer of the Commissioners), the Commissioners may refuse to register the vessel and they may revoke an existing registration of a vessel if, in their reasonable opinion and having regard to the representation, it is in the interest of safety.
- (7) The Commissioners may revoke the registration of a vessel if it appears to them that—
 - (a) the basis upon which the vessel was registered was or has become incorrect in any material respect; or
 - (b) any requirements imposed in respect of the vessel under the byelaws have not been complied with.
- (8) The Commissioners 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 their reasons.
- (9) Before refusing or revoking a registration under subsection (5), (6) or (7) the Commissioners must provide the owner of the vessel with an opportunity to make oral or written representations.
- (10) Subject to subsection (11), an owner or another person with the owner's consent may complain to a magistrates' court under Part 2 of the Magistrates' Courts Act 1980 (civil jurisdiction and procedure) against the refusal or revocation of a registration under subsection (5), (6) or (7) and, if the court decides that such refusal or revocation is unreasonable, the Commissioners must register the vessel without delay.
- (11) The imposition of any requirement for insurance under the byelaws, or any question concerning the imposition of a standard or specification for a vessel under the byelaws, may not be the subject of complaint under subsection (10).

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

13 Provision of information

- (1) This section applies to information which is held by or on behalf of the Commissioners for the purposes of this Act (including information obtained by or on behalf of the Commissioners before the coming into force of this Act).
- (2) Information may be supplied to a responsible authority for the purposes of facilitating the exercise of the Commissioners' functions under the navigation Acts or any functions of that authority.
- (3) Information may be supplied to any person who can show to the satisfaction of the Commissioners reasonable cause for wanting the particulars to be made available to that person.
- (4) Information obtained by virtue of this section must not be further disclosed except to a responsible authority for the purposes mentioned in subsections (2) and (3).
- (5) In this section, "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 (authorities responsible for the enforcement of the relevant statutory provisions) 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 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) the Environment Agency; and
 - (g) in relation to a vessel—
 - (i) a navigation authority within the meaning of section 221(1) of the Water Resources Act 1991 (general interpretation); or
 - (ii) the Secretary of State.
- (6) In this section, "statutory function" means a function conferred by or under any enactment.