



British Waterways Act 1975

CHAPTER xxiii

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ELIZABETH II



1975 CHAPTER xxiii

An Act to confer further powers on the British Waterways Board and make further provision for the control and regulation of the Board's waterways; and for other purposes.

[1st August 1975]

WHEREAS—

(1) By the Transport Act 1962 the British Waterways Board 1962 c. 46. (in this Act referred to as "the Board") were established:

(2) It is the duty of the Board under the Transport Act 1962 and the Transport Act 1968 (inter alia) to provide to such extent 1968 c. 73. as they may think expedient services and facilities on the inland waterways owned or managed by them:

(3) It is expedient that further powers should be conferred on the Board and that further provision should be made as in this Act provided for the control and regulation by the Board of the inland waterways owned or managed by them:

(4) It is expedient that the other powers in this Act contained should be conferred upon the Board and that the other provisions in this Act contained should be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title. 1. This Act may be cited as the British Waterways Act 1975.

Interpretation. 2.—(1) In this Act, unless the context otherwise requires, the following words and expressions have the meanings hereby assigned respectively to them:—

1954 c. lv. “ the Act of 1954 ” means the British Transport Commission Act 1954;

1958 c. xliv. “ the Act of 1958 ” means the British Transport Commission Act 1958;

1971 c. xviii. “ the Act of 1971 ” means the British Waterways Act 1971;

“ the Board ” means the British Waterways Board;

“ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“ inland waterway ” means any canal or inland navigation belonging to or under the control of the Board and includes any works, lands or premises belonging to or under the control of the Board and held or used by them in connection with such canal or inland navigation.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment, including this Act.

Display of pleasure boat certificate. 3.—(1) Any pleasure boat in respect of which there is for the time being in force a pleasure boat certificate or a licence shall whilst it is on a river waterway have such certificate or licence displayed on the pleasure boat in such a manner and position as will ensure that it is clearly visible from the outside at all times.

(2) If the owner of any such pleasure boat, or other person lawfully or wrongfully having or taking the command, charge or management of any such pleasure boat for a period exceeding twenty-eight days, knowingly causes or permits it to be on a river waterway without the pleasure boat certificate or licence being displayed thereon as required by subsection (1) of this section, he shall be liable for each offence to a fine not exceeding fifty pounds.

(3) Any person who knowingly causes or permits to be concealed the pleasure boat certificate or licence of any pleasure boat whilst it is on a river waterway shall be liable for each offence to a fine not exceeding twenty pounds.

(4) In this section the expressions "pleasure boat", "pleasure boat certificate" and "river waterway" have the meanings assigned to them in the Act of 1971 and "licence" means a licence issued by the Board allowing the use of all inland waterways without further payment.

4.—(1) Any houseboat in respect of which there is for the time being in force a houseboat certificate shall have such certificate displayed on the houseboat in such a manner and position as will ensure that it is clearly visible from the outside at all times. Display of houseboat certificate.

(2) If the owner of any such houseboat, or other person occupying any such houseboat for a period exceeding twenty-eight days, knowingly causes or permits the houseboat to be moored, placed, kept or maintained on an inland waterway without the houseboat certificate being displayed thereon as required by subsection (1) of this section, he shall be liable for each offence to a fine not exceeding fifty pounds.

(3) Any person who knowingly causes or permits to be concealed the houseboat certificate of any houseboat whilst it is on an inland waterway shall be liable for each offence to a fine not exceeding twenty pounds.

(4) In this section the expressions "houseboat" and "houseboat certificate" have the meanings assigned to them in the Act of 1971.

5.—(1) In their application to the Board the provisions of Canal subsection (2) of section 16 (Canal byelaws) of the Act of 1954 shall be construed to have effect as if the power thereby conferred to make byelaws for regulating the use of the canal included the express power to make byelaws for excluding any vessel from the canal, prohibiting the use by any vessel of the canal or prohibiting the use of the canal except in compliance with such conditions as the Board may prescribe, but any such last-mentioned byelaws shall not apply to tidal waters. Canal byelaws.

(2) In this section the expressions "canal" and "vessel" have the meanings assigned to them by the said section 16.

(3) In its application to the Board, the said section 16 shall have effect as if for subsections (14) to (16) thereof there were substituted the following subsections:—

"(14) No byelaw made by the Board under this section and applicable to any canal or part of a canal which is to be treated as and deemed to be the main river of a water authority

1930 c. 44. shall interfere with the operation of any byelaw made under section 47 of the Land Drainage Act 1930 and also applicable to the said canal or part thereof or with the powers or obligations of a water authority under the said Act of 1930 and the Land Drainage Act 1961.

1961 c. 48. (15) No byelaw made by the Board under this section shall interfere with any of the powers or obligations of a water authority under the provisions of the Control of Pollution Act 1974 or any byelaw made thereunder."

Amendment of section 19 of British Transport Commission Act 1958. 6. In its application to the Board section 19 (As to vessels sunk, stranded or abandoned) of the Act of 1958 shall have effect as if in subsection (7) thereof for the words "at the principal office of the Commission" there were substituted the words "in a conspicuous position on the vessel or on the land or foreshore near such vessel".

Amendments of British Waterways Act 1971. 7. The Act of 1971 shall have effect as if—
 (a) in subsection (2) of section 5 (Restrictions on pleasure boats) for the words "twenty pounds" and "two pounds" there were substituted the words "fifty pounds" and "five pounds" respectively; and
 (b) in subsections (4) and (5) of section 9 (Mark, name or number of pleasure boat to be conspicuously displayed) and in paragraph (a) of subsection (3) of section 13 (Restrictions on houseboats) for the words "twenty pounds" there were substituted the words "fifty pounds".

Amendment of British Transport Commission Act 1954. 8. In its application to the Board section 16 (Canal byelaws) of the Act of 1954 as amended by the Act of 1971 shall have effect as if in subsection (4) for the words "twenty-five pounds" there were substituted the words "one hundred pounds".

Application of certain powers to Scotland. 9.—(1) Notwithstanding subsection (18) of section 16 (Canal byelaws) of the Act of 1954, the provisions of that section in its application to the Board shall apply to Scotland and for the purposes of such application references to the Secretary of State for Scotland and the Edinburgh Gazette shall be substituted therein for the references to the Minister and the London Gazette respectively.

(2) Section 19 (As to vessels sunk, stranded or abandoned) of the Act of 1958 in its application to the Board shall have effect as if subsection (11) were omitted therefrom.

(3) Section 26 (Commission may require canal basins to be kept watertight, etc.) of the British Transport Commission Act 1959 in its application to the Board shall have effect as if sub-section (5) were omitted therefrom.

(4) Notwithstanding section 27 (Extent of Act) of the Act of 1971, the provisions of Part III (Houseboats) and so much of the provisions of Part IV (Special provisions applicable to pleasure boats and houseboats) as relates to houseboats of the Act of 1971 shall apply to Scotland and for the purposes of such application for the references in the said provisions to the Town and Country Planning Acts 1962 to 1968 and the Lands Tribunal there shall be substituted references to the Town and Country Planning (Scotland) Act 1972 and the Lands Tribunal for Scotland 1972 c. 52. respectively.

10. The enactment specified in the Schedule to this Act is hereby Repeals. repealed to the extent mentioned in the third column thereof.

11. All costs, charges and expenses of and incidental to the Costs of Act. preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Board and may in whole or in part be defrayed out of revenue.

Section 10.

SCHEDULE

REPEALS

Chapter (1)	Short title (2)	Extent of repeal (3)
1971 c. xviii	The British Waterways Act 1971	Section 11 (Production of pleasure boat certificate). Section 16 (Production of houseboat certificate). Paragraph (c) of section 22 (Amendments of section 16 of British Transport Com- mission Act 1954).

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