



# British Waterways Act 1995

## 1995 CHAPTER i

### PART III

#### REGULATION AND MANAGEMENT OF INLAND WATERWAYS

#### 17 Conditions as to certificates and licences

(1) In this section—

“houseboat certificate” means a houseboat certificate issued under the Act of 1971;

“insurance policy” means an insurance policy complying with Part I of Schedule 2 to this Act;

“licence” means a licence issued by the Board in respect of any vessel allowing the use of the vessel on any inland waterways;

“pleasure boat certificate” means a pleasure boat certificate issued under the Act of 1971;

“relevant consent” means a houseboat certificate, a licence or a pleasure boat certificate; and

“standards” means standards for the construction and equipment of vessels prescribed under this section and Part II of the said Schedule 2.

(2) Part I of Schedule 2 to this Act shall have effect with respect to insurance policies and Part II of that Schedule shall have effect with respect to standards.

(3) Notwithstanding anything in any enactment but subject to subsection (7) below, the Board may refuse a relevant consent in respect of any vessel unless—

- (a) the applicant for the relevant consent satisfies the Board that the vessel complies with the standards applicable to that vessel;
- (b) an insurance policy is in force in respect of the vessel and a copy of the policy, or evidence that it exists and is in force, has been produced to the Board; and
- (c) either—

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- (i) the Board are satisfied that a mooring or other place where the vessel can reasonably be kept and may lawfully be left will be available for the vessel, whether on an inland waterway or elsewhere; or
  - (ii) the applicant for the relevant consent satisfies the Board that the vessel to which the application relates will be used bona fide for navigation throughout the period for which the consent is valid without remaining continuously in any one place for more than 14 days or such longer period as is reasonable in the circumstances.
- (4) If—
- (a) (subject to subsection (6) below) the vessel does not comply with the standards applicable to the vessel on the date when the consent was granted; or
  - (b) an insurance policy is not in force in respect of the vessel; or
  - (c) either—
    - (i) (in the case of a vessel in respect of which a relevant consent is issued pursuant to subsection (3) (c) (i) above) it appears to the Board that a mooring or other place such as is referred to in subsection (3) (c) (i) above is not available for the vessel; or
    - (ii) (in the case of a vessel in respect of which a relevant consent is issued pursuant to subsection (3) (c) (ii) above) the vessel has not in fact been used bona fide for navigation in accordance with the said subsection (3) (c) (ii);
- the Board may give notice requiring the holder of the relevant consent to remedy the default within such time as may be reasonable (not being less than 28 days).
- (5) If the holder of the relevant consent does not comply with any notice served pursuant to subsection (4) above then the relevant consent shall determine on the date the notice expires.
- (6) Where prior to the grant of a relevant consent a certificate (“the boat safety certificate”) has been issued by a person authorised by the Board so to do in respect of a vessel confirming that the vessel complies with the standards applicable to it at the date upon which the boat safety certificate is issued, subsection (4) (a) above shall have effect throughout the period for which the boat safety certificate is expressed to be valid as if for reference to the date when the consent was granted there were substituted reference to the date when the boat safety certificate was issued.
- (7) (a)
- In this subsection—
- “designated vessel” means any vessel in respect of which a relevant consent has been in force at any time during the qualifying period other than—
- (i) a houseboat registered under the Act of 1971 for the first time after 31st December 1979; or
  - (ii) any hire pleasure boat, that is, any pleasure boat which is let, lent, hired or engaged for gift, pay, hire or reward or promise of payment or carries or conveys passengers for a charge or payment; or
  - (iii) any pleasure boat (not being a hire pleasure boat) adapted or used for the carriage or conveyance of passengers, being a vessel in respect of which the Board are satisfied that a multi-user licence would be appropriate; and

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“the qualifying period” means the period commencing twelve months before the date of the passing of this Act and ending six months before the date of the passing of this Act.

- (b) The Board shall not—
- (i) before the first anniversary of the passing of this Act, in the case of any designated vessel constructed after 31st December 1970; or
  - (ii) before the second anniversary of the passing of this Act, in the case of any designated vessel constructed before 1st January 1971;

refuse or withdraw a relevant consent in respect of the vessel on the grounds that the vessel does not or has ceased to comply with the standards applicable to it.

- (8) The Board shall not within the period expiring at the end of the sixth month after the month current at the date of the passing of this Act refuse or withdraw a relevant consent in respect of any vessel on the grounds that a mooring or other place such as is referred to in subsections (3) (c) (i) and (4) (c) (i) above is not available for the vessel.
- (9) Nothing in this section shall affect any power of the Board under any other enactment to refuse or withdraw a relevant consent.
- (10) Section 3 (Construction and equipment of vessels) of the Act of 1983 shall cease to have effect.
- (11) (a)

The refusal or withdrawal by the Board of a relevant consent in respect of any vessel on the grounds that the vessel does not comply with the standards applicable to that vessel shall not preclude the movement or use of the vessel with the consent of the Board (which shall not be unreasonably withheld) and subject to such reasonable conditions (if any) as they may determine.

- (b) Without prejudice to the generality of paragraph (a) above, the Board shall not withhold their consent under this subsection to the movement or use of a vessel for the purpose of taking it to a place where it may be repaired or modified so as to comply with the standards applicable to it, or for the purpose of taking the vessel to be destroyed, unless such movement or use would give rise to the risk of obstruction or danger to navigation or to persons or property.
- (c) Nothing in this section shall affect the operation of section 7 (Control of unsafe vessels) of the Act of 1983.