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SCHEDULES

SCHEDULE 1

Section 5

PROCEDURES AS TO GENERAL DIRECTIONS

- 1 In this Schedule “the statutory consultees” means—
- (a) Associated British Ports;
 - (b) the Great Yarmouth Port Authority;
 - (c) the navigation committee;
 - (d) the British Marine Federation, the Inland Waterways Association and the Royal Yachting Association; and
 - (e) such other bodies (if any) appearing to the Authority to represent boating interests as the Authority considers appropriate.
- 2 The Authority from time to time following consultation with the statutory consultees shall appoint a suitable person to act as the independent person for the purposes of this Schedule, and references in this Schedule to the independent person are references to the person so appointed.
- 3 The Authority shall consult the statutory consultees upon any proposal to give, amend or revoke a general direction and except in a case of emergency shall do so before giving notice of the proposal under paragraph 4.
- 4 Not less than 42 days before giving, amending or revoking a general direction or in a case of emergency as soon as is reasonably practicable the Authority shall—
- (a) publish notice of its intention to do so once in a newspaper circulating in the area of the Broads and on the Authority’s website; and
 - (b) give notice of its intention to do so to the statutory consultees.
- 5 Any notice published under paragraph 4—
- (a) shall state a place where copies of the direction and any proposed amendment to it may be obtained and a place at which such copies may be inspected;
 - (b) shall state that representations may be made to the Authority in writing during the said period of 42 days or such longer period as may be specified in the notice;
- and except in a case of emergency the Authority shall not give, amend or revoke the direction until it has considered all such representations as are made during the period stated in the notice.
- 6 In addition to the requirements of paragraph 4, notice of the giving of a general direction or of the amendment or revocation of a general direction may be given in any manner considered by the Authority to be appropriate.
- 7 If any of the statutory consultees within the period allowed for in accordance with paragraph 5(b) objects to the giving, revoking or amending of a general direction the Authority shall refer the matter to the independent person.

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- 8 As soon as reasonably practicable after an objection is referred to the independent person under paragraph 7 the independent person shall invite the Authority and statutory consultee by which the objection was made to put their case by way of written representations.
- 9 Following receipt of any representations made under paragraph 8 the independent person shall as soon as reasonably practicable provide the Authority and the statutory consultee by which the objection has been made with a report containing his conclusions on the direction and on the objection.
- 10 Except in an emergency the Authority shall consider the report of the independent person provided under paragraph 9 before giving, revoking or amending any general direction.

SCHEDULE 2

Sections 13 and 31

PROVISIONS AS TO APPEALS PANELS

- 1 In this Schedule “the panel” means the standards appeals panel or the water skiing and wake boarding appeals panel, as the case may require.
- 2 The standards appeals panel shall consist of not less than 1 person appointed by the Authority and 2 persons appointed by such bodies as appear to the Authority to represent boating interests, the appointments in each case to be made at the Authority’s expense and from amongst persons having knowledge or experience of the standards.
- 3 The water skiing and wake boarding appeals panel shall consist of—
- (a) 1 person appointed by the standards committee established by the Authority under section 53 of the Local Government Act 2000 (c. 22) (“the standards committee”) from amongst the members of that committee who are not members or officers of the Authority or of any other relevant authority such as is referred to in section 49(6) of that Act;
 - (b) 2 persons appointed by a body appearing to the Authority to represent water skiing and wake boarding interests nationally;
 - (c) 2 further persons (not being members or officers of the Authority) appointed by the standards committee.
- 4 The Authority shall refer any application duly made under section 13 or section 31 to the panel and provide the panel with reasonable facilities to determine the question which is the subject of the application.
- 5 Subject to the other provisions of this Schedule, the panel shall determine its own procedure (including the quorum for any meeting).
- 6 A determination by the panel in relation to any question referred to it shall be final.
- 7 The reasonable costs incurred in convening the panel in relation to any question referred to it, including the reasonable costs of the Authority in providing facilities to it, shall be paid by such party as the panel may direct.
- 8 The panel may cause the amount of the costs so incurred by it to be certified and any amount so certified and directed by it to be paid by a person may be recovered from that person by or on behalf of the panel summarily as a civil debt.

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- 9 The panel may make orders as to the costs of the parties in relation to any question referred to it and as to the parties by whom the costs are to be paid.
- 10 Any order under paragraph 9 may be made a rule of the High Court on the application of any party named in the order.

SCHEDULE 3

Sections 14(2) and 27(6)(a)

REQUIREMENTS AS TO INSURANCE POLICIES

- 1 A policy required under section 14(2) shall insure the owner of the vessel and such other person, persons or classes of persons (if any) as is or as are authorised by the owner to have control of the vessel, in respect of any liability (other than a liability specified in paragraph 4) which may be incurred by the owner, or any such other person, resulting from the presence of the vessel in the navigation area or on adjacent waters, in respect of death of, or bodily injury to, any person or any damage to property.
- 2 A policy required under section 27(6)(a) shall insure the holder of the policy in respect of any liability (other than a liability specified in paragraph 4) which may be incurred by the holder in respect of the death of, or bodily injury to, any other person or any damage to property, resulting from the carrying out by the holder of water skiing or wake boarding.
- 3 A policy required under section 14(2) or section 27(6)(a) shall be issued by an insurer authorised under the Financial Services and Markets Act 2000 (c. 8) to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or who has corresponding permission under the law of another member state of the European Community.
- 4 A policy shall not by virtue of this Schedule be required—
- (a) to cover liability in respect of the death, arising out of and in the course of his employment, of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment;
 - (b) in the case of a policy required under section 14(2), to cover liability in respect of—
 - (i) damage to the vessel to which the policy relates;
 - (ii) goods carried on or in the vessel to which the policy relates, or any vessel drawn or propelled by such vessel;
 - (c) in the case of a policy required under section 27(6)(a), to cover liability in respect of damage to any water skis, wake board or other equipment used in connection with water skiing or wake boarding;
 - (d) to cover any liability of a person in respect of damage to property in his custody or under his control;
 - (e) to cover any contractual liability; or
 - (f) to provide cover in respect of any one accident for a sum in excess of such sum as may for the time being be prescribed by the Authority for the purposes of this paragraph.

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SCHEDULE 4

Section 35

BREYDON WATER AND THE LOWER BURE

The area known as Breydon Water and the Lower Bure as enclosed by notional lines drawn—

- (a) across the river Bure, between grid references TG 5190 1009 and TG 5193 1012;
- (b) across the upstream river Yare, between grid references TG 4700 0511 and TG 4696 0520;
- (c) across the river Waveney, between grid references TG 4722 0379 and TG 4725 0375;
- (d) across the downstream river Yare between grid references TG 5187 0781 and TG 5196 0786;

and on its landward sides by the level of mean high water springs within the area so enclosed.

SCHEDULE 5

Section 39(5)

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED BY SECTION 39(5)

<i>Section</i>	<i>Marginal note</i>
283(1)	Notices to be in writing; forms of notices &c.
285	Service of notices, &c.
287	Powers of entry.
288	Penalty for obstructing execution of Act.
304	Judges and justices not to be disqualified by liability to rates.
341	Powers to apply provisions of Act to Crown property.

SCHEDULE 6

Section 43(1)

TRANSITIONAL PROVISIONS

PART 1

GENERAL PROVISIONS

- 1 In this Part of this Schedule—
- “the appointed day” means the appointed day referred to in paragraph 5, 7 or 14, as the case may be;
 - “the existing enactments” means—
 - (a) the 2006 byelaws;
 - (b) the Broads Authority Speed Limit Byelaws 1992; and
 - (c) section 94 of the 1907 Act.

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- 2 The repeal, revocation or amendment, as the case may be, by this Act of the existing enactments shall not affect the liability of any person for any offence under any provision of the existing enactments committed before the appointed day.
- 3 Any proceedings under the existing enactments (including proceedings for an offence such as is referred to in paragraph 2) may be continued notwithstanding the repeal, revocation or amendment of the existing enactments.
- 4 Any application, approval, certificate, consent, document, exemption, notice or warrant made, submitted, given, granted or issued under any provision of the existing enactments shall continue to have effect after the appointed day as though it had been made, submitted, given, granted or issued under the corresponding provision of this Act until it expires or is revoked or otherwise ceases to have effect in accordance with this Act.

PART 2

BOAT SAFETY STANDARDS

- 5 In this Part of this Schedule—
“the appointed day” means the appointed day fixed for the purposes of section 12 (construction and equipment standards) of this Act;
“boat standards” means the boat safety standards set out in the 2006 byelaws.
- 6 (a) As from the appointed day the boat standards shall have effect as though they were standards and specifications imposed under section 12; and shall continue to apply to the categories of vessel to which they applied before the appointed day; and shall apply to vessels of those categories on adjacent waters as well as in the navigation area.
(b) The 2006 byelaws shall be revoked on the appointed day.

PART 3

WATER SKIING AND WAKE BOARDING

- 7 In this Part of this Schedule—
“the appointed day” means the appointed day fixed for the purposes of sections 26 to 32 of this Act;
“the 1992 byelaws” means the Broads Authority Speed Limit Byelaws 1992;
“the relevant date” means a date 6 months after the appointed day;
“the specified waters” means the stretches of water specified in Schedule 2 to the 1992 byelaws;
“the transitional period” means the period commencing on the appointed day and ending on the relevant date;
“water ski permit” means a water ski permit issued by the Authority under byelaw 9 of the 1992 byelaws.
- 8 During the transitional period—
(a) the specified waters shall be deemed to have been designated as zones under section 26; and

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- (b) any water ski permit issued by the Authority shall be deemed to be a permit issued under section 27.
- 9 During the transitional period the Authority shall not be required to exhibit and maintain any signs such as are referred to in section 26(8) in the vicinity of the specified waters.
- 10 Notwithstanding anything in the 1992 byelaws, or any condition of any water ski permit, every person who immediately before the appointed day held a water ski permit shall be entitled to engage in water skiing until the relevant date in accordance with the permit on the specified waters.
- 11 Paragraph 10 shall have effect subject to—
- (a) any resolution passed under section 26(1) or (4);
 - (b) any direction given under section 28; and
 - (c) the right of the Authority under section 30 to cancel or amend the permit in the circumstances referred to in section 30(1).
- 12 Without prejudice to the generality of paragraph 11 the Authority may during the transitional period by resolution passed under section 26 vary the times specified in Schedule 2 to the 1992 byelaws during which water skiing is permitted.
- 13 On the relevant date the following provisions of the 1992 byelaws shall be revoked—
- paragraph 2(a) of byelaw 5 (application of speed limits);
 - byelaw 6 (water skiing);
 - byelaw 9 (water ski permit);
 - in byelaw 11 (log books), paragraph b, the words “any light sports vessel is used in accordance with byelaw 6 or” in paragraph c, and paragraph d;
 - in byelaw 12 (wash) the words “any light sports vessel in accordance with Byelaw 6 or”;
 - Schedule 2 (water skiing—light sports vessels).

PART 4

PLEASURE BOAT LICENCES

- 14 In this Part of this Schedule—
- “the appointed day” means the appointed day fixed for the purposes of section 40 (application of requirements of 1907 Act) of this Act;
 - “licence” means a licence granted under section 94 of the 1907 Act;
 - “local authority” means any local authority from which functions are transferred to the Authority under section 40.
- 15 Any licence granted by a local authority and in force on the appointed day shall be deemed to have been granted by the Authority.
- 16 Anything done or commenced before the appointed day by or against, or in relation to, a local authority under section 94 of the 1907 Act may be continued after the appointed day by or against, or in relation to, the Authority under section 94, as it has effect in accordance with section 40 of this Act, and paragraphs 3 and 4 of this Schedule, instead of the local authority.

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SCHEDULE 7

Section 43(2)

AMENDMENTS TO THE NORFOLK AND SUFFOLK BROADS ACT 1988

- 1 Amend section 1 (the Broads Authority) as follows—
 - (1) For subsection (5) substitute—

“(5) The members appointed under subsection (3)(b) shall include persons appointed by the Secretary of State after consultation with such bodies appearing to him to represent the following interests, that is to say—

 - (a) boating;
 - (b) conservation;
 - (c) farming and landowning;
 - (d) land based recreation

as he considers appropriate, and in making such appointments the Secretary of State shall have regard to the desirability of maintaining an overall balance under this subsection (5) between those interests.”.
 - (2) Omit subsection (6).
- 2 Amend section 4 (conservation of areas of natural beauty) as follows—

In subsections (4) and (5), for “The Agency” substitute “Natural England”.
- 3 Amend section 8 (the navigation area) with effect from the appointed day fixed for the purposes of section 35 of this Act as follows—
 - (1) In subsection (1), after paragraph (c) insert “and
(d) Breydon Water and the Lower Bure”.
 - (2) Omit subsection (7).
- 4 Amend section 9 as follows—
 - (1) For subsection (6) substitute—

“(6) In addition to consulting the Navigation Committee in accordance with requirements imposed by other provisions of this Act, the Authority shall—

 - (a) consult the Navigation Committee—
 - (i) before delegating any function of the Authority in relation to the navigation area to any person;
 - (ii) before appointing any member of the Navigation Committee under this section;
 - (iii) before proposing, determining or bringing into force any new policy, plan, strategy or procedure or any change to an existing policy, plan, strategy or procedure which may significantly affect the use or enjoyment of the whole or any part of the navigation area;
 - (iv) before determining any application for planning permission which may significantly affect the use or enjoyment of the whole or any part of the navigation area and which materially conflicts with any policy, plan, strategy or procedure of the Authority;

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- (v) on the preparation of the annual budget, including in particular any income or expenditure attributable to the navigation area;
 - (vi) (except in case of urgency) before incurring expenditure which may have a significant effect on the use or enjoyment of the whole or any part of the navigation area and which has not been specifically provided for in the annual budget approved by the Authority;
 - (vii) before applying for any amendment of or alteration to the Navigation Committee's constitution as set out in this section or the Authority's constitution as set out in section 1 of this Act or any change to the functions of the Authority in relation to the navigation area as set out in Part II of and Schedule 5 to this Act and under Parts 2 and 3 of the 2009 Act; and
- (b) report to the Navigation Committee upon the exercise of powers in relation to the navigation area by the Authority or any officer of the Authority since the last meeting of the Navigation Committee.”.

(2) Omit subsection (8).

(3) For subsection (9) substitute—

“(9) In exercising its functions the Authority shall have regard to any representations made to it by the Navigation Committee on matters relating to the navigation area and, where the Authority resolves not to adopt any recommendations made to it by the Navigation Committee, it shall provide full reasons for doing so.”.

5 Amend section 10 (functions of Authority and others in relation to the navigation area) as follows—

(1) After subsection (2) insert—

“(2A) The Authority may carry out works and do other things in relation to any adjacent waters in or over which it has sufficient rights or interest for the improvement of navigation on those waters.”.

(2) For subsection (7) substitute—

“(7) The Authority shall appoint a person to be known as the navigation officer and may appoint a person to act as deputy to the navigation officer.”.

(3) Omit subsections (8) and (9).

(4) For subsection (10) substitute—

“(10) The person appointed as the navigation officer shall be an officer of the Authority.”.

(5) Omit subsections (11) and (12).

(6) For subsection (13) substitute—

“(13) The navigation officer and any deputy appointed under subsection (7) above shall be a warden for the purposes of section 6 of this Act.”.

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- (7) Omit subsections (14), (15) and (17)(c).
- 6 For subsection (13) of section 11 (licences required for construction of works) substitute—
- “(13) Before determining any application for a works licence the granting of which would significantly affect the use or enjoyment of the whole or any part of the navigation area, the Authority shall consult the Navigation Committee.”.
- 7 Amend section 13 (navigation charges) as follows—
- (1) Omit subsections (1) and (2) and insert—
- “(1) The Authority may determine and recover tolls in respect of vessels moored, used or navigated on adjacent waters as well as in the navigation area.”.
- (2) For subsection (3) substitute—
- “(3) The Authority shall consult the Navigation Committee before determining the level of any tolls or other charges to be imposed in respect of the navigation area or adjacent waters.”.
- 8 Amend section 17 (accounts and auditing) on the appointed day as follows—
- (1) For subsection (2) substitute the following—
- “(2) The Authority shall keep proper records of its finances.”.
- (2) Omit subsections (3) and (4).
- (3) For subsections (5) to (9) substitute—
- “(5) The Authority shall prepare a report as soon as reasonably possible after the end of each financial year describing the navigation income received by it and the navigation expenditure incurred by it in that year.
- (6) It shall be the duty of the Authority to secure that taking one financial year with another navigation expenditure is equal to navigation income.
- (7) Monies held in the navigation revenue account immediately before the appointed day fixed for the purposes of paragraph 8 of Schedule 7 to the 2009 Act (together with any interest properly attributable to those monies) shall as from that day only be applied as navigation expenditure.
- (8) In this section—
- “the navigation revenue account” means the navigation account kept in accordance with this section as originally enacted;
- “navigation expenditure” means—
- (a) the expenditure which the Authority incurs in respect of its functions under Part II of this Act and under the 2009 Act;
- (b) expenditure incurred in respect of the provision of moorings; and
- (c) expenditure incurred in relation to adjacent waters under section 10(2A) of this Act,
- but for the purposes of this section expenditure incurred wholly or mainly in connection with conserving the natural beauty, wildlife or cultural heritage of any area, including expenditure on dredging

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wholly or mainly for conserving those things, shall not be classified as navigation expenditure unless in the case of expenditure incurred wholly or mainly in connection with conserving the cultural heritage of any area it is incurred for the purpose of maintaining, improving, facilitating or promoting the public right of navigation;

“navigation income” means—

- (a) the charges which the Authority makes in the discharge of its functions under Part II of this Act and the 2009 Act;
 - (b) the charges which the Authority makes under section 26 of the Harbours Act 1964 (including tolls in respect of adjacent waters);
 - (c) any other income attributable to the functions of the Authority under the above provisions, or accruing to it in respect of moorings;
 - (d) any interest properly attributable to navigation income;
 - (e) any grant made to the Authority specifically for purposes for which navigation expenditure can be incurred.
- (9) For the avoidance of doubt expenditure incurred and income received in respect of Mutford Lock shall be regarded as navigation expenditure and navigation income respectively.
- (10) The Authority may apply navigation income for the purposes of carrying out to adjacent waters works of maintenance or improvement which are intended to facilitate the use of those waters for the purposes of navigation by persons other than the occupier of, or the owner of any interest in, the land upon which the waters are situated.
- (11) For the purposes of subsection (10) above members of a club or other association which occupies land upon which adjacent waters are situated shall be deemed not to be occupiers of the land.”.

9 Amend section 25(1) (interpretation) as follows—

(1) Insert at the appropriate places—

““the 2009 Act” means the Broads Authority Act 2009;”

““adjacent waters” has the meaning given by section 2(2) of the 2009 Act;”

““Breydon Water and the Lower Bure” means the areas described in Schedule 4 to the 2009 Act and shown edged red on the deposited plan referred to in section 35(1) of that Act;”

““the navigation officer” has the meaning given by section 10(7);”

““toll” means a charge levied by the Authority under section 26 of the Harbours Act 1964 (and includes any charge made in the discharge of the Authority’s functions under Part II of this Act and any charge levied in respect of a vessel moored, used or navigated on any adjacent waters);”.

(2) Omit the entries relating to the Broads Navigation Officer and the Norwich Navigation Officer.

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- (3) For the definition of “Trinity House” substitute ““Trinity House” means the Corporation of Trinity House of Deptford Strond;”.
- (4) For the definition of “vessel” substitute—
- ““vessel” includes—
- (a) every description of craft, including a personal water craft used or capable of being used for transportation by water;
- (b) a sailboard;
- (c) any raft, pontoon or similar floating or submersible structure capable of being moved under its own power or under tow but does not include any craft or pontoon which is permanently fixed.”.
- 10 Omit paragraph 6(b) of Schedule 1.
- 11 Amend Schedule 3, paragraph 33 (code of practice for land drainage works) as follows—
- (1) In sub-paragraph (1), omit “shall” and insert “may”.
- (2) In sub-paragraph (2), omit “the code of practice” and insert “any code of practice issued under sub-paragraph (1) above”.
- 12 As from the appointed day fixed for the purposes of section 35 amend Schedule 5 as follows—
- (1) Substitute for paragraph 1(3) the words—
- “1 (3) Subject to sub-paragraph (4) below, the Authority shall provide and maintain buoys, beacons and such other aids to navigation as it thinks necessary within the Norwich navigation and the Lower Bure.”.
- (2) Substitute for paragraph 1(4) the words—
- “1 (4) The Authority shall not provide, alter, discontinue the use of or remove any buoy, beacon or other aid to navigation for the purposes of the Norwich navigation and the Lower Bure without the written consent of Trinity House.”.
- (3) Omit paragraphs 5 and 6.
- (4) Substitute for paragraph 10(2)(b)(i) and (ii)—
- “(i) for a total of more than six hours in any period of twenty four hours.”.
- (5) At end of paragraph 10(2)(b)(iii) insert—
- “(iv) without taking all reasonable measures—
- (A) to minimise the duration of any restriction or prohibition of the use of the waterway; and
- (B) to mitigate any effect of the exercise of the power on the use of the waterway by vessels not involved in the function; or”.
- (6) In paragraph 12(1), after “abandoned” insert “or which is unserviceable”.
- (7) After paragraph 12(5) insert—

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“(5A) The expenses which may be deducted or recovered under subparagraph (5) shall include—

- (a) all expenses reasonably incurred by the Authority in respect of the raising, removal, storage, disposal or destruction of the vessel;
- (b) all administrative and legal costs reasonably incurred by the Authority in the exercise of those powers, or in connection with any legal proceedings brought by the Authority in relation to the vessel”.

(8) Omit paragraph 17.

(9) Omit paragraph 18.

(10) In paragraph 19(1), omit the word “Norwich” in the first place where it occurs.

SCHEDULE 8

Section 43(3)

ENACTMENTS REPEALED OR REVOKED

PART 1

ENACTMENTS REPEALED ON THE COMING INTO FORCE OF THIS ACT

<i>(1)</i> <i>Short title and chapter</i>	<i>(2)</i> <i>Extent of repeal</i>
Norfolk and Suffolk Broads Act 1988 (c. 4)	Section 1(6); Section 9(8); Section 10(2), (8), (9), (11), (12), (14), (15) and (17)(c); Section 13(2); Paragraph 6(b) of Schedule 1; Paragraphs 17, 18 and 19(1) of Schedule 5.

PART 2

ENACTMENTS REPEALED ON THE APPOINTED DAY

<i>(1)</i> <i>Short title and chapter</i>	<i>(2)</i> <i>Extent of repeal</i>
British Transport Commission Act 1958 (c. xlv)	Section 17(3), (4) and (7).
Norfolk and Suffolk Broads Act 1988 (c. 4)	Section 8(7);

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<i>(1)</i> <i>Short title and chapter</i>	<i>(2)</i> <i>Extent of repeal</i>
	Section 17(3) and (4); Paragraphs 5 and 6 of Schedule 5.

PART 3

REVOCATIONS

<i>(1)</i> <i>Byelaw</i>	<i>(2)</i> <i>Extent of revocation</i>
Broads Authority Speed Limit Byelaws 1992	Paragraph 2(a) of Byelaw 5; Byelaw 6; Byelaw 9 (water ski permit); In Byelaw 11 (log books), paragraph b, the words “any light sports vessel is used in accordance with byelaw 6 or” in paragraph c, and paragraph d; In Byelaw 12 (wash) the words “any light sports vessel in accordance with byelaw 6 or”; Schedule 2 (water skiing—light sports vessels).
