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## SCHEDULES

### SCHEDULE 3

#### FUNCTIONS OF AUTHORITY

#### PART II

#### MISCELLANEOUS FUNCTIONS

##### *Land Drainage*

- 33 (1) The Authority [<sup>F1</sup>may], after consulting—
- (a) the internal drainage board for each internal drainage district which is wholly or partly within the Broads;
  - [<sup>F2</sup>(b) Natural England;]
  - [<sup>F3</sup>(d) The National Rivers Authority;]
- and with the agreement of the Minister of Agriculture, Fisheries and Food, prepare and issue (in such form and in such manner as it considers appropriate) a code of practice for the construction, alteration, renewal, maintenance or extension of drainage works within the Broads.
- (2) The Authority shall from time to time review [<sup>F4</sup>any code of practice issued under sub-paragraph (1) above] and, where it considers it appropriate, issue a revised code.
- (3) Before issuing a revised code the Authority shall consult the bodies mentioned in sub-paragraph (1) above.
- (4) The Authority shall not issue a revised code unless it has the agreement of the Minister.
- (5) Any drainage authority exercising functions in relation to any land within the Broads shall comply with the code.
- (6) Where it appears to the Authority that a drainage authority has failed to comply with any provision of the code, the Authority may give such directions to the drainage authority as it thinks fit.
- (7) Any dispute between the Authority and a drainage authority which arises in connection with the code shall be determined by the Minister of Agriculture, Fisheries and Food.
- (8) In this paragraph “drainage authority” means any body having statutory power to make or maintain works for the drainage of land.

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#### Textual Amendments

- F1** Words in Sch. 3 para. 33(1) substituted (2.7.2009) by Broads Authority Act 2009 (c. i), Sch. 7 para. 11(1) (with ss. 2(3), 3(1), 16(3), 42, Sch. 6 Pts. 2, 3)
- F2** Sch. 3 para. 33(1)(b)(c) substituted for Sch. 3 para. 33(1)(b) (1.10.2006) by Natural Environment and Rural Communities Act 2006 (c. 16), s. 107, Sch. 11 para. 114; S.I. 2006/2541, art. 2 (with Sch.)
- F3** Sch. 3 para. 33(1)(d) substituted by S.I. 1989/1380, regs. 3(1), 4(c)
- F4** Words in Sch. 3 para. 33(2) substituted (2.7.2009) by Broads Authority Act 2009 (c. i), Sch. 7 para. 11(2) (with ss. 2(3), 3(1), 16(3), 42, Sch. 6 Pts. 2, 3)

#### Water

- 34 (1) For the purpose of improving the quality of water in any inland waters partly or wholly within the Broads, the Authority may—
- (a) carry out such works; or
  - (b) make such grants or loans;
- as it thinks fit. <sup>F5</sup>
- (2) Before any exercise of its powers under sub-paragraph (1) above, the Authority shall consult—
- (a) the National Rivers Authority; and
  - (b) any water undertaker whose area includes any part of the Broads and with whom consultation appears to it to be appropriate.
- (3) Nothing in sub-paragraph (1) above shall be taken to authorise the Authority to carry out any work which requires the consent of any other person if that consent has not been given.

#### Textual Amendments

- F5** Sch. 3 para. 34(2) substituted by S.I. 1989/1380, regs. 3(1), 4(d)

- 35 Before implementing any proposal the implementation of which is likely to affect the quality of water in any inland waters partly or wholly within the Broads, <sup>F6</sup>the National Rivers Authority or a water undertaker shall consult the Authority.

#### Textual Amendments

- F6** Words substituted by S.I. 1989/1380, regs. 3(1), 4(e)

#### Discharge of trade and sewage effluent

- [<sup>F7</sup>36 The Authority shall be treated as a local authority for the purposes of paragraph 1(3) (c) of Schedule 12 to the Water Act 1989 (right of local authority to receive copy of application to the National Rivers Authority for consent to discharge effluent etc.).]

#### Textual Amendments

- F7** Sch. 3 para. 36 substituted by S.I. 1989/1380, regs. 3(1), 4(f)

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### *Staithe*

- 37 (1) The Authority shall have all the powers of an owner or occupier (including, in particular, power to take criminal or civil proceedings) for the purpose of preventing unlawful interference with any staithe within the Broads, or with any rights exercisable by any person in relation to any such staithe.
- (2) Subject to sub-paragraph (3) below, the Authority may maintain, alter or improve any staithe within the Broads.
- (3) Where the Authority proposes to exercise its powers under sub-paragraph (2) above in respect of any staithe it shall, where it is of the opinion that it is reasonably practicable to identify and contact the owner or occupier of the staithe, or both the owner and occupier, take such steps as are reasonably practicable to notify him or (as the case may be) them of its proposal and obtain his or (as the case may be) their consent.
- (4) Nothing in this paragraph shall be taken to affect the power of the Authority (under paragraph 44 of this Schedule) to acquire land compulsorily.

### *Common Land*

- 38 (1) In relation to any registered common within the Broads which is not owned by, or vested in, a local authority and which is not a staithe, the Authority shall be treated as a local authority for the purposes of the following enactments—
- (a) section 1 of the <sup>M1</sup>Commons Act 1899 (scheme for regulation);
  - <sup>F8</sup>(b) .....
  - (c) section 23 of the <sup>M2</sup>Caravan Sites and Control of Development Act 1960 (power of district council to prohibit caravans on commons); and
  - (d) [<sup>F9</sup> section 45 of the Commons Act 2006 ] (protection of unclaimed common land).
- (2) No local authority shall exercise any of its functions under the enactments mentioned in sub-paragraph (1) above, in relation to any staithe which is within the Broads and which is registered as a common, except jointly with the Authority or with the Authority's consent.

#### **Textual Amendments**

- F8** Sch. 3 para. 38(1)(b) repealed (1.10.2007 for E., 1.4.2012 for W.) by Commons Act 2006 (c. 26), s. 56, Sch. 6 Pt. 2 (with s. 60); S.I. 2007/2584, art. 2(d)(ii); S.I. 2012/739, art. 2(h)
- F9** Words in Sch. 3 para. 38(1)(d) substituted (20.2.2007 for E., 6.9.2007 for W.) by Commons Act 2006 (c. 26), s. 56, Sch. 5 para. 4 (with s. 60); S.I. 2007/456, art. 2(a)(i); S.I. 2007/2386, art. 3(o)(i)

#### **Marginal Citations**

- M1** 1899 c. 30.  
**M2** 1960 c. 62.

### *Open spaces*

- 39 The Authority shall be treated as a local authority for the purposes of the <sup>M3</sup>Open Spaces Act 1906.

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### Marginal Citations

M3 1906 c. 25.

### *Provision of facilities*

- 40 (1) Subject to sub-paragraphs (3) and (4) below, the Authority may make arrangements for securing the provision within the Broads, or within the neighbourhood of the Broads, (and whether by the Authority or by others) of—
- (a) moorings;
  - (b) accommodation, meals and refreshments (including [<sup>F10</sup>alcohol (within the meaning of the Licensing Act 2003)]);
  - (c) camping sites;
  - (d) parking places and means of access to, and egress from, them;
  - (e) sanitary conveniences for use by the public; and
  - (f) receptacles for refuse or litter and services for their regular emptying and cleansing; and may for the purposes of any such arrangements erect such buildings and carry out such other work as may appear to the Authority to be necessary or expedient.
- (2) The Authority may make arrangements for securing the provision within the Broads (whether by the Authority or others) of study centres and other facilities for learning about—
- (a) the history, natural features, flora and fauna of the Broads; and
  - (b) objects of architectural, archaeological or historical interest within the Broads.
- (3) Before making any arrangements under sub-paragraph (1)(a) above for securing the provision of any mooring within the Haven, the Authority must obtain the consent of the Commissioners.
- (4) The Authority may not exercise the powers given by sub-paragraph (1)(b) above unless it appears to it that existing facilities of the kind in question are inadequate or unsatisfactory.
- (5) The Authority may make reasonable charges for the use by any person of any facilities provided by it under this paragraph.

### Textual Amendments

**F10** Words in Sch. 3 para. 40(1)(b) substituted (24.11.2005) by Licensing Act 2003 (c. 17), s. 201(2), Sch. 6 para. 107 (with ss. 2(3), 15(2), 195); S.I. 2005/3056, art. 2(2)

### *Caravan sites*

- 41 The Authority shall be treated as a local authority for the purposes of section 24 of the <sup>M4</sup>Caravan Sites and Control of Development Act 1960 (provision of sites for caravans).

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#### Marginal Citations

M4 1960 c. 62.

#### *Conservation of buildings etc.*

- 42 The Authority may, either for the purpose of preserving the distinctive character of the Broads or for any purpose connected with the history of the development and use of the Broads—
- (a) undertake conservation or restoration work in respect of any building, vessel or other thing within any part of the Broads; and
  - (b) pay grants or make loans to bodies appearing to the Authority to be established for purposes which include either or both of those purposes.

#### *Derelict land*

- 43 The Authority shall be treated [<sup>F11</sup>for the purposes of the Derelict Land Act 1982 as a National Park authority and the Broads as a National Park for which it is the local planning authority].

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#### Textual Amendments

F11 Words in Sch. 3 para. 43 substituted (1.4.1997) by 1995 c. 25, s. 78, Sch. 10 para. 27 (with ss. 7(6), 115, 117, Sch. 8 para. 7); S.I. 1996/2560, art. 2

#### *Compulsory acquisitions*

- 44 (1) The Secretary of State may authorise the Authority to acquire land compulsorily for the purpose of carrying out its functions under paragraph 37(2) or 40 of this Schedule or for the purpose of improving any mooring within the Broads.
- (2) Where the Authority exercises its powers under sub-paragraph (1) above in relation to land which forms part of a common or open space or fuel or field garden allotment, the Secretary of State may authorise it to acquire compulsorily, or it may acquire by agreement, land for giving in exchange for the land acquired.
- (3) The power to acquire land compulsorily includes power to create new rights as well as acquire existing ones.
- (4) The <sup>M5</sup>Acquisition of Land Act 1981 shall apply to a compulsory purchase by the Authority subject, in the case of a compulsory acquisition of a right by the creation of a new right, to Schedule 3 of that Act.

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#### Marginal Citations

M5 1981 c. 67.

#### *Refuse disposal*

- 45 The Authority shall be treated as a local authority for the purposes of—

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- (a) sections 3 to 6 of the <sup>M6</sup>Refuse Disposal (Amenity) Act 1978 (removal and disposal of refuse); and
- (b) sections 7 (acquisition of land) and 8 (powers of entry etc.) of that Act, so far as they relate to functions under section 6 of that Act.

**Marginal Citations**

**M6** 1978 c. 3.

*Litter*

46 The Authority shall be treated as a litter authority for the purposes of the <sup>M7</sup>Litter Act 1983.

**Marginal Citations**

**M7** 1983 c. 35.

*Footpaths and bridleways*

47 (1) The Authority shall be treated as a local authority for the purposes of sections 25 to 29 of the <sup>M8</sup>Highways Act 1980 (public path creation agreements); and sections 72(2) (widening of footpaths etc.) and [<sup>F12</sup> 118 to 121E ] (stopping up of footpaths etc.) [<sup>F13</sup> , except sections 118B and 119B of that Act (stopping up and diversion for purposes of crime prevention, etc.), ] of that Act shall have effect in relation to the Authority as if it were a county council.

(2) Without prejudice to the powers of any other body, the Authority shall have the power to maintain any public path within the Broads.

**Textual Amendments**

**F12** Words in Sch. 3 para. 47 substituted (12.2.2003 for E.) by Countryside and Rights of Way Act 2000 (c. 37), s. 103(3), **Sch. 6 para. 25(a)**; S.I. 2003/272, art. 2(r)

**F13** Words in Sch. 3 para. 47 inserted (12.2.2003 for E.) by Countryside and Rights of Way Act 2000 (c. 37), s. 103(3), **Sch. 6 para. 25(b)**; S.I. 2003/272, art. 2(r)

**Marginal Citations**

**M8** 1980 c. 66.

48 ..... **F14**

**Textual Amendments**

**F14** Sch. 3 para. 48 repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

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### *Publication of information*

- 49 (1) The Authority may—
- (a) publish, or arrange for the publication of, such information on matters relating to the Broads as it thinks fit;
  - (b) arrange for the delivery of lectures and addresses and the holding of discussions on any such matters;
  - (c) arrange for the display of pictures, films or models or the holding of exhibitions relating to any such matters; and
  - (d) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held in accordance with arrangements under paragraph (c) above.
- (2) The Authority may make reasonable charges for any service provided by it under this paragraph.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(8A) inserted by [2008 c. 29 s. 224\(2\)\(b\)](#)