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SCHEDULES

SCHEDULE 1

Section 16.

GENERAL TERMS OF HOUSEBOAT CERTIFICATES

PART I

INTRODUCTORY

Interpretation

1 In this Schedule—

“the certificate” means the certificate relating to any houseboat;

“the holder” means the person named in a certificate as the person having control of the houseboat specified in the certificate or the assignee or personal representative (within the meaning of section 55 of the Administration of Estates Act 1925) of the person so named;

“the houseboat” means the houseboat named or otherwise identified in the certificate;

“local authority” has the meaning given by section 270 of the Local Government Act 1972 or, in relation to Scotland, section 235 of the Local Government (Scotland) Act 1973;

“moor” includes place, keep or maintain and “moored” shall be construed accordingly; and

“the site” means the mooring or other location specified in the certificate.

Application

2 (1) Part II of this Schedule applies where—

- (a) the Board own an interest in, or rights over, the site; and
- (b) the site is managed by the Board or their agent.

(2) Part III of this Schedule applies to all certificates.

PART II

TERMS APPLICABLE TO SITES CONTROLLED BY BOARD

right to moor houseboat

3 Subject to the following provisions of this Schedule the holder shall have the right to moor the houseboat at the site throughout the period of validity of the certificate.

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Qualification of right to moor

- 4 (1) If the interest of the Board in the site is insufficient to enable them to grant the right to moor the houseboat there for an indefinite period, the period for which that right subsists shall not extend beyond the date when the estate or interest of the Board determines.
- (2) If planning permission for the use of the site as a mooring has been granted in terms such that it will expire at the end of a specified period, the period for which the right to moor the houseboat at the site subsists shall not extend beyond the date when the planning permission expires.
- (3) Paragraph 3 above shall not prejudice or affect the right of the Board to move or to require the removal of the houseboat under section 19 (Removal of vessels to permit works, etc.) of this Act or any other powers available to the Board but, if they so move or require the removal of the houseboat during the period of validity of the certificate, the Board (unless they would be entitled under paragraph 6 below to determine the certificate) shall make available for it a suitable mooring or other location (which shall be broadly comparable to the site) situated as near as is practicable to the site, and shall permit the houseboat to be replaced at the site as soon as practicable after the circumstances necessitating the removal have ceased to apply.
- (4) Any costs and expenses occasioned by the removal and replacement of a houseboat under sub-paragraph (3) above shall be paid by the Board.

Assignment of certificate

- 5 The holder shall be entitled to assign the certificate to a person (being aged 18 or over) approved by the Board whose approval shall not be unreasonably withheld.

PART III

TERMS APPLICABLE TO ALL CERTIFICATES

determination of certificate

- 6 (1) The certificate shall remain in force for the period or until the date specified therein unless—
- (a) the certificate is surrendered pursuant to paragraph 8 below; or
 - (b) the certificate is withdrawn pursuant to section 17 (Conditions as to certificates and licences) of this Act; or
 - (c) the holder's interest in or other right to moor at the site (otherwise than by virtue of the certificate) ends; or
 - (d) the certificate is determined in accordance with sub-paragraphs (2) and (3) below.
- (2) If the holder has contravened or failed to comply with any of the terms or conditions applicable to the certificate the Board may give notice requiring the holder to take or refrain from taking such action as may be necessary to remedy the contravention or non-compliance, as the case may be, within such time as may be reasonable (not being less than 28 days).

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- (3) If the holder does not comply with any notice served pursuant to sub-paragraph (2) above the certificate shall determine on the date on which the notice expires.

Houseboat not to be moored otherwise than in accordance with certificate

- 7 The holder shall not without the consent in writing of the Board moor the houseboat otherwise than at the site except where paragraph 15 below has effect.

Surrender of certificate by holder

- 8 The holder shall be entitled to surrender the certificate by notice in writing given to the Board not less than four weeks before the date on which the notice is to take effect.

Recovery of overpayments by holder

- 9 Where the certificate is surrendered in accordance with paragraph 8 above, the holder shall be entitled to recover from the Board so much of any payment made by him in pursuance of the certificate as is attributable to a period beginning after the termination.

Display of certificate

- 10 The certificate shall be displayed on the houseboat so as to be clearly visible from the outside of the houseboat at all times.

Holder to comply with planning law, etc.

- 11 The holder of a certificate shall comply in all respects with the terms of any planning permission given in relation to the houseboat and with any other enactment or byelaw in force applying to houseboats within the area in which it is moored.

Requirements of local authorities

- 12 The holder shall comply with the requirements of any notice served by a local authority in respect of the houseboat, and shall also comply with any limitation as to the number of persons permitted to sleep on board which may be imposed by the local authority for the area where the site is located.

Sanitary appliances

- 13 (1) The holder shall ensure that no sanitary appliance which in the normal course of operation discharges, or can discharge, polluting matter into any inland waterway is used on the houseboat.
- (2) The expression “polluting matter” does not include waste discharged from a sink, wash basin, bath or shower.

Sewage disposal

- 14 The holder shall ensure that there are available for the use of the occupants of the houseboat means for disposing of sewage arising from the occupation of the boat which are satisfactory to—

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- (a) the Board;
- (b) in England and Wales, the National Rivers Authority;
- (c) in Scotland, the river purification authority for the area where the site is located; and
- (d) the local authorities for the area in which the site is located.

Movement of houseboat

- 15 (1) The houseboat may be moved from place to place but while being so moved may not be navigated for hire.
- (2) While the houseboat is in the course of being moved the certificate shall be deemed to be—
- (i) a pleasure boat certificate for the purposes of Part II of the Act of 1971, where the houseboat is on a river waterway within the meaning of section 4 (Extent of Part II) of that Act; or
 - (ii) a pleasure boat licence issued by the Board, when the houseboat is on any other inland waterway;
- and its use at such times shall be subject to any conditions for the time being in force for the control of pleasure boats and the holder shall comply with any requirements made by or under any enactment applicable to pleasure boats.