



# Broads Authority Act 2009

## 2009 CHAPTER i

### PART 2

#### REGULATIONS AND MANAGEMENT OF NAVIGATION AREA

##### *Safety of vessels, etc.*

#### **11 Byelaws for registration of vessels**

(1) In this section—

“the byelaws” means any byelaws made or deemed to be made under this section and for the time being in force;

“the relevant sections” means section 12 (construction and equipment standards) and section 14 (vessels: insurance requirements) of this Act;

and references to registration are references to the registration of a vessel under the byelaws.

(2) The Authority may make byelaws for the purpose of providing for the registration of vessels in the navigation area or on adjacent waters, and for the determination and recovery of tolls in respect of vessels moored, used or navigated in the navigation area or on adjacent waters.

(3) Where any such byelaws are made, the Authority shall set up and maintain the necessary register.

(4) The byelaws may in particular—

- (a) provide for the registration of vessels under different categories;
- (b) make provision as to the display on registered vessels of registration documents or numbers;
- (c) provide for the exemption of prescribed vessels or classes of vessels from the requirement to register under the byelaws;
- (d) prescribe the period for which any registration is to remain effective; and
- (e) determine the procedure to be followed in registering.

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- (5) The Authority may require an applicant for registration, on making his application, to pay a reasonable fee in respect of the administrative expenses of dealing with the application; and different fees may be specified in relation to different cases or classes of case.
- (6) The Authority may require an applicant for registration, in the case of a vessel which is subject to standards, or which falls within a category designated under section 14(1), to submit with his application—
  - (a) evidence of compliance with the standards applicable to the vessel (whether in the form of an original document, or a copy);
  - (b) the insurance certificate relating to the vessel, or a copy of it, or other evidence which in the reasonable opinion of the Authority is sufficient to show that a policy complying with the requirements of Schedule 3 is in force; and
  - (c) such other information relating to the vessel as may be reasonably required by the Authority.
- (7) The evidence referred to in subsection (6)(b) may if the Authority sees fit consist of a declaration in writing by the applicant in a form prescribed by the Authority to the effect that the policy is in force.
- (8) Where any person tenders the appropriate fee for registering any vessel under the byelaws, the Authority shall register the vessel in accordance with the provisions of the byelaws unless it appears to it that any requirement made by or under the byelaws or the relevant sections has not been complied with in respect of that vessel.
- (9) Where the Authority refuses to register a vessel on any ground such as is mentioned in subsection (8), it shall notify the applicant in writing of the matters which gave rise to the refusal to register.
- (10) Where the Authority is satisfied that a vessel does not comply with any requirement of the relevant sections, it may cancel the registration of that vessel if—
  - (a) it has given the owner written notice of the non-compliance in question and required him to remedy it within 14 days of the date on which the notice is given; and
  - (b) that period has expired without the non-compliance being remedied;but where the Authority considers that it is necessary to cancel the registration as a matter of urgency, it may do so with effect from the date on which the notice is given.
- (11) The Authority shall give reasons for any decision under subsection (10) to cancel the registration of a vessel.
- (12)
  - (a) Any person who is aggrieved by the refusal of the Authority to register a vessel under the byelaws, or by the cancellation of such registration, may appeal to a magistrates' court.
  - (b) On an appeal to it under this subsection the court may dismiss the appeal, or give such direction to the Authority as it thinks fit.
  - (c) On such an appeal the decision of the court shall be final.
  - (d) This subsection does not confer a right of appeal in relation to any question which in accordance with this Act is to be determined by the standards appeals panel.
- (13) Paragraphs 7 and 8 of Schedule 5 to the 1988 Act shall apply to byelaws made under this section as they apply to byelaws made under section 10(3) of the 1988 Act.

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- (14) The Broads Authority Vessel Registration Byelaws 1997 (other than byelaws 23 and 28) shall be deemed to have been made under this section, and shall have effect as though the references in those byelaws to the “navigation area” included adjacent waters.