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**Changes to legislation:** Norfolk and Suffolk Broads Act 1988, Cross Heading: Removal of wrecks etc. is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 5

#### THE NAVIGATION AREA

#### PART I

#### FUNCTIONS OF AUTHORITY

##### *Removal of wrecks etc.*

- 12 (1) The Authority may raise, remove or destroy any vessel which has been sunk, stranded or abandoned [<sup>F1</sup>or which is unserviceable]—
- (a) in any waterway within the navigation area; or
  - (b) at any place, other than in the Haven, where it will, in the opinion of the Authority, affect navigation within the navigation area or the Haven.
- (2) The Authority may store or dispose of any vessel which it has raised or removed in the exercise of its powers under sub-paragraph (1) above.
- (3) Before—
- (a) exercising any of its powers under sub-paragraph (1) above; or
  - (b) exercising its power under sub-paragraph (2) above to dispose of a vessel;
- the Authority shall give the owner of the vessel in question reasonable notice of its intention to do so.
- (4) Sub-paragraph (3) above shall not apply where the Authority—
- (a) exercises any of its powers under sub-paragraph (1) above as a matter of urgency; or
  - (b) has used its best endeavours to notify the owner of the vessel concerned but has been unable to do so.
- (5) The Authority may—
- (a) deduct from the proceeds of sale of any vessel sold by it under sub-paragraph (2) above;
  - (b) recover from the owner of any vessel in respect of which it has exercised its powers under this paragraph, or from his executors or administrators;
- all reasonable expenses incurred by it in the exercise of any of those powers, to the extent that they have not otherwise been recovered by the Authority.
- [<sup>F2</sup>(5A) The expenses which may be deducted or recovered under sub-paragraph (5) shall include—
- (a) all expenses reasonably incurred by the Authority in respect of the raising, removal, storage, disposal or destruction of the vessel;

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- (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 ]
- (6) Where the owner of a vessel in relation to which sub-paragraph (3) above applies is not known to the Authority, the Authority shall be taken to have satisfied the requirements of sub-paragraph (4)(b) above if it has exhibited notice of its intention at its principal offices for a period of at least seven days.

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#### Textual Amendments

- F1** Words in Sch. 5 para. 12(1) inserted (coming into force in accordance with ss. 3, 35 of the amending Act) by Broads Authority Act 2009 (c. i), **Sch. 7 para. 12(6)** (with ss. 2(3), 16(3), 42, Sch. 6 Pts. 2, 3)
- F2** Sch. 5 para. 12(5A) inserted (coming into force in accordance with ss. 3, 35 of the amending Act) by Broads Authority Act 2009 (c. i), **Sch. 7 para. 12(7)** (with ss. 2(3), 16(3), 42, Sch. 6 Pts. 2, 3)

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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\(2\)\(b\)](#)