



Broads Authority Act 2009

2009 CHAPTER i

PART 2

REGULATIONS AND MANAGEMENT OF NAVIGATION AREA

Other provisions as to vessels

17 Entry on and inspection of vessels

- (1) An authorised officer who produces written evidence of his authority may board any vessel in the navigation area or on adjacent waters for the purpose of—
 - (a) ascertaining whether any requirement made by or by virtue of any provision contained in or applied by this Act (other than section 8), or any byelaw made under or deemed to be made under this Act is being complied with; or
 - (b) determining whether any power or duty which is conferred or imposed by or by virtue of any of those provisions should be exercised or performed; or
 - (c) exercising or performing any such power or duty.
- (2) An authorised officer who boards any vessel pursuant to this section may—
 - (a) carry out such inspections, measurements and tests of or in relation to the vessel or of any article found on the vessel;
 - (b) take away such samples of any article or substance,as are reasonably necessary for any purpose mentioned in subsection (1).
- (3) Section 173 of and Schedule 20 (other than paragraph 7 of Schedule 20) to the 1991 Act shall apply with all necessary modifications to the powers of entry which are conferred by subsection (1) as though for references to the Agency there were substituted references to the Authority.
- (4) The master of any vessel subject to boarding and inspection under subsection (1) shall provide reasonable facilities for the boarding, inspection and measuring of the vessel and for the exercise by the authorised officer of the powers of subsection (2).

*Status: This is the original version (as it was originally enacted). This
item of legislation is currently only available in its original format.*

- (5) Except in an emergency, an authorised officer shall not board any vessel pursuant to this section except with the consent of the owner or master or under the authority of a warrant by virtue of Schedule 20 to the 1991 Act as that Schedule has effect in accordance with subsection (3).
- (6) For the purposes of any inspection under this section, the master of the vessel shall cause the whole of any installation forming part of or on the vessel to be made available for inspection.
- (7) The Authority, if requested so to do by the owner or master of a vessel which is boarded under this section, shall provide a full report of the findings of the authorised officer who boarded the vessel within 28 days of the boarding.
- (8) Notice in writing of the entitlement to the report referred to in subsection (7) shall be given—
 - (a) by the officer who boards a vessel, to the master of the vessel at the time of the boarding; and
 - (b) (if the owner is not the master) by the Authority, to the owner of the vessel as soon as reasonably practicable after the boarding.
- (9) Subject to subsection (10) the costs incurred by the Authority under this section shall be borne by the Authority.
- (10) In any case in which the Authority exercises the powers of this section in relation to a vessel which it determines fails materially to comply with any standards applicable to the vessel, the costs reasonably incurred by the Authority in exercising those powers shall be borne by the owner of the vessel.
- (11) Any question as to whether, for the purpose of subsection (10), a vessel fails materially to comply with any standards applicable to it shall be referred to the standards appeals panel for determination.
- (12) Any person who without reasonable excuse intentionally obstructs an authorised officer acting in accordance with this section or contravenes any requirement of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.