



Norfolk and Suffolk Broads Act 1988

1988 CHAPTER 4

PART I

THE BROADS AUTHORITY

1 The Broads Authority.

- (1) There shall be a body corporate, to be known as the Broads Authority, which shall perform the functions conferred on it by this Act.
- (2) In this Act the Broads Authority is referred to as “the Authority”.
- (3) The Authority shall consist of—
 - [^{F1}(a) nine members appointed as follows—
 - two by Norfolk County Council;
 - one by Suffolk County Council;
 - one by Broadland District Council;
 - one by Great Yarmouth Borough Council;
 - one by North Norfolk District Council;
 - one by Norwich City Council;
 - one by South Norfolk District Council;
 - one by Waveney District Council;]
 - [^{F2}(b) ten members appointed by the Secretary of State; and]
 - (c) two members appointed by the Authority from those members of its Navigation Committee (established under section 9 of this Act) who are not already members of the Authority.
 - (4) A member appointed by a participating authority (that is to say by one of the local authorities mentioned in subsection (3)(a) above) shall be appointed from among the members of that authority.
 - [^{F3}(5) The members appointed under subsection (3)(b) shall include persons appointed by the Secretary of State after consultation with such bodies appearing to him to represent the following interests, that is to say—

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- (a) boating;
- (b) conservation;
- (c) farming and landowning;
- (d) land based recreation

as he considers appropriate, and in making such appointments the Secretary of State shall have regard to the desirability of maintaining an overall balance under this subsection (5) between those interests.]

^{F4}(6)

(7) Schedule 1 to this Act shall have effect for the purposes of supplementing this section.

Textual Amendments

- F1** S. 1(3)(a) substituted (1.6.2005) by [Norfolk and Suffolk Broads Act 1988 \(Alteration of Constitution of the Broads Authority\) Order 2005 \(S.I. 2005/1067\)](#), arts. 1, **3(a)**
- F2** S. 1(3)(b) substituted (1.6.2005) by [Norfolk and Suffolk Broads Act 1988 \(Alteration of Constitution of the Broads Authority\) Order 2005 \(S.I. 2005/1067\)](#), arts. 1, **3(b)**
- F3** S. 1(5) substituted (2.7.2009) by [Broads Authority Act 2009 \(c. i\)](#), **Sch. 7 para. 1(1)** (with ss. 2(3), 3(1), 16(3), 42, [Sch. 6 Pts. 2, 3](#))
- F4** S. 1(6) repealed (2.7.2009) by [Broads Authority Act 2009 \(c. i\)](#), [Sch. 7 para. 1\(2\)](#), **Sch. 8 Pt. 1** (with ss. 2(3), 3(1), 16(3), 42, [Sch. 6 Pts. 2, 3](#))

2 Functions of Authority: general.

- (1) It shall be the general duty of the Authority to manage the Broads for the purposes of—
- [^{F5}(a) conserving and enhancing the natural beauty, wildlife and cultural heritage of the Broads;
 - (b) promoting opportunities for the understanding and enjoyment of the special qualities of the Broads by the public; and]
 - (c) protecting the interests of navigation.
- (2) So far as it relates to navigation, subsection (1) above is subject to the Commissioners' functions in respect of navigation within the Haven.
- (3) In this Act “ the Broads ” means, subject to—
- (a) the variations made by Part I of Schedule 2 to this Act; and
 - (b) any variation made in accordance with the provisions of Part II of that Schedule;
- the area coloured pink on the deposited map.
- (4) In discharging its functions, the Authority shall have regard to—
- (a) the national importance of the Broads as an area of natural beauty and one which affords opportunities for open-air recreation;
 - (b) the desirability of protecting the natural resources of the Broads from damage; and
 - (c) the needs of agriculture and forestry and the economic and social interests of those who live or work in the Broads.
- (5) Part I of Schedule 3 to this Act shall have effect to amend certain provisions of the law relating to planning and connected matters, the main purpose of the amendments

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being to provide for the Authority to be the sole district planning authority in respect of the Broads.

- (6) The Authority shall have the miscellaneous functions set out in Part II of Schedule 3.
- (7) The Authority shall have power to do anything which is necessary or expedient for the purpose of enabling it to carry out its functions, or for incidental purposes, including power—
 - (a) to acquire, manage, reclaim and dispose of land or other property;
 - (b) to carry out any building or other operations; and
 - (c) to carry on any business or undertaking.

Textual Amendments

F5 S. 2(1)(a) (b) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), [ss. 64\(2\)](#), [107\(3\)\(b\)](#) (with [s. 64\(4\)](#)); [S.I. 2006/2541](#), [art. 2](#) (with [Sch.](#))

3 The Broads Plan.

- (1) The Authority shall, before the end of the period of three years beginning with the operative date, prepare and publish a plan (to be known as “the Broads Plan”) setting out its policy with respect to the exercise of its functions.
- (2) The Authority shall review the Broads Plan at least once in every five years.
- (3) If, as a result of any such review, the Authority is of the opinion that it is appropriate to vary the Broads Plan, it shall do so in such manner as it thinks fit.
- (4) The Authority shall publish a report on the result of any review carried out under this section and the report shall set out the variations (if any) which the Authority has made following the review.
- (5) Before preparing or varying the Broads Plan the Authority shall—
 - (a) publish a draft of its proposals; and
 - (b) consult each of the appointing authorities, the internal drainage board for each internal drainage district which is wholly or partly within the Broads and such other bodies as appear to it to represent interests likely to be concerned.
- (6) The Authority shall send to the Secretary of State a copy of any plan, or variation, published under this section.

4 Conservation of areas of natural beauty.

- (1) The Authority shall—
 - (a) before the end of the period of two years beginning with the operative date, prepare a map showing any areas within the Broads whose natural beauty it is, in the opinion of the Authority, particularly important to conserve; and
 - (b) at least once in every five years, review the particulars shown on the map and make such variations (if any) as it considers necessary.
- (2) The Authority shall cause any map prepared or varied under this section to be printed and copies of it to be on sale to the public at such reasonable prices as the Authority may determine.

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- (3) Before preparing or varying any such map, the Authority shall consult—
 - (a) [^{F6}Natural England]; and
 - (b) such bodies as appear to the Authority to represent persons who have an interest in matters affecting the area, or any part of the area, in question.
- (4) [^{F7}Natural England] shall issue, and from time to time review, guidance for the Authority with respect to the exercise of its functions under this section; and in considering for the purposes of this section whether any area is one the natural beauty of which it is particularly important to conserve, the Authority shall act in accordance with that guidance.
- (5) Before issuing, or reviewing, any guidance under subsection (4) above, [^{F7}Natural England] must consult such bodies appearing to it to represent interests concerned as it considers appropriate.

Textual Amendments

- F6** Words in s. 4(3)(a) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\), s. 107, Sch. 11 para. 110\(2\); S.I. 2006/2541, art. 2 \(with Sch.\)](#)
- F7** Words in s. 4(4)(5) substituted (2.7.2009) by [Broads Authority Act 2009 \(c. i\), Sch. 7 para. 2 \(with ss. 2\(3\), 3\(1\), 16\(3\), 42, Sch. 6 Pts. 2, 3\)](#)

5 Notification of certain operations within the Broads.

- (1) Where they are satisfied that it is expedient to do so, the Ministers may by order specify, for the purposes of this section—
 - (a) such areas of grazing marsh, fen marsh, reed bed or broad-leaved woodland; and
 - (b) such operations appearing to them likely to affect the character or appearance of one or other of the areas so specified;
 as they think fit.
- (2) No person shall carry out on any land which is within an area so specified any operation which is so specified unless he has, after the making of the order, given written notice to the Authority specifying both the nature of the proposed operation and the area in which it is proposed to carry it out and—
 - (a) the Authority has consented in writing to the carrying out of the operation; or
 - (b) the Authority has neither given nor refused such consent and a period of three months beginning with the date on which the notice required by this subsection was duly given has expired; or
 - (c) the Authority has refused its consent and a period of twelve months beginning with that date has expired.
- (3) Any person who contravenes subsection (2) above without reasonable excuse shall be liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (4) Where the Authority is given any notice under this section it shall forthwith send copies of the notice to the Ministers [^{F8} and Natural England].

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- (5) Any person authorised in writing by the Ministers may, at any reasonable time and (if required to do so) on producing evidence that he is authorised, enter any land for the purpose of assisting the Ministers in deciding whether or not to make an order under this section affecting that land.
- (6) Any person authorised in writing by the Authority may, at any reasonable time and (if required to do so) on producing evidence that he is authorised, enter any land for the purpose of ascertaining whether an offence has been committed under this section.
- (7) Nothing in subsection (5) or (6) above shall authorise any person to enter a dwelling.
- (8) Where any person intends to exercise his right of entry under this section in respect of land which is occupied he shall, except where his purpose is to ascertain if an offence has been committed under this section, give reasonable notice to the occupier.
- (9) Any person intentionally obstructing another in the exercise of the right of entry conferred by this section shall be liable on summary conviction to a fine not exceeding level two on the standard scale.

Textual Amendments

- F8** Words in s. 5(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006 \(c. 16\)](#), s. 107, [Sch. 11 para. 111](#); S.I. 2006/2541, art. 2 (with Sch.)

6 Byelaws: general.

- (1) The Authority may make byelaws under this section for the purpose of securing that persons resorting to land to which the byelaws apply do not—
 - (a) damage the land or anything in, on or under it; or
 - (b) interfere unduly with the enjoyment of the land by other persons.
- (2) Byelaws under this section may only be made in respect of land within the Broads—
 - (a) of which the Authority is the owner or occupier;
 - (b) to which the general public have a right of access; or
 - (c) which is commonly used by the general public.
- (3) Byelaws under this section may, in particular—
 - (a) prohibit or restrict the use of land (other than any highway or other road or any land within the navigation area or the Haven), either generally or in any manner specified in the byelaws, by traffic of any description so specified;
 - (b) contain provisions prohibiting the depositing of rubbish and the leaving of litter;
 - (c) regulate or prohibit the lighting of fires; and
 - (d) make provision as to the conditions of use of parking places provided by the Authority and prohibit or restrict persons from plying for hire with vehicles at any such parking places.
- (4) Before making, varying or revoking any byelaws under this section, the Authority shall consult [^{F9} Natural England].
- (5) Subsections (3) to (8) and (11) of section 236, and section 238, of the ^{M1}Local Government Act 1972 (procedure for making byelaws) shall apply in relation to

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byelaws made by the Authority under this section as they apply in relation to byelaws made by a local authority; but the Secretary of State may confirm the byelaws with such modifications as he thinks fit.

- (6) Where the Secretary of State proposes to make any such modification which appears to him to be substantial, he shall inform the Authority and require it to take such steps as he considers necessary for informing persons likely to be concerned with the modification.
- (7) Where the Secretary of State has informed the Authority of his intention to make a modification which appears to him to be substantial, he shall not confirm the byelaws until such period has elapsed as he thinks reasonable for the Authority, and for others who have been informed of his proposal, to consider and comment on it.
- (8) The Secretary of State may hold a local inquiry before deciding whether or not to confirm any byelaws made under this section.
- (9) Section 12 of the ^{M2}Local Government (Miscellaneous Provisions) Act 1982 (enforcement of byelaws) shall apply in relation to byelaws under this section as if the Authority were a relevant local authority.
- (10) Any byelaws made under this section may provide for any person contravening any of their provisions to be guilty of an offence and liable—
 - (a) on summary conviction to such fine (not exceeding level three on the standard scale) as may be specified in the byelaws; and
 - (b) in the case of a continuing offence, such further fine (not exceeding one tenth of level three for each day during which the offence continues after conviction) as may be so specified.
- (11) The Authority may, for the purpose of advising and assisting members of the public using the Broads and of securing compliance with any byelaws made under this Act, appoint one or more of its officers to act as wardens.

Textual Amendments

F9 Words in s. 6(4) substituted (1.10.2006) by [Natural Environment and Rural Communities Act 2006](#) (c. 16), s. 107, [Sch. 11 para. 112\(a\)](#); S.I. 2006/2541, art. 2 (with Sch.)

Marginal Citations

M1 1972 c.70.

M2 1982 c.30.

7 Alteration of constitution of Authority.

- (1) Where the Authority has, following the passing by it of a special resolution, made a written proposal to the Secretary of State—
 - (a) for the appointment of one or more additional members of the Authority by a specified appointing authority or by some other specified body or individual;
 - (b) for a variation in the number of members of the Authority who may be appointed by a specified appointing authority;
 - (c) for an appointing authority to cease to be entitled to appoint to membership of the Authority; or

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- (d) for the appointment of one or more of the members of the Authority to be made jointly by two or more appointing authorities;
- the Secretary of State may, if he thinks fit, by order amend this Act in such manner as he considers necessary or expedient for the purpose of giving effect to the proposal.
- (2) Where the area which constitutes the Broads for the purposes of this Act is varied by an order made under Schedule 2 to this Act, the Secretary of State may, if he thinks fit, by order amend this Act (so far as it is concerned with the constitution of the Authority) in such manner as he considers necessary or expedient in consequence of the order under Schedule 2.
- (3) Before making any order under this section, the Secretary of State shall consult each of the appointing authorities and such bodies appearing to him to represent boating interests as he considers appropriate.
- (4) Any order under this section may, in addition to making any provision which is authorised by section 24(3) of this Act, amend any local enactment in such manner as the Secretary of State thinks necessary or expedient in consequence of giving effect to the proposal in question or (as the case may be) of the order under Schedule 2.
- (5) In this section—
- “amend” includes repeal;
 - “special resolution” means a resolution of the Authority—
 - (a) passed at a meeting specially convened for the purpose; and
 - (b) in favour of which at least three quarters of the members of the Authority voted at that meeting; and
- “specified” means specified in the proposal in question.

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