
Changes to legislation: Norfolk and Suffolk Broads Act 1988, Paragraph 13 is up to date with all changes known to be in force on or before 24 May 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

SCHEDULES

SCHEDULE 5

THE NAVIGATION AREA

PART I

FUNCTIONS OF AUTHORITY

Nature conservation

- 13 (1) The Authority may, for the purpose of conserving the natural beauty of any area—
- (a) close to navigation any area at the edge of any waterway within the navigation area; or
 - (b) restrict navigation in any such area to specified classes of vessel.
- (2) The Authority shall not exercise its powers under this paragraph so as to—
- (a) close any part (other than the end) of a navigation channel;
 - (b) create a serious obstruction to navigation;
 - (c) prevent any riparian owner from having access to his land by water; or
 - (d) prevent access by water to any staithe whose use has not been discontinued.
- (3) Where the Authority proposes to exercise its powers under this paragraph it shall, at least one month before the date on which it proposes to exercise them, publish notice of the proposal in at least one local newspaper circulating in the area concerned.
- (4) Where the Authority exercises its powers as a matter of urgency, sub-paragraph (3) above shall not apply but the Authority shall, as soon as is reasonably practicable, comply with the requirements of paragraph 14 below.
- (5) The notice shall specify the purpose for which the powers are proposed to be exercised and the period (which may be expressed to be indefinite) during which the waterway concerned will be affected.
- (6) The Authority shall cause a copy of the notice to be displayed conspicuously in at least one place adjacent to the waterway concerned and in a position which the Authority considers appropriate for bringing its contents to the attention of persons likely to be affected by the proposed exercise of the Authority's powers.
- (7) The Authority shall, not later than the date on which the notice is first published under this paragraph, send copies of it to [^{F1}the National Rivers Authority]and the Commissioners.
- (8) The notice shall state that objections to the proposal may be made to the proper officer of the Authority within such period as may be specified in the notice.

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- (9) The period specified in accordance with sub-paragraph (8) above must not be less than twenty-eight days beginning with the day on which the notice is first published.
- (10) If any objections are duly made in accordance with the provisions of the notice, and are not withdrawn, the Authority shall not implement its proposal until—
- (a) a public local inquiry into the proposal has been held by an inspector appointed by the Authority; and
 - (b) the Authority has considered his report.
- (11) Before appointing any such inspector, the Authority shall consult the Secretary of State.
- (12) The provisions of subsections (2) to (5) of section 250 of the ^{M1}Local Government Act 1972 (evidence at, and cost of, local inquiries) shall apply in relation to any inquiry held under this paragraph or paragraph 14 below as they apply in relation to a local inquiry which a Minister causes to be held under subsection (1) of that section.

Textual Amendments

F1 Words substituted by [S.I. 1989/1380](#), [regs. 3\(1\)](#), [4\(g\)](#)

Marginal Citations

M1 [1972 c. 70](#).

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