

Status: Point in time view as at 01/04/1991.

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SCHEDULES

SCHEDULE 1

Section 1(7).

THE BROADS AUTHORITY

Appointment of members

- 1 (1) Every member of the Authority shall be appointed for such term, not exceeding four years, as the person appointing him may specify.
- (2) Without prejudice to paragraph 2 below, every member of the Authority shall hold and vacate office in accordance with the terms of his appointment.
- (3) Any member of the Authority whose term of office has expired shall, subject to the provisions of this Schedule, be eligible for re-appointment.
- (4) Subject to paragraph 2(5) below and paragraph 1 of Schedule 7 to this Act, the appointment of any person as a member of the Authority under section 1(3)(a) or (b) of this Act shall take effect—
 - (a) on the receipt by the Authority of notification of the appointment; or
 - (b) if later, on the date on which a vacancy among those members of the Authority who were appointed by the person making the appointment in question first occurs after that appointment is made.
- (5) The appointment of any person as a member of the Authority under section 1(3)(c) of this Act shall take effect—
 - (a) on the date on which the appointment is made; or
 - (b) if later, on the date on which a vacancy among the members of the Authority appointed under section 1(3)(c) first occurs after the appointment is made.
- (6) Anyone appointed as a member of the Authority by any person may not, at any time after his appointment has taken effect and before it has ended, be appointed as such a member by any other person.

Replacement of members

- 2 (1) The appointment of a person to the Authority by a participating authority shall end if he ceases to be a member of the authority.
- (2) The appointment to the Authority of a member of the Navigation Committee (under section 1(3)(c) of this Act) shall end if he ceases to be a member of that Committee.
- (3) Where a person's appointment ends by virtue of sub-paragraph (1) above, the participating authority shall as soon as practicable give notice of that fact to the Authority.
- (4) A participating authority may at any time end the appointment of a person appointed to the Authority by that participating authority and appoint another person in his place.

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- (5) Where a participating authority exercises its powers under sub-paragraph (4) above—
- (a) it shall give notice of the ending of the appointment to the Authority; and
 - (b) the new appointment shall take effect, and the previous appointment end, at the end of the period of one month beginning with the date on which the notice is given.
- (6) The appointment of any person to the Authority may be ended by resignation by notice in writing given to the proper officer of the Authority.
- (7) Where—
- (a) any such notice of resignation is given to the Authority; or
 - (b) any person ceases to be a member of the Authority by virtue of the application of section 85 of the ^{M1}Local Government Act 1972 (vacation of office by failure to attend meetings);
- the Authority shall notify the relevant appointing authority.
- (8) Where a vacancy among the persons appointed to the Authority occurs for any reason other than one mentioned in this paragraph, the relevant appointing authority shall give notice of that fact to the Authority or (as the case may require) the Authority shall give notice of that fact to the relevant authority.
- (9) The proper officer of the Authority shall as soon as practicable publish notice of any appointment to the Authority, or ending of such an appointment, and any such notice shall give the name of the person concerned.
- (10) Sub-paragraphs (3), (8) and (9) above shall not apply in relation to any person who—
- (a) ceases to be a member of the Authority by virtue of his retirement from membership of a participating authority;
 - (b) is re-elected to membership of that participating authority on the day of that retirement; and
 - (c) is re-appointed as a member of the Authority by that participating authority.
- (11) Sub-paragraphs (7) and (8) above shall not apply in relation to any person appointed to the Authority under section 1(3)(c).
- (12) This paragraph is subject to the provisions of paragraph 5 below dealing with the period for which a member of the Authority is to serve as chairman.

Marginal Citations

M1 1972 c. 70.

Meetings of Authority

- 3 (1) The Authority shall in every year hold an annual meeting and such other meetings as it thinks fit.
- (2) The annual meeting of the Authority shall be the first meeting held after 1st July in the year in question.
- (3) The date and time for any meeting of the Authority shall be determined by the Authority.

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- (4) The chairman of the Authority may call a meeting of the Authority at any time.
 - (5) Any five or more members of the Authority may call a meeting of the Authority if they have made a written request to the chairman for such a meeting but the chairman—
 - (a) has refused to call the meeting; or
 - (b) has failed to call it before the end of the period of seven days beginning with the date of the making of the request.
 - (6) No business shall be transacted at any meeting of the Authority unless more than one quarter of its members are present.
 - (7) If, at any meeting of the Authority, both the chairman and vice-chairman of the Authority are absent, another member, chosen by the members present, shall preside.
- 4
- (1) Meetings of the Authority shall be held at such place, within the Broads or elsewhere, as it may decide.
 - (2) Three clear days at least before any meeting of the Authority, notice of the time and place of the intended meeting shall be published at the offices of the Authority.
 - (3) Where the meeting is called by members of the Authority, the notice shall be signed by those members and shall specify the business to be transacted.
 - (4) A summons to attend the meeting, specifying the business proposed to be transacted, and signed by the proper officer of the Authority shall, subject to sub-paragraph (5) below, be left at or sent by post to the usual place of residence of every member of the Authority.
 - (5) If a member of the Authority gives written notice to the proper officer of the Authority that he wishes any such summons to be sent to him at an address specified in the notice, any such summons addressed to him and left at or sent by post to that address shall be deemed to have been properly served on him.
 - (6) Failure to serve a summons on any member of the Authority shall not affect the validity of the meeting of the Authority to which the summons relates.
 - (7) Except in the case of any matter which requires to be considered urgently, no business shall be transacted at any meeting of the Authority other than that specified in the summons to that meeting.
 - (8) Part VI of Schedule 12 to the ^{M2}Local Government Act 1972 (general procedural provisions relating to local authorities) shall apply in relation to the Authority as if it were a local authority and as if the reference in paragraph 43 to the election of members were a reference to their appointment.

Marginal Citations

M2 1972 c. 70.

Chairman and vice-chairman

- 5
- (1) The Authority shall in each year appoint a chairman and a vice-chairman from among its members.

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- (2) Appointments under sub-paragraph (1) above shall be the first business transacted at the annual meeting of the Authority.
- (3) Subject to any standing orders made by the Authority, anything authorised or required to be done by or in relation to the chairman may be done by or in relation to the vice-chairman.
- (4) The Authority may pay to the chairman and vice-chairman, for the purpose of enabling them to meet the expenses of their offices, such allowances as the Authority thinks reasonable.
- (5) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.
- (6) During his term of office the chairman shall continue to be a member of the Authority until the appointment of the next chairman at the next annual meeting of the Authority.
- (7) Where—
 - (a) the chairman was appointed to the Authority by a participating authority; and
 - (b) the effect of sub-paragraph (6) above is to extend the period during which he is a member of the Authority;
 the appointment by the participating authority of a person to replace him shall not take effect before the appointment of the next chairman of the Authority.
- (8) If, apart from sub-paragraph (6) above, the person presiding at the meeting referred to in sub-paragraph (2) above would have ceased to be a member of the Authority, he shall not be entitled to vote on the appointment except in accordance with sub-paragraph (9) below.
- (9) In the case of an equality of votes in respect of the appointment of a chairman, the person presiding at the meeting shall give a casting vote in addition to any other vote he may have.
- (10) Where a casual vacancy occurs in the office of chairman or vice-chairman of the Authority, the vacancy shall be filled by the appointment by the Authority of one of its members.
- (11) Where necessary, the meeting at which such a casual vacancy is to be filled shall be convened by the proper officer of the Authority.
- (12) Any person appointed under sub-paragraph (10) above to fill a casual vacancy shall hold office, unless he resigns or becomes disqualified, until such time as the person in whose place he was appointed would have held the office in question had his appointment not come to an end prematurely.

Authority's chief officer

- 6 The Authority shall not—
- (a) appoint a person to the office (by whatever name it is known) of chief officer of the Authority; or
 - (b) determine, or vary, any of the terms and conditions on which he is employed by the Authority;
- without first consulting the Countryside Commission.

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SCHEDULE 2

Section 2(3).

VARIATION OF AREA TREATED AS THE BROADS

PART I

VARIATION OF AREA SHOWN ON DEPOSITED MAP

- 1 The area which is shown coloured pink on Sheet 37 of the deposited map is varied by the omission of the following land at Lowestoft in the district of Waveney—
 - (a) the stretch of the highway known as Bridge Road between its junction with Commodore Road and the southern boundary of the curtilage of the Post Office south of Mutford Lock together with the land to the east of Bridge Road; and
 - (b) the area (consisting of Mutford Lock and adjoining land owned by Associated British Ports) which is shown hatched and edged red on the plan signed in duplicate by David Patrick Walley, an Assistant Secretary in the Department of the Environment, and Reginald Vivian Pearce, the Solicitor to Associated British Ports, copies of which have been deposited in the Office of the Clerk of the Parliaments and the Private Bill Office of the House of Commons.
- 2 The area which is shown coloured pink on Sheet 24 of the deposited map is varied by the omission of the stretch of the river Yare lying downstream of a notional line drawn between grid references TG 51873 7808 and TG 51959 07859.

PART II

VARIATION BY ORDER

- 3 Where the Countryside Commission has received a proposal from the Authority that the area which constitutes the Broads (for the purposes of this Act) should be varied, it shall consider the proposal and either reject it or conduct a review under this Schedule.
- 4 Where the Commission conducts a review under this Schedule it shall take such steps as it considers appropriate to secure that those persons who appear to it to have an interest in the proposal being reviewed—
 - (a) are informed of the proposal; and
 - (b) are given an opportunity to make representations on it within such a reasonable period as may be specified by the Commission.
- 5 The Commission shall have regard to any representations duly made to it under paragraph 4 above.
- 6 Where, following the review of any proposal under this Schedule, the Commission considers that the proposal should be adopted (either as originally made or as modified by the Commission in consequence of its review), it may notify the Secretary of State to that effect.
- 7 The Secretary of State may by order give effect to any proposal of which he is notified by the Commission under paragraph 6 above; and in doing so the Secretary of State may modify the proposed variation in such manner as he thinks fit.

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- 8 Before deciding whether or not to give effect to any such proposal the Secretary of State may hold a local inquiry.
- 9 Without prejudice to the generality of section 24(3) of this Act, an order under paragraph 7 above may make such amendments in, and repeals of, local enactments as the Secretary of State considers appropriate in consequence of the order.
- 10 Before making to the Commission any proposal of any kind mentioned in paragraph 3 above, the Authority shall consult—
- (a) each of the appointing authorities other than the Secretary of State; and
 - (b) the internal drainage board for any internal drainage district which appears to the Authority to be likely to be affected by the proposal.

SCHEDULE 3

Section 2(5), (6).

FUNCTIONS OF AUTHORITY

PART I

PLANNING AND CONNECTED MATTERS

The ^{M3}Electricity (Supply) Act 1919

Marginal Citations

M3 1919 c. 100.

- 1 In section 21(2) of the Electricity (Supply) Act 1919 (meaning of “local planning authority” in relation to duty of Secretary of State to consult before consenting to overhead electricity lines), the words “and in relation to any land within the Broads (as defined by the Norfolk and Suffolk Broads Act 1988) it means the Broads Authority” shall be added after paragraph (b).

The National Parks and Access to the Countryside Act 1949

Marginal Citations

M4 1949 c. 97.

- 2 In the National Parks and Access to the Countryside Act 1949, the following section shall be inserted after section 111—

“111A Application to the Broads Authority.

- (1) Sections 21 and 22 of this Act shall have effect as if the Broads Authority were a county council.
- (2) Sections 54 and 89 of this Act shall have effect as if the Broads Authority were a local planning authority.

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- (3) Part V of this Act (apart from section 69) shall have effect as if the Broads Authority were a local planning authority but as if—
- (a) sections 61 to 63, 74 and 78 were omitted; and
 - (b) for the purposes of sections 64, 65 and 77, the Broads were a National Park.
- (4) Section 69 of this Act shall have effect as if the Broads Authority were a county planning authority.
- (5) In this section “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”

The ^{M5}Land Compensation Act 1961

Marginal Citations

M5 1961 c. 33.

3 In section 17 of the Land Compensation Act 1961 (certification of appropriate alternative development), the following subsections shall be added at the end—

“(10) For the purposes of this section and sections 18 to 20 of this Act, the Broads Authority shall be the sole district planning authority in respect of the Broads.

(11) In subsection (10) above “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988”.

4 ^{F1}

Textual Amendments

F1 Sch. 3 paras. 4, 7–28, 32 repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

The ^{M6}Water Resources Act 1963

Marginal Citations

M6 1963 c. 38.

5 In section 54 of the Water Resources Act 1963 (general regulations relating to licences), the words “and the Broads Authority” shall be added at the end of subsection (3).

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The ^{M7} Countryside Act 1968

Marginal Citations

M7 1968 c. 41.

6 In the Countryside Act 1968, the following section shall be inserted after section 47—

“47A Application to the Broads Authority.

- (1) Sections 6 to 9 of this Act shall have effect as if the Broads Authority were a local authority.
- (2) Sections 10, 18 and 20 of this Act shall have effect as if the Broads Authority were a local planning authority.
- (3) Section 16 of this Act shall have effect as if the Broads Authority were a local planning authority and the Broads were a National Park.
- (4) Section 40 of this Act shall have effect as if the Broads Authority were a National Park joint planning board and the Broads were a National Park.
- (5) Sections 43 to 45 shall have effect as if the Broads Authority were a local authority.
- (6) In this section “the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”

7—28. **F2**

Textual Amendments

F2 Sch. 3 paras. 4, 7–28, 32 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6](#)

The ^{M8} Race Relations Act 1976

Marginal Citations

M8 1976 c. 74.

29 In section 19A of the Race Relations Act 1976 (discrimination by planning authorities), the words “the Broads Authority” shall be inserted after the word “council” in subsection (2)(a).

The ^{M9} Ancient Monuments and Archaeological Areas Act 1979

Marginal Citations

M9 1979 c. 46.

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- 30 (1) In the Ancient Monuments and Archaeological Areas Act 1979, the following section shall be inserted after section 52—

“52A The Broads.

Parts I and II and section 45(2) and (3) of this Act shall apply, in relation to the Broads (as defined by the Norfolk and Suffolk Broads Act 1988), as if the Broads Authority were a local authority.”

- (2) In section 35 of the Act of 1979 (notice required of operations in areas of archaeological importance), the following subsection shall be added at the end—

“(11) This section shall have effect, in relation to any land within the Broads (as defined by the Norfolk and Suffolk Broads Act 1988), as if the Broads Authority were the district council (to the exclusion of the authority which is otherwise the district council for the area in question) and the Broads were its local authority area.”

The ^{M10}Wildlife and Countryside Act 1981

Marginal Citations

M10 1981 c. 69.

- 31 (1) In section 28 of the Wildlife and Countryside Act 1981 (areas of special scientific interest), the following subsection shall be added at the end—

“(13A) For the purposes of this section “local planning authority”, in relation to land within the Broads, includes the Broads Authority.”.

- (2) In section 39 of the Act of 1981 (management agreements), in subsection (5), the following paragraph shall be inserted after paragraph (a)—

“(aa) as respects land within the Broads, the Broads Authority;”.

- (3) In section 41 of the Act of 1981 (duties of agriculture ministers with respect to the countryside), the following subsection shall be inserted after subsection (5)—

“(5A) For the purposes of this section the Broads shall be treated as a National Park.”

- (4) In section 44 of the Act of 1981 (grants and loans for purposes of National Parks), the following subsection shall be added at the end—

“(4) For the purposes of this section the Broads Authority shall be treated as a county planning authority and the Broads as a National Park.”

- (5) In section 71 of the Act of 1981 (interpretation), the following definition shall be inserted at the appropriate place—

““the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”

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Textual Amendments

- F3** Sch. 3 paras. 4, 7–28, 32 repealed by Planning (Consequential Provisions) Act 1990 (c.11, SIF 123:1, 2), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

PART II

MISCELLANEOUS FUNCTIONS

Land Drainage

- 33 (1) The Authority shall, after consulting—
- (a) the internal drainage board for each internal drainage district which is wholly or partly within the Broads;
 - (b) the Countryside Commission;
 - (c) [^{F4}the Nature Conservancy Council for England]; and
 - [^{F5}(d) The National Rivers Authority;]
- and with the agreement of the Minister of Agriculture, Fisheries and Food, prepare and issue (in such form and in such manner as it considers appropriate) a code of practice for the construction, alteration, renewal, maintenance or extension of drainage works within the Broads.
- (2) The Authority shall from time to time review the code of practice and, where it considers it appropriate, issue a revised code.
 - (3) Before issuing a revised code the Authority shall consult the bodies mentioned in sub-paragraph (1) above.
 - (4) The Authority shall not issue a revised code unless it has the agreement of the Minister.
 - (5) Any drainage authority exercising functions in relation to any land within the Broads shall comply with the code.
 - (6) Where it appears to the Authority that a drainage authority has failed to comply with any provision of the code, the Authority may give such directions to the drainage authority as it thinks fit.
 - (7) Any dispute between the Authority and a drainage authority which arises in connection with the code shall be determined by the Minister of Agriculture, Fisheries and Food.
 - (8) In this paragraph “drainage authority” means any body having statutory power to make or maintain works for the drainage of land.

Textual Amendments

- F4** Words in s. 33(1)(c) substituted (1.4.1991) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 132(1), Sch. 9 para. 15; S.I. 1991/685, art. 3

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F5 Sch. 3 para. 33(1)(d) substituted by S.I. 1989/1380, regs. 3(1), 4(c)

Water

- 34 (1) For the purpose of improving the quality of water in any inland waters partly or wholly within the Broads, the Authority may—
- (a) carry out such works; or
 - (b) make such grants or loans;
- as it thinks fit. ^{F6}
- (2) Before any exercise of its powers under sub-paragraph (1) above, the Authority shall consult—
- (a) the National Rivers Authority; and
 - (b) any water undertaker whose area includes any part of the Broads and with whom consultation appears to it to be appropriate.
- (3) Nothing in sub-paragraph (1) above shall be taken to authorise the Authority to carry out any work which requires the consent of any other person if that consent has not been given.

Textual Amendments

F6 Sch. 3 para. 34(2) substituted by S.I. 1989/1380, regs. 3(1), 4(d)

- 35 Before implementing any proposal the implementation of which is likely to affect the quality of water in any inland waters partly or wholly within the Broads, ^{F7}the National Rivers Authority or a water undertaker shall consult the Authority.

Textual Amendments

F7 Words substituted by S.I. 1989/1380, regs. 3(1), 4(e)

Discharge of trade and sewage effluent

- [^{F8}36 The Authority shall be treated as a local authority for the purposes of paragraph 1(3) (c) of Schedule 12 to the Water Act 1989 (right of local authority to receive copy of application to the National Rivers Authority for consent to discharge effluent etc.).]

Textual Amendments

F8 Sch. 3 para. 36 substituted by S.I. 1989/1380, regs. 3(1), 4(f)

Staithe

- 37 (1) The Authority shall have all the powers of an owner or occupier (including, in particular, power to take criminal or civil proceedings) for the purpose of preventing unlawful interference with any staithe within the Broads, or with any rights exercisable by any person in relation to any such staithe.

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- (2) Subject to sub-paragraph (3) below, the Authority may maintain, alter or improve any staithe within the Broads.
- (3) Where the Authority proposes to exercise its powers under sub-paragraph (2) above in respect of any staithe it shall, where it is of the opinion that it is reasonably practicable to identify and contact the owner or occupier of the staithe, or both the owner and occupier, take such steps as are reasonably practicable to notify him or (as the case may be) them of its proposal and obtain his or (as the case may be) their consent.
- (4) Nothing in this paragraph shall be taken to affect the power of the Authority (under paragraph 44 of this Schedule) to acquire land compulsorily.

Common Land

- 38 (1) In relation to any registered common within the Broads which is not owned by, or vested in, a local authority and which is not a staithe, the Authority shall be treated as a local authority for the purposes of the following enactments—
- (a) section 1 of the ^{M11}Commons Act 1899 (scheme for regulation);
 - (b) section 194(2) of the ^{M12}Law of Property Act 1925 (application for removal of works);
 - (c) section 23 of the ^{M13}Caravan Sites and Control of Development Act 1960 (power of district council to prohibit caravans on commons); and
 - (d) section 9 of the ^{M14}Commons Registration Act 1965 (protection of unclaimed common land).
- (2) No local authority shall exercise any of its functions under the enactments mentioned in sub-paragraph (1) above, in relation to any staithe which is within the Broads and which is registered as a common, except jointly with the Authority or with the Authority's consent.

Marginal Citations

- M11** 1899 c. 30.
M12 1925 c. 20.
M13 1960 c. 62.
M14 1965 c. 64.

Open spaces

- 39 The Authority shall be treated as a local authority for the purposes of the ^{M15}Open Spaces Act 1906.

Marginal Citations

- M15** 1906 c. 25.

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Provision of facilities

- 40 (1) Subject to sub-paragraphs (3) and (4) below, the Authority may make arrangements for securing the provision within the Broads, or within the neighbourhood of the Broads, (and whether by the Authority or by others) of—
- (a) moorings;
 - (b) accommodation, meals and refreshments (including intoxicating liquor);
 - (c) camping sites;
 - (d) parking places and means of access to, and egress from, them;
 - (e) sanitary conveniences for use by the public; and
 - (f) receptacles for refuse or litter and services for their regular emptying and cleansing; and may for the purposes of any such arrangements erect such buildings and carry out such other work as may appear to the Authority to be necessary or expedient.
- (2) The Authority may make arrangements for securing the provision within the Broads (whether by the Authority or others) of study centres and other facilities for learning about—
- (a) the history, natural features, flora and fauna of the Broads; and
 - (b) objects of architectural, archaeological or historical interest within the Broads.
- (3) Before making any arrangements under sub-paragraph (1)(a) above for securing the provision of any mooring within the Haven, the Authority must obtain the consent of the Commissioners.
- (4) The Authority may not exercise the powers given by sub-paragraph (1)(b) above unless it appears to it that existing facilities of the kind in question are inadequate or unsatisfactory.
- (5) The Authority may make reasonable charges for the use by any person of any facilities provided by it under this paragraph.

Caravan sites

- 41 The Authority shall be treated as a local authority for the purposes of section 24 of the ^{M16}Caravan Sites and Control of Development Act 1960 (provision of sites for caravans).

Marginal Citations

M16 1960 c. 62.

Conservation of buildings etc.

- 42 The Authority may, either for the purpose of preserving the distinctive character of the Broads or for any purpose connected with the history of the development and use of the Broads—
- (a) undertake conservation or restoration work in respect of any building, vessel or other thing within any part of the Broads; and
 - (b) pay grants or make loans to bodies appearing to the Authority to be established for purposes which include either or both of those purposes.

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Derelict land

- 43 The Authority shall be treated as a local authority, and the Broads as a National Park, for the purposes of the ^{M17}Derelict Land Act 1982.

Marginal Citations

M17 1982 c. 42.

Compulsory acquisitions

- 44 (1) The Secretary of State may authorise the Authority to acquire land compulsorily for the purpose of carrying out its functions under paragraph 37(2) or 40 of this Schedule or for the purpose of improving any mooring within the Broads.
- (2) Where the Authority exercises its powers under sub-paragraph (1) above in relation to land which forms part of a common or open space or fuel or field garden allotment, the Secretary of State may authorise it to acquire compulsorily, or it may acquire by agreement, land for giving in exchange for the land acquired.
- (3) The power to acquire land compulsorily includes power to create new rights as well as acquire existing ones.
- (4) The ^{M18}Acquisition of Land Act 1981 shall apply to a compulsory purchase by the Authority subject, in the case of a compulsory acquisition of a right by the creation of a new right, to Schedule 3 of that Act.

Marginal Citations

M18 1981 c. 67.

Refuse disposal

- 45 The Authority shall be treated as a local authority for the purposes of—
- (a) sections 3 to 6 of the ^{M19}Refuse Disposal (Amenity) Act 1978 (removal and disposal of refuse); and
- (b) sections 7 (acquisition of land) and 8 (powers of entry etc.) of that Act, so far as they relate to functions under section 6 of that Act.

Marginal Citations

M19 1978 c. 3.

Litter

- 46 The Authority shall be treated as a litter authority for the purposes of the ^{M20}Litter Act 1983.

Status: Point in time view as at 01/04/1991.

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Marginal Citations

M20 1983 c. 35.

Footpaths and bridleways

- 47 (1) The Authority shall be treated as a local authority for the purposes of sections 25 to 29 of the ^{M21}Highways Act 1980 (public path creation agreements); and sections 72(2) (widening of footpaths etc.) and 118 to 121 (stopping up of footpaths etc.) of that Act shall have effect in relation to the Authority as if it were a county council.
- (2) Without prejudice to the powers of any other body, the Authority shall have the power to maintain any public path within the Broads.

Marginal Citations

M21 1980 c. 66.

48 F9

Textual Amendments

F9 Sch. 3 para. 48 repealed by [Planning \(Consequential Provisions\) Act 1990 \(c.11, SIF 123:1, 2\)](#), s. 3, Sch. 1 Pt. I, Sch. 3 paras. 1, 2, 4, 6

Publication of information

- 49 (1) The Authority may—
- (a) publish, or arrange for the publication of, such information on matters relating to the Broads as it thinks fit;
 - (b) arrange for the delivery of lectures and addresses and the holding of discussions on any such matters;
 - (c) arrange for the display of pictures, films or models or the holding of exhibitions relating to any such matters; and
 - (d) prepare, or join in or contribute to the cost of the preparation of, pictures, films, models or exhibitions to be displayed or held in accordance with arrangements under paragraph (c) above.
- (2) The Authority may make reasonable charges for any service provided by it under this paragraph.

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SCHEDULE 4

Section 9(10).

THE NAVIGATION COMMITTEE

Appointment of members

- 1 (1) Every member of the Navigation Committee shall be appointed for such term, not exceeding four years, as the Authority may specify.
- (2) Without prejudice to paragraph 2 below, every member of the Navigation Committee shall hold and vacate office in accordance with the terms of his appointment.
- (3) Any member of the Committee whose term of office has expired shall, subject to the provisions of this Schedule, be eligible for re-appointment.
- (4) The time at which the appointment of any person as a member of the Committee takes effect shall be determined by the Authority.

Replacement of members

- 2 (1) The appointment of a person to the Committee from among the members of the Authority shall end if he ceases to be a member of the Authority.
- (2) The appointment of any other person to the Committee shall end if he becomes a member of the Authority under section 1(3)(a) or (b) of this Act.
- (3) The appointment of any person to the Committee may be ended by resignation by notice in writing given to the proper officer of the Authority.
- (4) That officer shall, as soon as practicable, publish notice—
- (a) of any appointment to the Committee;
 - (b) of the ending of any such appointment;
- and any such notice shall give the name of the person concerned.

Attendance at meetings

- 3 Section 85 of the ^{M22}Local Government Act 1972 (vacation of office by failure to attend meetings) shall apply in relation to attendance at meetings of the Committee as it applies, by virtue of Schedule 6 to this Act, in relation to attendance at meetings of the Authority.

Marginal Citations

M22 1972 c. 70.

Proceedings of Committee

- 4 (1) No business shall be transacted at any meeting of the Committee unless at least four of its members are present.
- (2) Subject to the provisions of this Schedule and to any directions given to it by the Authority, the Committee shall determine its own procedure.

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- (3) The Committee shall elect a chairman from among those of its members who are members of the Authority and may, if it thinks fit, appoint one of its members to be vice-chairman.
- (4) The chairman shall, unless he resigns or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

SCHEDULE 5

Section 10.

THE NAVIGATION AREA

PART I

FUNCTIONS OF AUTHORITY

Maintenance and improvement

- 1 (1) For the purpose of enabling the Authority to carry out its functions in relation to the navigation area, the Authority may provide such facilities, and construct, alter or renew such works, as it thinks fit, but shall not do so on any land which does not belong to it except where it has the consent in writing of the owner and (where the owner is not the occupier) that of the occupier.
- (2) The Authority shall, in particular, maintain the Norwich navigation to such standard as may reasonably be required by such seagoing freight vessels as wish to use it.
- (3) The duty imposed on the Authority in relation to the Norwich navigation includes the duty (subject to sub-paragraph (4) below) to provide and maintain buoys, beacons and such other navigation marks as it thinks necessary.
- (4) The Authority shall not provide, alter, discontinue the use of or remove any buoy, beacon or other navigation mark for the purposes of the Norwich navigation without the written consent of Trinity House.
- (5) The Authority may make reasonable charges for the use by any person of any facilities provided by it under this paragraph.

Dredging

- 2 (1) The Authority may—
 - (a) deepen, dredge, scour or excavate any part of the navigation area; and
 - (b) sell, or otherwise dispose of as it thinks fit, any material removed from any part of the navigation area in exercise of its powers under this paragraph.
- (2) If so required by the Commissioners, the Authority shall carry out such dredging as is, in the opinion of the Commissioners, necessary in order to prevent a reduction in the flow of water in the Haven.
- (3) Where the Commissioners require the Authority to carry out any such dredging, they shall reimburse the Authority all costs reasonably incurred by the Authority in doing so.

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- (4) Any dispute between the Authority and the Commissioners as to the amount which the Commissioners are obliged by sub-paragraph (3) above to pay to the Authority in respect of any dredging carried out at the request of the Commissioners shall be determined by a person appointed for the purpose—
- (a) by agreement between the Authority and the Commissioners; or
 - (b) failing such agreement, by the Secretary of State.

Communication with vessels

- 3 The Authority shall, with a view to ensuring the safety of navigation and securing that seagoing freight vessels are given priority—
- (a) provide a communication service designed to enable vessels which are in or are entering or leaving the Norwich navigation to communicate with the harbour master of Great Yarmouth; and
 - (b) operate patrols in the Norwich navigation.

Byelaws

- 4 Without prejudice to the generality of section 10(3) of this Act, byelaws under that section may be made for the purpose of—
- (a) regulating the use of waterways in the navigation area for navigational and other purposes and the use of their banks and any works, facilities and services provided by the Authority;
 - (b) prescribing navigational rules, including rules regulating the speed of vessels using the navigation area;
 - (c) regulating the placing, laying down, maintenance and use of moorings in the navigation area;
 - (d) requiring specified classes of persons in charge (for reward) of passenger boats using the navigation area to satisfy such conditions as to their qualifications for so being in charge as may be prescribed by the byelaws;
 - (e) prescribing, for purposes of safety or the prevention of pollution or excessive noise, conditions with respect to their construction, equipment and maintenance (including maintenance of equipment) which must be satisfied by vessels, other than seagoing freight vessels, using the navigation area;
 - (f) regulating the display of advertising on any vessel using, or kept in, the navigation area;
 - (g) regulating the shipping and unshipping of goods, their warehousing and their removal from any quay, staithe or other place within the navigation area.

Registration of vessels

- 5 (1) Without prejudice to the generality of section 10(3) of this Act, byelaws under that section may also be made for the purpose of providing for the registration of pleasure craft.
- (2) Where any such byelaws are made, the Authority shall set up and maintain the necessary register.
- (3) The byelaws may, in particular—

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- (a) provide for the registration of pleasure craft under different categories;
 - (b) make provision as to the display on registered craft of registration documents or numbers;
 - (c) provide for the exemption of prescribed craft or classes of craft 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.
- (4) 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.
- (5) Where any person tenders the appropriate fee for registering any craft under the byelaws, the Authority shall register the craft in accordance with the provisions of the byelaws unless it appears to it that any safety, noise or pollution requirement has not been complied with in respect of that craft.
- (6) Where the Authority refuses to register a craft on the ground mentioned in subparagraph (5) above, it shall notify the applicant in writing of the defects which gave rise to the refusal to register.
- (7) Where the Authority is satisfied that a registered pleasure craft does not comply with one or more of the safety, noise or pollution requirements, it may cancel the registration of that craft if—
- (a) it has given the owner written notice of the defect 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 defect 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.
- (8) In this paragraph “safety, noise or pollution requirement” means any requirement imposed by virtue of paragraph 4(e) above.

Appeal against cancellation or refusal to register

- 6
- (1) Any person who is aggrieved by the Authority’s refusal to register a pleasure craft under the byelaws or by the cancellation of such registration may appeal to a magistrates’ court.
 - (2) On an appeal to it under this paragraph the court may dismiss the appeal or give such direction to the Authority as it thinks fit.
 - (3) On such an appeal the decision of the court shall be final.

Supplementary provisions in relation to byelaws

- 7
- (1) Subsections (3) to (8) and (11) of section 236, and section 238, of the ^{M23}Local Government Act 1972 (procedure for making byelaws) shall apply in relation to byelaws made by the Authority under section 10(3) of this Act 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.

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- (2) 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.
- (3) 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 others who have been informed of his proposal, to consider and comment upon it.
- (4) The Secretary of State may hold a local inquiry before deciding whether or not to confirm any byelaws made under section 10(3).
- (5) Section 12 of the ^{M24}Local Government (Miscellaneous Provisions) Act 1982 (enforcement of byelaws) shall apply in relation to byelaws under section 10(3) as if the Authority were a relevant local authority.

Marginal Citations

M23 1972 c. 70.

M24 1982 c. 30.

Contravention of byelaws

- 8 (1) Byelaws made under section 10(3) of this Act may include provisions making it an offence, in such cases as may be prescribed, to contravene them.
- (2) Where such byelaws create an offence, they shall provide for any person guilty of the offence to be liable on summary conviction to such fine (not exceeding level four on the standard scale) as may be prescribed.
- (3) In this paragraph “prescribed” means prescribed by the byelaws.

Information as to navigation by pleasure craft

- 9 (1) Where the Authority has reasonable grounds for believing that a pleasure craft has been kept or used within the navigation area in contravention of any byelaw made under section 10(3) of this Act, an authorised officer of the Authority may require the owner of the craft to give him such information as he can as to the identity of the person who was in charge of the craft at the material time.
- (2) Where an authorised officer of the Authority has duly demanded such information, the owner of the craft shall, if he fails without reasonable excuse to give the required information to that officer, be guilty of an offence and liable on summary conviction to a fine not exceeding level three on the standard scale.

Temporary closure of waterways

- 10 (1) The Authority may, for the purpose—
 - (a) of constructing or maintaining any work in or adjoining the waterway in question;
 - (b) of facilitating the holding of any function in connection with the recreational use of any waterway; or

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- (c) of facilitating motor boat racing on Oulton Broad;
temporarily regulate, restrict, or prohibit the use of any waterway within the navigation area.
- (2) The Authority shall not exercise its powers under this paragraph—
- (a) for a purpose mentioned in sub-paragraph (1)(a) above in such a way as to interfere unreasonably with the passage of seagoing freight vessels;
- (b) for a purpose mentioned in sub-paragraph (1)(b) above—
- (i) for a total of more than thirty minutes in any hour;
- (ii) for a total of more than eight such thirty minute periods in any twenty-four hours; or
- (iii) in such a way as to deny to any vessel all means of passing through the waterway; or
- (c) for a purpose mentioned in sub-paragraph (1)(c) above, for a total of more than six hours in any period of twenty-four hours or on more than twenty days in any one year.
- (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—
- (a) notify the Commissioners of the action which it has taken; and
- (b) publish notice of it in at least one local newspaper circulating in the area concerned.
- (5) Sub-paragraph (4)(b) above does not apply if the action is likely to be discontinued before the Authority can reasonably be expected to have complied with that sub-paragraph.
- (6) The notice required by sub-paragraph (3) above (“the notice”) shall specify the purpose for which the powers are proposed to be exercised and the period during which the waterway concerned will be affected.
- (7) 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.
- (8) The Authority shall, not later than the date on which the notice is first published under this paragraph, send copies of it to ^{F10}the National Rivers Authority and the Commissioners.

Textual Amendments

F10 Words substituted by S.I. 1989/1380, regs. 3(1), 4(g)

Repair of landing places etc.

- 11 (1) Where the Authority is of the opinion that any landing place, embankment, private mooring or structure is insecure or in need of repair and by reason of its condition—

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- (a) is, or is likely to become, a danger to persons or vessels using any waterway within the navigation area over which there is a public right of navigation;
- (b) is injuring, or is likely to injure, the condition of any such waterway as a navigable waterway; or
- (c) is hindering, or is likely to become a hindrance to, navigation on any such waterway;

the Authority may by notice given to the owner require him to make it secure, or (as the case may be) carry out the necessary repairs, to the satisfaction of the Authority and within such reasonable period as may be specified in the notice.

- (2) Section 290 of the ^{M25}Public Health Act 1936 (appeals against and enforcement of notices requiring execution of works) shall apply to any notice given by the Authority under this paragraph as if the Authority were a local authority.
- (3) Any such notice shall have attached to it a copy of sub-paragraphs (1) and (2) above.

Marginal Citations

M25 1936 c. 49.

Removal of wrecks etc.

- 12 (1) The Authority may raise, remove or destroy any vessel which has been sunk, stranded or abandoned—
- (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.

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- (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.

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 [^{F11}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.
- (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.

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- (12) The provisions of subsections (2) to (5) of section 250 of the ^{M26}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

F11 Words substituted by S.I. 1989/1380, regs. 3(1), 4(g)

Marginal Citations

M26 1972 c. 70.

- 14 (1) This paragraph applies where the Authority has exercised its powers under paragraph 13 above in circumstances in which it is not required to comply with sub-paragraph (3) of that paragraph.
- (2) The Authority shall, as soon as is reasonably practicable—
- (a) notify the Commissioners of the action which it has taken; and
 - (b) publish notice of it in at least one local newspaper circulating in the area concerned.
- (3) The notice shall state that objections to the action taken by the Authority may be made to the proper officer of the Authority within such period as may be specified in the notice.
- (4) The period specified in accordance with sub-paragraph (3) above must not be less than twenty-eight days beginning with the day on which the notice is first published.
- (5) Sub-paragraph (2)(b) above does not apply if the action is likely to be discontinued before the Authority can reasonably be expected to have complied with that sub-paragraph.
- (6) If any objections to the action taken by the Authority are duly made in accordance with the provisions of the notice, and are not withdrawn, the Authority shall—
- (a) discontinue the action before the end of the period of three months beginning with the date on which it was first taken; or
 - (b) as soon as is reasonably practicable after the end of that period, cause a public inquiry into the matter to be held by an inspector appointed by the Authority.
- (7) Before appointing any such inspector, the Authority shall consult the Secretary of State.
- (8) Where a public inquiry has been held under this paragraph the Authority shall, in determining whether or not to continue the action, consider the inspector's report.
- 15 The Authority shall, as soon as is reasonably practicable after bringing to an end any closure or restriction under paragraph 13 or 14 above, take such steps as may be necessary to secure that the waterway concerned is returned to a condition no less suitable for navigation than existed before the closure or restriction.

Consultation with Navigation Committee

- 16 (1) The Authority shall consult the Navigation Committee before exercising any of its functions under this Part of this Schedule or under paragraph 23 below.

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- (2) Sub-paragraph (1) above shall not apply where the Authority exercises the power in question as a matter of urgency.

PART II

FUNCTIONS OF NAVIGATION OFFICERS

Interpretation

- 17 In this Part of this Schedule “the navigation officer” means—
- (a) in relation to the Norwich navigation, the Norwich navigation officer; and
 - (b) in relation to the remainder of the navigation area, the Broads navigation officer;
- and any person appointed by the Authority to act as deputy to the officer in question.

Directions for regulating vessels

- 18 (1) The navigation officer may give directions for all or any of the following purposes—
- (a) for regulating the time at which and the manner in which any vessel may enter, leave, or lie in the navigation area;
 - (b) for regulating the position, mooring, unmooring, placing or removing of any vessel while it is in the navigation area;
 - (c) for regulating the position in which any vessel may, while in the navigation area, take in or discharge cargo or ballast or take in or land passengers;
 - (d) for regulating the manner in which any vessel entering the navigation area may be dismantled, either for the safety of the vessel or for preventing injury to other vessels or property or to any part of the navigation area;
 - (e) for removing unserviceable vessels and other obstructions from the navigation area and keeping it clear;
 - (f) for prohibiting the mooring or anchoring of any vessel in any particular part or parts of the navigation area;
 - (g) for regulating the manner in which vessels are to navigate while within the navigation area.
- (2) In any case which appears to the navigation officer to be an emergency, general directions given under this paragraph may be expressed to be applicable to all vessels or to all vessels of a particular class.
- (3) Directions under this paragraph shall be communicated to the person having charge of the vessel concerned by being given to him in writing unless it is not reasonably practicable to do so, in which case they shall be communicated to him in such manner as the navigation officer considers appropriate.
- (4) The navigation officer shall not exercise his powers under this Schedule in any way which interferes with the discharge by the Commissioners of Her Majesty’s Customs and Excise of any of their functions.
- (5) Where a vessel is within the navigation area, the person who has charge of it shall comply with any direction given under this paragraph which—
- (a) applies in relation to his vessel; and

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(b) has been communicated to him by or on behalf of the navigation officer; and any such person who fails (without reasonable excuse) to do so shall be guilty of an offence and liable on summary conviction to a fine not exceeding level four on the standard scale.

Seagoing freight traffic

- 19 (1) The Norwich navigation officer shall exercise his powers under this Part of this Schedule with the object of securing, so far as is reasonably practicable and consistent with the maintenance of safety, that any seagoing freight vessel which is in, entering or leaving the Norwich navigation has a safe passage and is given priority over other traffic.
- (2) The navigation officer shall, in controlling the movement of any vessel, comply with any directions given (with the object mentioned in sub-paragraph (1) above) by the harbour master of Great Yarmouth unless he considers, in a particular case, that it is inadvisable on grounds of safety to do so.

PART III

MISCELLANEOUS

Integration of administration with the Commissioners

- 20 (1) The Authority and the Commissioners may enter into an agreement for the purpose of integrating the administration of—
- (a) their byelaws relating to the registration of pleasure craft and the charging and collection of sums payable in respect of registration; and
 - (b) the collection of ship, passenger and goods dues under section 26 of the ^{M27}Harbours Act 1964.
- (2) The agreement may, in particular, provide—
- (a) for treating registration documents issued under byelaws made by one of the parties to the agreement as registration documents issued under byelaws made by the other;
 - (b) for treating distinguishing marks and numbers in a similar manner; and
 - (c) for the division between the parties of sums of a kind mentioned in sub-paragraph (1) above.

Marginal Citations

M27 1964 c. 40.

Protection of statutory undertakers

- 21 (1) The provisions of this paragraph shall apply unless provision to the contrary is made by agreement in writing between the Authority and the statutory undertaker in question.
- (2) The power conferred on the Authority by paragraph 1 above—

Status: Point in time view as at 01/04/1991.

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- (a) shall not apply in relation to any works of a statutory undertaker; and
 - (b) shall not be exercised so as to damage, adversely affect or obstruct access to any such works.
- (3) The power conferred on the Authority by paragraph 2 above to dredge and dispose of dredged material shall not be exercised—
 - (a) within fifteen metres of any works of the British Railways Board without the Board's approval of the work which the Authority proposes to carry out;
 - (b) within fifty metres of any works of any other statutory undertaker without reasonable prior notice; or
 - (c) so as to damage or adversely affect any works of a statutory undertaker.
- (4) Before granting a works licence authorising a person to carry out any work within fifty metres of any works of a statutory undertaker, the Authority shall—
 - (a) notify the undertaker of the proposed work; and
 - (b) furnish it with such further information in relation to the proposed work as it may reasonably require.
- (5) Where notice has been given to a statutory undertaker under sub-paragraph (4) above, the Authority shall, on granting the licence in question, give a copy of it to the undertaker.
- (6) The power conferred by any such licence shall not be exercised so as to damage, adversely affect or obstruct access to any works of a statutory undertaker.
- (7) Before exercising its power under paragraph 12 above to raise, remove or destroy any vessel which is within 150 metres of any works of a statutory undertaker, the Authority shall give the undertaker reasonable notice of its intention to do so.
- (8) Sub-paragraph (7) above shall not apply in any case which is (in the opinion of the Authority) an emergency.
- (9) Any dispute between the Authority and a statutory undertaker as to the application of any provision made by this paragraph shall be determined by a person appointed for the purpose—
 - (a) by agreement between the Authority and the statutory undertaker; or
 - (b) failing such agreement, by the Secretary of State.

Duty of Authority to notify Commissioners of dredging and other work

- 22
- (1) The Authority shall, before—
 - (a) undertaking any dredging or other work which might materially affect navigation within the Haven or the flow of water in the Haven; or
 - (b) granting a works licence authorising any such dredging or work;notify the Commissioners of the proposed dredging or other work, and shall not undertake it or grant the proposed licence without the consent of the Commissioners.
 - (2) The Commissioners may withhold their consent only if they are satisfied that the proposed dredging or other work will have either or both of the effects mentioned in sub-paragraph (1)(a) above.
 - (3) Any dispute between the Authority and the Commissioners as to the application of this paragraph shall be determined by a person appointed for the purpose—
 - (a) by agreement between the Authority and the Commissioners; or

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(b) failing such agreement, by the Secretary of State.

New rights of navigation

- 23 (1) The Authority may enter into an agreement with any person who has a sufficient interest in the land concerned for the creation by that person of a public right of navigation over any land in or within the vicinity of the Broads, subject to such conditions and limitations (if any) as may be specified in the agreement.
- (2) Any such agreement shall be on such terms as to payment or otherwise as may be specified in the agreement.
- (3) The Authority may create a public right of navigation over any land in which it has a sufficient interest, subject to such conditions and limitations (if any) as it considers appropriate.

SCHEDULE 6

Section 21.

APPLICATION TO AUTHORITY OF CERTAIN
ENACTMENTS APPLYING TO LOCAL AUTHORITIES ETC.

The ^{M28}Commons Act 1899

Marginal Citations

M28 1899 c. 30.

- 1 In section 18 of the Commons Act 1899 (power of Charity Commissioners to modify provisions as to recreation grounds etc.), the following paragraph shall be added at the end—

“For the purposes of this section the Broads Authority shall be treated as a district council.”.

The ^{M29}Landlord and Tenant Act 1954

Marginal Citations

M29 1954 c. 56.

- 2 In section 69 of the Landlord and Tenant Act 1954 (interpretation), in the definition of “local authority”, the words “the Broads Authority” shall be inserted after the word “includes”.

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The ^{M30}Trustee Investments Act 1961

Marginal Citations

M30 1961 c. 62.

- 3 In section 11 of the Trustee Investments Act 1961 (local authority investment schemes), in subsection (4)(a), the words “ the Broads Authority ” shall be inserted after the words “City of London”.

The ^{M31}Local Government (Records) Act 1962

Marginal Citations

M31 1962 c. 56.

- 4 In section 8 of the Local Government (Records) Act 1962 (interpretation), in the definition of local authority, the words “ the Broads Authority ” shall be inserted after the word “district”.

The ^{M32}General Rate Act 1967

Marginal Citations

M32 1967 c. 9.

- 5 (1) In section 44 of the General Rate Act 1967 (exemption of parks etc.), in the definition of local authority, the words “ the Broads Authority ” shall be inserted after the word “meeting”.
- (2) In section 85 of that Act (duty of local authorities with respect to alteration of valuation lists), in the definition of local authority, the words “ the Broads Authority ” shall be inserted after the word “district”.

The ^{M33}Leasehold Reform Act 1967

Marginal Citations

M33 1967 c. 88.

- 6 In section 28 of the Leasehold Reform Act 1967 (retention or resumption of land required for public purposes), in subsection (5), the following paragraph shall be inserted after paragraph (a)—
- “(aa) to the Broads Authority; and”.

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The ^{M34}Employers Liability (Compulsory Insurance) Act 1969

Marginal Citations

M34 1969 c. 57.

- 7 In section 3 of the Employers Liability (Compulsory Insurance) Act 1969 (employers exempted from insurance), in subsection (2), the words “ the Broads Authority ” shall be inserted after the word “Wales”, where it first occurs.

The ^{M35}Local Authorities (Goods and Services) Act 1970

Marginal Citations

M35 1970 c. 39.

- 8 (1) In section 1 of the Local Authorities (Goods and Services) Act 1970 (supply of goods and services by local authorities), in the definition of local authority in subsection (4), the words “ the Broads Authority ” shall be inserted after the word “borough”.
- (2) The following subsection shall be added at the end of section 1 of that Act—
- “(7) The Great Yarmouth Port and Haven Commissioners shall be treated as a public body for the purposes of paragraphs (a) and (b) of subsection (1) above as those paragraphs apply in relation to agreements entered into by the Broads Authority.”

The ^{M36}Road Traffic Act 1972

Marginal Citations

M36 1972 c. 20.

- 9 In [^{F12}section 144 of the Road Traffic Act 1988 (exceptions from requirement of third party insurance or security), in subsection (2)(a), the words “ the Broads Authority ” shall be inserted after the word “Wales”, where it first occurs.]

Textual Amendments

F12 Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c.54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 36](#)

The ^{M37}Local Government Act 1972

Marginal Citations

M37 1972 c. 70.

Status: Point in time view as at 01/04/1991.

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- 10 (1) The following section shall be inserted in the Local Government Act 1972 after section 265—

“265A Application in relation to the Broads Authority.

- (1) Subject to subsections (2) and (3) below, the following provisions of this Act shall have effect as if the Broads Authority were a local authority and the Broads were its local government area—
- (a) section 70;
 - (b) sections 80(1)(a) and (2), 85, 92, 94 to 98, 99 and 100;
 - (c) sections 101 to 106;
 - (d) sections 111 to 119;
 - (e) sections 120 to 123 and 128 to 131;
 - (f) sections 135, 136, 139, 140, 140A, 140C, 143 and 144;
 - (g) sections 153 and 173 to 177; and
 - (h) sections 222, 223, 225, 228 to 234 and 239.
- (2) The Navigation Committee of the Broads Authority shall be treated, for the purposes of this Act and of any other enactment relating to the committees of local authorities (but subject to section 9 of the Norfolk and Suffolk Broads Act 1988), as a committee of the Authority appointed under section 102 of this Act.
- (3) Sections 120 to 123, 128 and 224 shall have effect as if the Authority were a principal council.”
- (2) The provisions of section 82 of the Act of 1972 (validity of acts done by unqualified persons) shall become subsection (1) of that section and after that subsection there shall be inserted the following subsection—
- “(2) Subsection (1) above shall have effect, in relation to the Broads Authority, as if the reference to this Act included a reference to the Norfolk and Suffolk Broads Act 1988.”
- (3) In section 92 of the Act of 1972 (proceedings for disqualification), the following subsection shall be added at the end—
- “(8) In relation to the Broads Authority, the reference in subsection (1) above to a local government elector for the area concerned shall be construed as a reference to a local government elector for the area of any of the local authorities mentioned in section 1(3)(a) of the Norfolk and Suffolk Broads Act 1988.”
- (4) In section 100E of the Act of 1972 (application to committees and sub-committees), in subsection (3), the following shall be inserted after paragraph (b)—
- “(bb) the Navigation Committee of the Broads Authority; or”;
- and in paragraph (c), for the words “paragraph (a) or (b)” there shall be substituted the words “ paragraphs (a) to (bb) ”.
- (5) In section 100J of the Act of 1972 (application of access to information provisions to various authorities), in subsection (1), the following paragraph shall be inserted after paragraph (c)—
- “(cc) the Broads Authority;”;

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in subsection (3) after “(b)” there shall be inserted “ (cc) ” and in subsection (4) the following paragraph shall be inserted after paragraph (a)—

“(aa) in relation to the Broads Authority or its Navigation Committee, with the substitution for the words from “ward” onwards of the words “name of the body which appointed him”; and”.

F13

(6) In section 177 of the Act of 1972 (supplementary provision relating to allowances etc.), the following subsection shall be added at the end—

“(5) In their application to the Broads Authority, sections 173(1) and 173A shall have effect as if—

- (a) references to a councillor were references to a member of the Authority appointed by one of the bodies mentioned in section 1(3)(a) of the Norfolk and Suffolk Broads Act 1988; and
- (b) references to a person’s election were references to his appointment.”

^{F13}(7) In section 177A of the Act of 1972 (special responsibility allowances), the following subsection shall be added at the end—

“(6) For the purposes of this section the Broads Authority shall be deemed to be a principal council; and in its application to the Authority this section shall have effect as if the reference to any member who is a councillor were a reference to any member of the Authority and any member of its Navigation Committee.”.

(8) In section 228 of the Act of 1972 (inspection of documents), the following subsection shall be added at the end—

“(9) In relation to the Broads Authority, the references in this section to a local government elector for the area of the authority shall be construed as references to a local government elector for the area of any of the local authorities mentioned in section 1(3)(a) of the Norfolk and Suffolk Broads Act 1988.”.

(9) In section 270 of the Act of 1972 (interpretation), the following definition shall be inserted at the appropriate place—

““the Broads” has the same meaning as in the Norfolk and Suffolk Broads Act 1988.”.

Textual Amendments

F13 Sch. 6 para. 10(6)(7) repealed (*prosp*) by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), ss. 194(4), 195(2), [Sch. 12 Pt. II](#)

The ^{M38}Employment Agencies Act 1973

Marginal Citations

M38 1973 c. 35.

Status: Point in time view as at 01/04/1991.

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- 11 In section 13 of the Employment Agencies Act 1973, the following paragraph shall be inserted in subsection (7) (cases in which Act does not apply) after paragraph (f)

“(ff) the exercise by the Broads Authority of any of its functions;”.

The ^{M39}Local Government Act 1974

Marginal Citations

M39 1974 c. 7.

- 12 In section 34 of the Local Government Act 1974 (interpretation of Part III, which relates to local government administration), in the definition of local authority, the words “the Broads Authority” shall be inserted after the words “district council”.

The ^{M40}Health and Safety at Work etc. Act 1974

Marginal Citations

M40 1974 c. 37.

- 13 In section 28 of the Health and Safety at Work etc. Act 1974 (restrictions on disclosure of information), the following subsection shall be added at the end—

“(10) For the purposes of this section the Broads Authority shall be treated as a local authority.”

The ^{M41}Local Land Charges Act 1975

Marginal Citations

M41 1975 c. 76.

- 14 In section 1 of the Local Land Charges Act 1975 (definition of local land charges), the following subsection shall be added at the end—

“(3) For the purposes of this section and section 2 of this Act, the Broads Authority shall be treated as a local authority.”

The ^{M42}Local Government (Miscellaneous Provisions) Act 1976

Marginal Citations

M42 1976 c. 57.

- 15 In section 44 of the Local Government (Miscellaneous Provisions) Act 1976 (interpretation of Part I), the following subsection shall be inserted after subsection (1)—

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“(1A) Sections 13, 15, 16, 29, 30, 32, 38, 39 and 41 of this Act shall have effect as if the Broads Authority were a local authority and the Broads (as defined in the Norfolk and Suffolk Broads Act 1988) were its local government area.”

The ^{M43}Race Relations Act 1976

Marginal Citations

M43 1976 c. 74.

- 16 In section 71 of the Race Relations Act 1976 (general statutory duty of local authorities), the following paragraph shall be added at the end—

“The Broads Authority shall be treated as a local authority for the purposes of this section.”

The ^{M44}Rent (Agriculture) Act 1976

Marginal Citations

M44 1976 c. 80.

- 17 In section 5(3) of the Rent (Agriculture) Act 1976 (no statutory tenancy where landlord’s interest belongs to Crown or local authority etc.), the following paragraph shall be inserted after paragraph (b)—

“(bc) the Broads Authority;”.

The ^{M45}Rent Act 1977

Marginal Citations

M45 1977 c. 42.

- 18 In section 14 of the Rent Act 1977 (exemption from protection for lettings by local authorities etc.), the following paragraph shall be inserted after paragraph (b)—

“(bb) the Broads Authority;”.

The ^{M46}Employment Protection (Consolidation) Act 1978

Marginal Citations

M46 1978 c. 44.

Status: Point in time view as at 01/04/1991.

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19 In section 29(1) of the Employment Protection (Consolidation) Act 1978 (time off for public duties for members of local authorities etc.), the following paragraph shall be inserted after paragraph (b)—

“(bb) a member of the Broads Authority;”.

The Justices of the ^{M47}Peace Act 1979

Marginal Citations

M47 1979 c. 55.

20 In section 64 of the Justices of the Peace Act 1979 (which disqualifies in certain circumstances justices who are members of local authorities), the following subsection shall be inserted after subsection (2)—

“(2A) For the purposes of subsections (1) and (2) above, the Broads Authority shall be treated as a local authority.”

21 **F14**

Textual Amendments

F14 Sch. 6 para. 21 repealed by [Local Government and Housing Act 1989 \(c.42, SIF 81:1\)](#), s. 194(2), [Sch. 12 Pt. I](#)

The ^{M48}Acquisition of Land Act 1981

Marginal Citations

M48 1981 c. 67.

22 In section 17 of the Acquisition of Land Act 1981 (special parliamentary procedure for compulsory acquisition of land which is the property of local authority etc.), in subsection (4)(a), the words “ the Broads Authority ” shall be inserted after the word “district”.

The ^{M49}Local Government (Miscellaneous Provisions) Act 1982

Marginal Citations

M49 1982 c. 30.

23 (1) In section 33 of the Local Government (Miscellaneous Provisions) Act 1982 (enforceability by local authorities of certain covenants relating to land), in the definition of principal council in subsection (9), the words “ the Broads Authority ” shall be inserted after the word “borough”.

Status: Point in time view as at 01/04/1991.

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- (2) In sections 41(13) (lost and uncollected property) and 45(2) (arrangements under the Employment and Training Act 1973) of the Act of 1982, the following paragraph shall be inserted after paragraph (b)—
- “(bb) the Broads Authority; and”.

The ^{M50}County Courts Act 1984

Marginal Citations

M50 1984 c. 28.

- 24 In section 60 of the County Courts Act 1984 (right of audience for proper officer of local authority in certain circumstances), in subsection (3), the words “ the Broads Authority ” shall be inserted after the words “district council”.

The ^{M51}Housing Act 1985

Marginal Citations

M51 1985 c. 68.

- 25 In the definition of “local authority” in section 4 of the Housing Act 1985—
- (a) the words “, in sections 43, 44 and 232 includes the Broads Authority” shall be inserted after the word “Scilly”; and
 - (b) the words “the Broads Authority” shall be inserted after the words “Education Authority”.

The ^{M52}Landlord and Tenant Act 1985

Marginal Citations

M52 1985 c. 70.

- 26 In the definition of “local authority” in section 38 of the Landlord and Tenant Act 1985, the words “the Broads Authority” shall be inserted after the words “Education Authority”.

The ^{M53}Local Government Act 1986

Marginal Citations

M53 1986 c. 10.

- 27 In section 6 of the Local Government Act 1986 (interpretation of Part II, which is concerned with local government publicity), the following shall be inserted in subsection (2)(a) after “City of London”—
- “the Broads Authority (except in section 3),”.

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The ^{M54}Landlord and Tenant Act 1987

Marginal Citations

M54 1987 c. 31.

- 28 In section 58 of the Landlord and Tenant Act 1987 (exempt bodies), the following paragraph shall be inserted after paragraph (d)—
“(dd) the Broads Authority;”.

SCHEDULE 7

Section 27(2).

TRANSITIONAL PROVISIONS

Initial appointment of members of the Authority

- 1 (1) The initial appointment of members of the Authority under section 1(3)(a) and (b) of this Act shall be effected as soon as is reasonably practicable after the passing of this Act.
- (2) When the Secretary of State is satisfied that all of those members have been duly appointed, he shall, if he has not already exercised his powers under subparagraph (3) below, do so.
- (3) If the Secretary of State is satisfied that at least 27 of those members have been duly appointed, he may by order specify a date for the purposes of this paragraph.
- (4) The Authority shall be deemed to have been duly constituted as from the specified date, notwithstanding the absence of some of its members.
- (5) The initial appointment of members under section 1(3)(c) shall be effected as soon as is reasonably practicable after the establishment of the Navigation Committee.

Modifications etc. (not altering text)

C1 Sch. 7 para. 1(3): 6.6.1988 specified for the purposes of para. 1 by S.I. 1988/955, art. 2

Initial appointment of members of the Navigation Committee

- 2 Section 9(6) of this Act shall not apply in relation to the initial appointment of members of the Navigation Committee.

First meeting of the Authority

- 3 (1) The first meeting of the Authority shall be held within twenty-one days after the date specified in the order made by the Secretary of State under paragraph 1(3) above and shall be treated as the annual meeting of the Authority for the year in which it is held.
- (2) The meeting shall be convened, and held at a place appointed, by the chief executive of Norfolk County Council.

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- (3) Notice of the meeting shall be published at the place where the meeting is to be held and summonses to attend the meeting shall be signed by the chief executive of Norfolk County Council.
- (4) Until the completion of the election of a chairman and vice-chairman at the meeting, any functions falling to be exercised by the chairman or vice-chairman shall be exercised by a member of the Authority chosen by those members who are present.
- (5) At the meeting the chief executive of Norfolk County Council shall exercise any functions falling to be exercised by the proper officer of the Authority in relation to the meeting.
- (6) The standing orders for the regulation of the proceedings and business of Norfolk County Council shall, so far as practicable, apply at the meeting.
- (7) The provision made by virtue of this Act in relation to the proceedings of the Authority shall have effect subject to this paragraph and, in particular, paragraph 4 of Schedule 1 to this Act shall not require notice of the first meeting of the Authority to be published at its offices or summonses to attend the meeting to be signed by its proper officer.

Continuity of exercise of functions

- 4 (1) Anything which immediately before the operative date is in process of being done by or in relation to any body in the exercise of, or in connection with, any statutory functions which by virtue of any provision made by this Act become functions exercisable in relation to the Broads, or any part of the Broads, solely by the Authority may be continued by or in relation to the Authority.
- (2) Anything done by or in relation to any body before the operative date in the exercise of, or in connection with, any functions to which sub-paragraph (1) above applies shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the Authority.
- (3) Any reference in sub-paragraph (1) or (2) above to anything done by or in relation to any body includes, in particular, a reference to anything which by virtue of any enactment is treated as having been done by or in relation to that body.
- (4) Any reference to any body in any document constituting or relating to anything to which the foregoing provisions of this paragraph apply shall, so far as is required for giving effect to those provisions, be construed as a reference to the Authority.

Variation of area of jurisdiction of the Authority

- 5 (1) Where the Commissioners and the Authority submit joint proposals to the Secretary of State for the variation of the boundary between the navigation area and the Haven, he may by order vary that boundary in accordance with the proposals.
- (2) Where the Secretary of State makes an order under sub-paragraph (1) above, the area of the Haven shall, for the purpose of distinguishing between the functions of the Authority and those of the Commissioners, and while the variation remains in force, be treated as varied in accordance with the order.

Status: Point in time view as at 01/04/1991.

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- (3) The power conferred on the Secretary of State by this paragraph shall not be exercisable after the end of the period of three years beginning with the date on which section 8 of this Act comes into force.
- (4) Before submitting any proposal under this paragraph, the Authority shall consult the Navigation Committee.

Consultation

- 6 (1) Consultations carried out by the Secretary of State before the coming into force of subsections (5) and (6) of section 1 of this Act shall be treated as satisfying the requirements in those subsections if they would have done so had those subsections been in force at the time in question.
- (2) Consultations carried out by the Authority before the coming into force of subsection (3) of section 13 of this Act shall be treated as satisfying the requirements of that subsection if they would have done so had that subsection been in force at the time in question.

Temporary borrowing

- 7 (1) Without prejudice to the borrowing powers of the Authority by virtue of section 16 of this Act, but subject to sub-paragraph (2) below, the Authority may borrow by way of temporary loan or overdraft from a bank or otherwise any sums which it may require for the purpose of defraying its expenses before the operative date.
- (2) The sums borrowed under this paragraph shall not exceed such amount as the Secretary of State may determine and shall be repaid before the end of the financial year in which revenue is first received by the Authority as a result of levies made by it under section 14 of this Act.
- (3) Paragraph 12 of Schedule 13 to the^{M55}Local Government Act 1972 (joint borrowing) shall apply to the power conferred by this paragraph as it applies to the powers of borrowing conferred by Part I of that Schedule.

Marginal Citations

M55 1972 c. 70.

Status:

Point in time view as at 01/04/1991.

Changes to legislation:

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