

Implementation of Provisions in the Broads Bill: Special Directions

Report by Head of Waterways Strategy and Safety and Head Ranger (Navigation)

Summary: This report sets out the proposed procedures in order to implement the provisions relating to “Special Directions” within the Broads Bill. It proposes a process and procedure for the authorisation and recording of Special Directions.

The Committee’s views are sought on the proposals.

1 Introduction

- 1.1 Although Royal Assent is not expected until the end of this year officers are starting to look at the process for implementing the various provisions in the Broads Authority Bill.
- 1.2 The Committee will be comprehensively consulted on the introduction of the various powers and of the procedures to be followed. This report is part of this process.

2 Background

- 2.1 The Authority through provisions within the Norfolk and Suffolk Broads Act 1988 may regulate the movement of vessels through the issuing of special directions.
- 2.2 Clause 6 of the Broads Authority Bill provides for the Authority’s Navigation Officer to give special (i.e. one off) directions to vessels, again for a range of purposes. Many of these purposes are already contained in the 1988 Act but the Authority has been advised to bring them together with the new purposes in one section of the new Act. The corresponding provisions in the 1988 Act are therefore being repealed. In addition an amendment will be introduced in the House of Lords making it clear that this power may only be exercised for the purpose of securing the ease, convenience or safety of navigation or the safety of persons and property in the navigation area.
- 2.3 The Authority has delegated to the Navigation Officer the power under the 1988 Act to issue such special directions.
- 2.4 The provisions of clause 6 “Special Directions to Vessels” within the Broads Authority Bill augment the existing provisions to enable special directions to

be issued covering a greater range of potentially hazardous circumstances within the Norfolk and Suffolk Broads Act 1988.

3 Current Position

- 3.1 Special Directions are currently issued by the Navigation Officer to masters of vessels where there is, or there is potential of, a dangerous situation, examples are:
- (a) Restricting the movement of vessels to allow large vessels to pass, safely.
 - (b) requiring certain vessels to obtain escorts by the authority to facilitate safe passage through the navigation.
 - (c) Enforcement of exclusion orders to vessels where safety may be compromised e.g. Firework display.
- 3.2 Special Directions can only be issued by the Navigation Officer or Deputy Navigation Officer.
- 3.3 Special Directions are usually given in writing although there are instances where this is not practicable and the direction may be given orally.
- 3.4 In the recently introduced report all exercising of powers are recorded and reported to the Navigation Committee.

4 Broads Authority Bill Provisions

- 4.1 With regard to provisions in the Broads Authority Bill it is proposed that the Authority nominates the current Navigation Officer as the Navigation officer for the purposes in the Bill.
- 4.2 It is proposed that written special directions are detailed on a pro forma Special Direction form, Appendix 1.
- 4.3 It is proposed that the current recording and reporting of exercising of powers be continued.

5 Enforcement of Special Directions

- 5.1 In determining what is a “reasonable time” for the master to comply with the direction, the Navigation Officer will take into account the following considerations:
- (a) The seriousness of the situation which the special direction is intended to avoid.
 - (b) The time it would ordinarily take a competent helmsman to comply with the direction.

- (c) Any special circumstances of the person to whom the direction is given.

Background papers: Nil

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Appendices: APPENDIX 1 - Special Direction Pro Forma



The Broads Authority Bill 2006

Special Direction

MASTER'S/OWNER'S COPY

To the Master and/or Owner

Name _____ Vessel name _____
Address _____ Vessel description _____
_____ Vessel registration no. _____

The Authority requires that the owner or master of the above vessel/s complies with the following direction

commencing _____ hours on the _____ day of _____ 20 _____
until _____ hours on the _____ day of _____ 20 _____
or _____

Please note that contravention of this requirement is an offence liable on summary conviction to a fine not exceeding level 4 on the standard scale (currently £2500).

- It is a defence for the person charged to prove
a) that he/she took all reasonable precautions and exercised all due diligence to avoid commission of the offence or
b) that he/she had a reasonable excuse for the act/failure to act.

[] Handed to Master and/or Owner
[] Sent by post

Signed _____ on behalf of the Broads Authority
Print name _____
Date _____ Time _____

All communications regarding this notice should be addressed to
Broads Authority 18 Colegate, Norwich NR3 1BQ Tel (01603) 610734