

Broads Act 2009 – Adjacent Waters



Boats moored in adjacent waters at Brundall

Safety controls on the Broads designed to help the boating public were introduced on 1st April 2010 following the passing of the Broads Authority's Act. Most boats in "adjacent waters" have the requirement to be registered, pay tolls, to be insured and comply with the boat safety standards in the same way as if they are in the navigation area. The Authority has however agreed to apply exemptions to the way in which some of these provisions apply in adjacent waters, other exemptions are also written into the legislation itself.

This document should answer general questions which you may have regarding adjacent waters and it will be reviewed and updated on a regular basis, but if you would like advice on your specific circumstances or would like further information please contact Angie Leeper on 01603 610734 or email angie.leeper@broads-authority.gov.uk.

For your information the Tolls Schedule for 2010 is available on the Broads Authority website at <http://www.broads-authority.gov.uk/boating/tolls-and-registration/annual-tolls.html>

Adjacent Waters - Frequently Asked Questions

Q. What is "adjacent water"?

A. For the purposes of the Act "adjacent waters" means any broad, dyke, marina or other substantially enclosed waters connected to the navigation area and from which a vessel may be navigated (whether or not through a lock, moveable barrier or any other work) into the navigation area.

Q. Are there any main areas that are exempt and are not considered adjacent waters?

A. Yes -
- the river Waveney upstream of Geldeston Lock;

- the river Tas upstream of Trowse Bridge; or
- any waters under the jurisdiction of Associated British Ports or the Great Yarmouth Port Authority; or
- any waters which are used, whether for mooring or navigation only, by an occupant of an adjoining residential dwelling or
- any waters which are used, for mooring or navigation, only by the owner of the land upon which those waters are situated.

Q. I moor both of my boats in the mooring adjoining my property. Would this area be classified as adjacent waters?

A. No – this area would not be classified as adjacent waters, provided no –one else moors boats there.

Q. My friend pays me a small fee to keep his boat where I keep my boat in the mooring adjoining my property does this change how you deal with these boats?

A. Yes – the mooring area becomes classified as “adjacent water”.

Q. My boat is in adjacent waters how much will I have to pay for my annual toll?

A. Owners of boats in adjacent waters requiring a toll will need to calculate the block area of their vessel and refer to the Tolls Schedule for that year for the current tolls level.

Q. What is meant by “block area”?

A. The block are of a vessel means the area of the vessel in square metres calculated by multiplying the length of the vessel by the breadth of the full beam of the vessel at its widest part, both figures including the length or breadth (as the case may be) of any fixed fendering attached to the vessel.

Q. I own more than one boat in adjacent waters, will I need to follow the same process for both boats?

A. Requirements for vessels do differ according to the type of boat and size. The table below indicates what will be required according to boat category and incorporates the exemptions in the Act or agreed by the Authority.

Category of Boat	Third party Insurance	Registration	Tolls Licence	Boat Safety Certificate
Private un-powered vessel with a block area of less than 6 metres	Not required	Not required	Not required	Not required

never used on the navigation	(Recommended)			
Medium Size unpowered vessel, not being a small unpowered vessel, having a block area of less than 13 square metres never used on the navigation area	Required	Required	Not required	Not required
Powered craft	Required	Required	Required	Required (if applicable)
Any vessel ashore	Not required	Not required	Not required	Not required
Vessel afloat in commercial premises under the control of a commercial entity or service repair or storage, or sale	Not required	Not required	Not required	Not required
Vessel with a permanent mooring in commercial premises and in use for recreation or residential purposes	Required	Required	Required	Required (where applicable)
Permanently fixed rafts and pontoons	Not require	Not required	Not required	Not required

Q. I usually moor on the Thames but I will be delivering my boat to a boatyard on the Broads where it will be moored and offered for sale. What will I need to do?

A. As a visiting boat you would not need to register your boat or pay an annual toll to the Broads Authority, provide proof of third party liability insurance and compliance with the Boat Safety Standards. To bring your boat through the navigation area you will need to pay a passage toll and or short stay toll and could be subject to a hazardous boat check. A passage toll is payable by a vessel making a single, one way journey through the Authority's navigation area from a starting point outside the navigation area to a finishing point also outside the navigation area. The journey must be completed within a single day.

Q. My boat is currently moored in an “adjacent waters” but has been out of commission for some time whilst I am carrying out repairs and restoration to it and does not seem to be covered by any of the other exemptions, will I have to comply with the requirements?

A. You may be able to apply for an exemption for the requirement to pay a toll but not from the other requirements. You will need to apply in writing for the exemption. The exemption will only apply to vessels which are moored in adjacent waters and which are not in use for navigation, residential or commercial purposes, and are moored in order to be serviced, repaired, or restored. The exemption will cease to apply once the vessel is used for any of those purposes. It will apply only to boats in respect of which the owner self declares it will be out of commission **for at least six months** from the date of the application and for a **maximum of one toll period**.

This exemption will also not give rise to a repayment in respect of tolls already paid. Any exemptions granted would be subject to random checking by the Authority to ensure any such vessels do not pose a hazard to third parties.

Q. How will I prove to the Broads Authority that I hold current third party liability insurance?

A. You will be asked to self declare that you have the required insurance. You could be asked to prove you have insurance by producing the insurance certificate or a copy of it if there is reason to suspect valid insurance is not in place.

Q. Does it matter which Company I use to purchase my third party insurance policy from?

A. No – But you need to ensure that your insurer is authorised under the Financial Services and Markets Act 2005 (c.8) to carry on in Great Britain or in Northern Ireland insurance business of a relevant class or has corresponding permission under the law of another member state of the European Community and that you have a minimum cover of £2 million. The cover should insure the person in control of the boat in respect of any liability for death or injury of others, damage to boats and property.

Q. Does the boat owner or person in charge of the boat have to supply the information you require regarding vessels in adjacent waters?

A. Yes - An authorised officer of the Authority who produces if requested, written evidence of his authority – can request any of the following details: -

From the owner: -

- particulars of the name and address of or such other particulars as are available to him to assist the identification of, any person who, at the time specified by the authorised officer, was acting as master of the vessel

From the owner and master: -

- information available in respect to the compliance of the vessel with the Boat Safety Scheme requirements (where applicable)
- information and documentation available regarding conformity with third party liability insurance requirements

From the master: -

- name and address together with particulars which verify identity and the name and address of the owner of the vessel(if known).
- produce for inspection any registration certificate or plate issued in respect of the vessel

Q. My boat is on adjacent waters and I need to register and/or pay Tolls to the Broads Authority. What do I need to do and how do I go about it?

A. You will need to complete a registration form which you can obtain for any Broads Authority office on 01603 610734 or from the website www.broads-authority.gov and following the link http://www.broads-authority.gov.uk/broads/live/boating/tolls-and-registration/Tolls_Registration.pdf.

An Application for Registration and Payment of Toll form needs to be completed when transferring a previously registered craft into your ownership as well as for craft that are new to the broads.

For craft being registered with the Authority for the first time you will be issued with adhesive marks for each vessel which must be displayed bow and stern. These show her Broads registration number. This registration number stays with the vessel even if she is sold or otherwise disposed of.

Q. When do I need to comply with these requirements relating to adjacent waters?

A. These requirements will apply from 1 April 2010 and you will need to ensure that you have everything in place after that date if your boat is within an “adjacent water”.