



 Broads Authority

Vessel Registration Byelaws 1997



Vessel Registration Byelaws 1997

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BROADS AUTHORITY

VESSEL REGISTRATION BYELAWS 1997

For registration and other purposes.

- Citation** 1 These byelaws may be cited as the Broads Authority Vessel Registration Byelaws 1997.
- Commencement** 2 These byelaws shall come into operation on 1 April 1998.
- Application** 3 These byelaws shall apply to the whole of the navigation area of the Broads Authority as for the time being defined in accordance with Sections 8(1) and 10(4) of the Norfolk and Suffolk Broads Act 1988 and hereinafter referred to as “the navigation area”.
- Interpretation** 4 In these byelaws, unless the context otherwise requires: “The Act” means the Norfolk and Suffolk Broads Act 1988.
The “Authority” means the Broads Authority.
“Employee Benefit Vessel” means a vessel used or intended to be used principally to provide hospitality or recreation by way of benefit to employees of the owner.
“Extreme Beam” means the full width of a vessel at its widest part and includes fixed fendering.
“Hull Length” means the hull length of a vessel including any fixed fendering but excluding any bowsprit or davits attached to the vessel.
“Master” in relation to a vessel means any person whether the owner, master, hirer or other person lawfully or unlawfully having or taking command or charge or management of the vessel for the time being.
“Officer of the Authority” means any officer of the Authority whose duties include securing compliance with these byelaws.
“Overall Length” means the full length of a vessel and includes any fixed fendering, bowsprit and such davits as are not retractable attached to the vessel.
“Owner” in relation to a vessel includes the person who is for the time being registered as owner in the register

of vessels or who has applied to be so registered and any part-owner, broker, charter agent or mortgagee in possession of the vessel or other person or persons entitled for the time being to possession of the vessel.

“Propulsion Engine or Motor” means an engine or motor intended to propel a vessel along a waterway and excludes a side thrust engine or motor.

“Register of Vessels” means the register of vessels set up and maintained by the Authority.

“Registration” means the registration of a vessel in the register of vessels.

“Registration Certificate” means the certificate issued under these byelaws and where the context so permits includes any certificate issued under the provisions of the Great Yarmouth Port and Haven River Byelaws 1946 by the Great Yarmouth Port and Haven Commissioners prior to 1st April 1989 or by the Authority since that date.

“Registration Fee” means the fee paid to the Authority to register a vessel under these byelaws.

“Registration Mark”:

(a) means such mark as the Authority may issue in respect of a vessel for the purposes of its registration and identification and where the context so permits includes any mark issued for a similar purpose by the Great Yarmouth Port and Haven Commissioners prior to 1st April 1989 or by the Authority since that date; and

(b) (unless the context otherwise requires) includes any facsimile of the mark.

“Registered Vessel” means a vessel registered under these byelaws.

“Time-Share Vessel” means a vessel used or intended to be used for leisure purposes by a class of persons all of whom have rights to use, or participate in arrangements under which they may use, the vessel for a period or for intermittent periods but so that no such period shall be longer than 56 days.

“Toll” means a charge levied by the Authority under Section 26 of the Harbours Act 1964 in respect of a

vessel moored, used or navigated in the navigation area.
"Toll Receipt" means the document, disc, badge or mark issued to the owner of the vessel by the Authority to indicate that the appropriate toll has been paid for that vessel for the period covered by the toll receipt.
"Vessel" includes a sailboard and every description of craft used or capable of being used for transportation by water and any raft, pontoon or similar floating or submersible structure capable of being moved under its own power or under tow.

REGISTRATION OF VESSELS

- Vessel to be Registered** 5(1) Except as provided in paragraph (2) no person shall moor, use or navigate a vessel on waters within the navigation area or permit a vessel to be moored, used or navigated on any such waters unless:
- (a) the vessel is a registered vessel; and
 - (b) there is in force in respect of the vessel a valid registration certificate.
- (2) This byelaw does not apply to a vessel which:
- (a) in any one year is kept, used or navigated within the navigation area for no more than twenty eight days and on no more than four separate visits to the navigation area; or
 - (b) is ordinarily used for the commercial carriage at sea of goods or animals; or
 - (c) is newly constructed and is not intended for use within the navigation area.
- Application for Registration** 6(1) Any person applying to the Authority to register a vessel shall do so on a form prescribed by the Authority, available from the Authority's principal office.
- (2) Any person applying to the Authority to register a vessel shall provide the following particulars in relation to the vessel in order to secure compliance with these byelaws, or for the purpose of calculating the toll to be paid in respect of the vessel, or for facilitating the good management of the navigation area:
- (a) the name of the vessel;

- (b) a description of the vessel in terms of its type;
- (c) its hull length, overall length and extreme beam expressed in metres;
- (d) the material of construction of the vessel's hull or hulls and if different of its upper works;
- (e) the full names and postal addresses of all current owners of the vessel;
- (f) if the vessel is propelled by machinery:
 - (i) the type and number of propulsion engines or motors installed in or ordinarily fitted to the vessel including emergency or auxiliary propulsion engines or motors;
 - (ii) the type of fuel used by each propulsion engine or motor;
 - (iii) in the case of each propulsion engine or motor, whether it is installed inboard or is an outboard motor;
 - (iv) the installed maximum power of every propulsion engine or motor installed in or ordinarily fitted to the vessel;
- (g) whether the vessel is provided with permanent covered accommodation which is fitted with or is capable of being fitted with sleeping berths for one or more persons;
- (h) whether the vessel is fitted with any lavatory or sanitation system which is intended to discharge or capable of discharging sewage or toilet waste into the waters of the navigation area;
- (i) whether the vessel is to be offered or let for hire or reward;
- (j) whether the vessel is a time-share vessel;
- (k) whether the vessel is an employee benefit vessel;
- (l) if the vessel is to be offered or let for hire or reward, whether it will be so offered or let for any period less than 48 hours;
- (m) if the vessel is to be offered or let for hire or reward or is a time-share vessel or is an employee benefit vessel, the maximum number, if any, of persons for whom sleeping accommodation will be provided on the vessel;

(n) whether to the best of the applicant's knowledge and belief:

(i) the vessel has previously been registered with the Authority;

(ii) the vessel has been issued with a registration mark and if so which mark and whether that mark is displayed on the vessel in accordance with the requirements of these byelaws;

Register of Vessels	7	The register of vessels shall contain the particulars required by byelaws 6 (2) (a) (b) (c) (d) (e) and (i).
Registration Certificate	8	The registration certificate shall contain the particulars required by byelaws 6 (2) (a) (b) (c) (d) (e) and (i).
Registration Certificate to be Produced	9	The registration certificate shall remain the property of the Authority and the owner shall produce it to the Authority within fourteen days of a request from the Authority to do so.
Alterations to Vessels to be Notified to the Authority	10	The owner of a registered vessel shall: (a) notify the Authority in writing of any alteration made to that vessel which renders incorrect the particulars contained in any application he has made to register the vessel; (b) submit the registration certificate with that notification.
Notification of Permanent Removal of Vessel	11	In the event of the breaking up or destruction of a registered vessel or its permanent removal from the navigation area its owner shall within 28 days: (a) inform the Authority in writing of that event; and (b) return the registration certificate to the Authority.
Notification of Change of Address	12	The owner of a registered vessel shall within 28 days inform the Authority of any change of address by him.
Change of Ownership	13(1)	Upon a change of ownership of a registered vessel the previous owner shall deliver the registration certificate to the new owner and shall within 28 days notify the Authority in writing of the change of ownership stating

the registration mark, name and description of the vessel (as indicated in the registration certificate), the name and address of the new owner, and the date of the change of ownership.

- (2) Until the previous owner has notified the Authority of a change of ownership as required by this byelaw he shall for the purposes of these byelaws be deemed to be the owner of the vessel.

**Action by
New Owner**

- 14(1) Upon acquiring a registered vessel the new owner shall:
 - (a) within 28 days apply to the Authority under byelaw 6 for a new registration certificate; and
 - (b) submit with that application the registration certificate (if any) handed to him by the previous owner.
- (2) Immediately upon the issue of a new registration certificate under this byelaw the registration certificate previously in force in respect of the vessel shall cease to be in force.

**Action in
Case of Loss
of Certificate**

- 15(1) In the event of the loss or destruction of a registration certificate the owner of the vessel to which it relates shall within 28 days of their becoming aware of its loss or destruction apply to the Authority for a replacement.
- (2) The Authority shall be entitled to charge a fee to cover the administration costs incurred in issuing a replacement registration certificate under this byelaw.

REGISTRATION MARKS

Display of Marks 16

No person shall moor, use or navigate a vessel on waters within the navigation area or cause or permit a vessel to be so moored, used or navigated unless the current registration mark issued by the Authority in respect of the vessel is conspicuously displayed at all times on both sides of the vessel near the bow and on the stern of the vessel.

**Removal of
Registration
Marks**

- 17 Upon cancellation of the registration certificate of any vessel the owner of the vessel shall as soon as is reasonably practicable thereafter remove the registration mark from the vessel.

- Marks to be Properly Maintained and not Concealed** 18(1) The owner of a registered vessel shall:
- (a) maintain all registration marks upon the vessel in good condition; and
 - (b) except as provided in paragraph (2) not knowingly conceal or cause or permit to be concealed any such marks.
- (2) Byelaw 18 (1) (b) does not apply for so long as the registration marks are concealed by a protective cover fitted to the vessel provided that the cover carries on its exterior faces clear facsimiles of the registration mark which shall be visible from either side of the vessel.

TOLL RECEIPTS

- Toll Receipts** 19 No person shall moor, use or navigate a vessel on waters within the navigation area or cause or permit a vessel to be so moored, used or navigated unless:
- (1) the appropriate toll for the vessel has been paid to the Authority for the period which includes that mooring, use or navigation; and
 - (2) any toll receipt issued by the Authority in respect of the period which includes that mooring, use or navigation of the vessel is displayed on the vessel in such conspicuous position as the Authority shall determine.

- Application for Toll Receipt** 20 Any person applying to the Authority for a toll receipt shall do so on a form prescribed by the Authority and containing such particulars as the Authority may from time to time reasonably require, including (but without prejudice to the generality thereof) such information as is necessary to enable the Authority to determine the toll to be paid in respect of the vessel.

- Changes to Information to be Notified to Authority** 21 The owner of a vessel shall notify the Authority in writing of any matter which renders incorrect the particulars contained in the application for a toll receipt.

- Receipts to be Displayed** 22(1) Except as provided in paragraph (2) the owner of a vessel shall ensure that throughout the period of validity of a toll receipt at no time shall it be obscured by covers, gear or any moveable part of the vessel.

- (2) This byelaw does not apply for so long as the toll receipt is concealed by a protective cover fitted to the vessel provided that if any registration mark displayed on the vessel is also obscured the protective cover carries on its exterior faces clear facsimiles of the registration mark which shall be visible from either side of the vessel.

GENERAL

- Jet-Skis, Powerboards, etc.** 23 No person shall operate or cause to be operated a jet-ski, powerboard, water-bike or aqua scooter, or any similar type of personal watercraft, within the navigation area except in such area or areas as the Authority may from time to time designate for the purpose and in accordance with such reasonable conditions as the Authority may impose.
- Obstruction of Officers of the Authority** 24(1) No person shall intentionally obstruct any officer of the Authority in the execution of his duties.
- (2) The owner of a vessel shall permit an officer of the Authority on the giving of reasonable notice to board, enter, inspect and measure the vessel in such a manner as is reasonable for the purposes of:
- (a) ascertaining whether or not these byelaws are duly observed;
- (b) ensuring compliance with these byelaws.
- (3) The owner of a vessel shall afford the Authority reasonable facilities for the purposes of inspecting and measuring the vessel under paragraph (2).
- Misleading Certificates, Marks and Receipts** 25 No person shall display on or about a vessel anything which is not a valid registration mark or toll receipt but which is intended to be or could be mistaken for a valid registration mark or toll receipt.
- Damage to Registration Certificate, Mark and Receipt** 26 No person shall:
- (a) deface, damage, alter or in any way amend any registration certificate, registration mark or toll receipt issued by the Authority; or
- (b) display or cause or permit to be displayed any registration certificate, registration mark or toll receipt

which has been defaced, damaged, altered or in any way amended.

False Declaration and Information **27** Any person who knowingly makes a false declaration or provides false information to the Authority under these byelaws commits an offence.

Prescribed Vessels **28** No person shall use or permit to be used in the navigation area any hovercraft or other vessel which for the time being falls within any class or description of craft prescribed for the purposes of Section 8(6) of the Act.

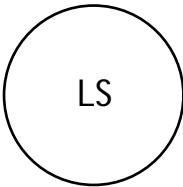
DEFENCES

Defences **29** In any proceedings for an offence under these byelaws it shall be a defence for the person charged to prove:
(a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence; or
(b) that he had a reasonable excuse for his act or failure to act.

PENALTIES

Penalties **30** Every person contravening any requirement of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

THE COMMON SEAL OF THE BROADS AUTHORITY was hereto affixed in the presence of



Given under the Common Seal of the Broads Authority the Third day of April 1997

C G Harding
Solicitor to the Broads Authority

Signed by the Authority of the Secretary of State for the Environment, Transport and the Regions.

S Reeves
Head of Ports Division
Department of the Environment, Transport and the Regions
Date 9th March 1998

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