
Changes to legislation: Norfolk and Suffolk Broads Act 1988, Cross Heading: Temporary closure of waterways is up to date with all changes known to be in force on or before 26 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

THE NAVIGATION AREA

PART I

FUNCTIONS OF AUTHORITY

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
 - (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—
 - [^{F1}(i) for a total of more than six hours in any period of twenty four hours.]
 - (iii) in such a way as to deny to any vessel all means of passing through the waterway; or
 - [^{F2}(iv) without taking all reasonable measures—
 - (A) to minimise the duration of any restriction or prohibition of the use of the waterway; and
 - (B) to mitigate any effect of the exercise of the power on the use of the waterway by vessels not involved in the function; 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

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- (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 ^{F3}the National Rivers Authority and the Commissioners.

Textual Amendments

- F1** Sch. 5 para. 10(2)(b)(i)(ii) substituted for Sch. 5 para. 10(2)(b)(i) (2.7.2009) by Broads Authority Act 2009 (c. i), **Sch. 7 para. 12(4)** (with ss. 2(3), 3(1), 16(3), 42, Sch. 6 Pts. 2, 3)
- F2** Sch. 5 para. 10(2)(b)(iv) inserted (2.7.2009) by Broads Authority Act 2009 (c. i), **Sch. 7 para. 12(5)** (with ss. 2(3), 3(1), 16(3), 42, Sch. 6 Pts. 2, 3)
- F3** Words substituted by S.I. 1989/1380, **regs. 3(1), 4(g)**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(8A) inserted by [2008 c. 29 s. 224\(2\)\(b\)](#)