

BRITISH WATERWAYS

Bill.

To the Clerks in the Private Bill Office of the
House of Commons.

We hereby request to withdraw the Petition of
NATIONAL ASSOCIATION OF BOAT OWNERS

against the above named Bill deposited by us on
the 18th day of MAY 1992



D W GREEN

CHAIRMAN

NATIONAL ASSOCIATION OF BOAT OWNERS

IN PARLIAMENT

SESSION 1992-93

BRITISH WATERWAYS BILL

U N D E R T A K I N G

to

NATIONAL ASSOCIATION OF BOAT OWNERS

IN CONSIDERATION of the NATIONAL ASSOCIATION OF BOAT OWNERS (hereinafter referred to as "NABO") withdrawing their Petition against, and refraining from all further opposition to, the British Waterways Bill I hereby undertake on behalf of the BRITISH WATERWAYS BOARD (hereinafter referred to as "the Board") that in the event of the said Bill (hereinafter referred to as "the Bill" or "the intended Act") passing into law the following provision shall, unless otherwise agreed in writing between the Board and NABO, apply and have effect :-

INTERPRETATION

- 1 (1) In this Undertaking, unless the context otherwise requires, words and phrases to which meanings are assigned by the intended Act have the same respective meanings.
- (2) References in this Undertaking to numbered sections, subsections, schedules or paragraphs are references to sections, subsections, schedules or paragraphs bearing those numbers in the Bill as introduced into the House of Commons.

COMPLAINTS

2. The Board shall continue to operate a procedure for the review of complaints (which shall include a procedure for the independent external review of complaints) and the Board will only vary the existing procedure in accordance with the statement of intent annexed to this Undertaking.

REFUSAL TO CONSENT TO ASSIGNMENT OF HOUSEBOAT CERTIFICATE

3. If, pursuant to Schedule 1 of the Bill, the Board withhold approval of an intended assignee, of a houseboat certificate, they shall notify the holder in writing of the decision to withhold consent and the reasons therefor as soon as is practicable.

ALTERATION OF CONDITIONS OF HOUSEBOAT CERTIFICATES

- 4 (1) This clause shall have effect where application may be made for the grant of a houseboat certificate ("the new certificate") in respect of a houseboat in relation to which a houseboat certificate ("the old certificate") is in force when the application is made.
- (2) Where this clause has effect, the Board shall consult the holder of the old certificate before attaching to the new certificate, pursuant to section 14 of the British Waterways Act 1971, any conditions which differ materially from the conditions of the old certificate.

STANDARDS FOR THE CONSTRUCTION AND EQUIPMENT OF VESSELS

- 5 (1) Following the completion of such consultation as is prescribed by paragraph 5 of Part II of Schedule 2 to the intended Act, the Board shall give notice in writing to the Inland Waterway Amenity Advisory Council and to such other organisations as were so consulted of the date ("the relevant date") upon which any new standards are to be prescribed.
- (2) The relevant date shall not be less than 84 days after the date upon which notification is given in accordance with paragraph (1) of this clause unless it is necessary to introduce the standards immediately after the completion of the consultation so as to avoid any serious risk of danger to persons

or property.

REMOVAL OF VESSELS TO PERMIT WORKS, ETC.

- 6 Notwithstanding anything in section 19 of the intended Act, any notice served under that section, on the owner of any vessel, requiring the removal of the vessel shall allow the owner not less than 28 days to remove the vessel unless the giving of a shorter period of notice is necessary for any substantial operational or other substantial reason.

RENEWAL OF HOUSEBOAT CERTIFICATES

7. Where the holder of a houseboat certificate complies with its terms and conditions (including the general terms applicable to it by virtue of Schedule 1 to the intended British Waterways Act 1993) the Board will in normal circumstances grant a new certificate unless any substantial operational or other reason (including but not by way of limitation :-

- (a) the presence of the houseboat, or any appliance or item of equipment provided in connection with it, is causing either -
 - (i) obstruction or danger to navigation; or
 - (ii) pollution of the inland waterway or noise nuisance or atmospheric pollution; or
 - (iii) interference with a site designated by the Board for another use; or
- (b) the houseboat is unfit for human habitation or is inherently unsafe; or
- (c) the houseboat is on a mooring for which planning permission has been refused; or
- (d) the removal of the houseboat is necessary to facilitate any development; or

- (e) there has been a serious and continuing breach by the owner or occupants of the houseboat of any of the conditions subject to which the Board has allocated temporary mooring to the houseboat and the owner or occupants has or have failed to remedy it after being given notice by the Board so to do; or
- (f) the owner of the houseboat has been offered a permanent mooring or moorings and has unreasonably refused such offer or offers)

makes this impracticable. In any such case the Board will inform the holder in writing as soon as possible of their decision not to grant a new certificate not less than six months before the existing certificate is due to expire.

Dated this 18th day of June 1993

R. J. Dunning

For and on behalf of the
BRITISH WATERWAYS BOARD

BRITISH WATERWAYS BILL
A M E N D M E N T S
for
NATIONAL ASSOCIATION OF BOAT OWNERS

Clause 19 (Removal of vessels to permit works, etc.)

Page 12, line 43, after "removed" insert "by the owner or the Board";

Page 12, line 50, at end insert -

- "(4A)(a) If the Board in exercise of the powers of this section remove a vessel to a place not readily visible from the place from which it was removed they shall serve on the owner
- (i) as soon as practicable after the removal a notice that they have exercised the powers of this section stating the place to which the vessel has been removed; and
- (ii) as soon as practicable after the replacement of the vessel, a notice that the vessel has been replaced.
- (b) This subsection shall not have effect if the Board after reasonable inquiry are unable to establish the name and address of the owner or for any other sufficient reason are unable to serve the notice; and subsection (2)(d) of section 17 (Notices) of the British Waterways Act 1983 shall not apply to notices under this subsection."

Page 13, line 2, after "shall be at the" insert "cost and";

Page 13, line 3, at end insert -

"(6) For the purposes of this section a vessel shall not be deemed to be unlawfully moored solely by virtue of its being moored or allowed to remain in contravention of a notice served under subsection (1) above."

Schedule 2, Part II - Standards for construction and equipment of vessels - Paragraph 7

Page 26, line 19, after "person" insert "or any organisation appearing to the Board to represent a substantial number of owners or operators of such vessels as may be affected by any standards";

Page 26, line 21, after "vessel" insert "or any category of vessels";

Page 26, line 22, after "vessel" insert "or, as the case may be, a category of vessels";

Paragraph 7, page 26, line 23, after "its" insert "or their".

SUBJECT TO the approval of Parliament and to the National Association of Boat Owners withdrawing their Petition against, and refraining from all further opposition to, the British Waterways Bill, we hereby undertake on behalf of the British Waterways Board to insert the foregoing amendments in the Bill in Committee in the House of Commons.

Sherwood & Co

SHERWOOD & CO

BRITISH WATERWAYS BOARD
S T A T E M E N T S O F I N T E N T

1. Introduction

The Board are issuing these statements to provide reassurance to waterway users with regard to certain proposals of the British Waterways Bill.

2. Enforcement of legislation

The established practice of the Board is to bring prosecutions in connection with any failure to have a relevant consent in force in respect of a vessel as a last resort. Except in the case of persistent offences, or in other unusual circumstances, warnings are normally given in the event of contraventions and, if these are heeded, no court proceedings are brought. This approach will also be followed in relation to all penalties which are the subject of clause 15 (Amendments of section 13 of British Waterways Act 1971).

3. Clause 18 (Prohibition or control of mooring)

Where the Board exercise the powers of clause 18 for the purposes specified in clause 18(3)(c) (General availability) it will be the Board's practice to provide so far as is practicable to do so and where there is a demand a mix of moorings of different durations.

4. Status of statements

While these statements of intent have no legal effect, the Board intend to observe them until changing circumstances require their reconsideration and revision, in which case changes will only be made following consultation with NABO and such persons and organisations as are stipulated in paragraph 1.6 of the Board's revised draft Leisure and Tourism strategy.

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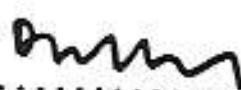
BRITISH WATERWAYS BILL

U N D E R T A K I N G

Clause 15

The Board undertake not to treat as a houseboat any vessel which, although not in fact bona fide used for navigation, is not in use as a residence by any person or persons.

Subject to clause 15 (Amendment of section 13 of British Waterways Act 1971) of the British Waterways Bill being enacted (either at all or substantially in the form in which it appears in the print of the Bill dated 13th March 1992) I hereby undertake to give this undertaking to the National Association of Boat Owners immediately after Royal Assent.

R-J-

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Solicitor & Secretary

BRITISH WATERWAYS BOARD

BR June 1993