



FACT SHEET #3:

OBSTRUCTIONS

October 2016

The primary purpose of the *Navigation Protection Act* (NPA) is to balance the public right to navigate with the need to construct works (e.g., bridges and dams). There are three main parts to the Act, the second deals with **obstructions**.

The *Navigation Protection Act* (NPA) gives the Minister of Transport authority to manage obstructions in Scheduled Waters. This includes wrecked vessels and other obstructions to navigation, and vessels left anchored, moored or adrift that obstruct or are likely to obstruct navigation.

Wrecked vessels and other obstructions to navigation

An obstruction can be a vessel, or part of one, that is wrecked, sunk, partially sunk, lying ashore or grounded, or any thing that obstructs or impedes navigation or renders it more difficult or dangerous. The **person in charge** of the obstruction must notify the Minister of Transport and mark and remove the obstruction.

The Minister has the power to mark, remove, destroy an obstruction, or otherwise order a person in charge to secure, remove or destroy an obstruction. If that person does not comply with the order, the Minister may fulfill these responsibilities or direct a third party to do so. The Minister of Transport can recover any incurred costs.

Vessels left anchored, moored or adrift

If the obstruction is a vessel left anchored, moored or adrift in a Scheduled navigable water, the Minister of Transport may order the vessel's owner to secure and remove it. The Minister can

Person in Charge

As per section 2 of the NPA, a “*person in charge*”, when referring to an obstruction, is generally the owner of the obstruction (whether the obstruction is a wreck, a vessel or some other obstruction).

recover any costs incurred carrying out these activities.

Key differences between the NPA and the former *Navigable Waters Protection Act* (NWPA)

Under the NWPA, provisions related to obstructions to navigation applied in all navigable waters. Under the NPA, provisions related to obstructions to navigation apply only in navigable waters listed on the Schedule.

NOTE: For more information on vessels of concern, please consult: <http://www.tc.gc.ca/eng/marinesafety/abandoned-boats-wrecks-4454.html>