

# IN THE HOUSE OF COMMONS

SESSION 2017-19

## MIDDLE LEVEL BILL

### STATEMENT

#### ON BEHALF OF THE PROMOTER IN SUPPORT OF CONSIDERATION AND APPROVAL OF LORDS AMENDMENTS

#### **1 Introduction**

- 1.1 This private Bill is being promoted by the Middle Level Commissioners (the ‘Commissioners’), a statutory corporation constituted under the Middle Level Act 1862. The Commissioners provide flood defence and water level management to the Middle Level of the Fens and are the navigation authority for the Middle Level river and canal system.
- 1.2 The Commissioners are promoting the Bill to update and clarify their powers to enable them to properly regulate and fund their waterways.

#### **2 Progress of the Bill**

- 2.1 The Bill was introduced into the House of Commons in November 2016, had its First Reading on 24 January 2017 and was debated on Second Reading on 29 March 2017. A motion to revive the Bill in the new session of Parliament following the 2017 General Election was debated and agreed to by the House of Commons on 17 October 2017. The House of Lords agreed to the revival of the Bill on 25 October 2017.
- 2.2 The Bill went before an Opposed Bill Committee of the House of Commons on 15, 16 and 17 January 2018. A debate on Consideration of the Bill as amended in committee took place on 28 February 2018. Third Reading was also taken and the Bill passed.
- 2.3 The Bill received a formal First Reading in the House of Lords on 1 March 2018, had a formal Second Reading on Thursday 22 March and was committed to an Opposed Bill Committee which sat on 25, 26, 27 and 28 June and 12 July 2018. The Bill received its formal Third Reading in the House of Lords on 12 September 2018.
- 2.4 The Bill has now been returned to the House of Commons for consideration and approval of amendments made in the House of Lords.

- 2.5 The amendments made to the Bill in the House of Lords respond to further scrutiny by the Opposed Bill Committee in that House and concerns raised by petitioners. However, the promoter considers that the amendments do not extend or materially change the substance of the proposals in the Bill as earlier passed by the House of Commons.

### **3 Amendments**

- 3.1 The following amendments were made to the Bill in the House of Lords—

- 3.1.1 Clause 2 (Interpretation) – A new definition of ‘small unpowered pleasure vessel’ was added as these vessels are to be excluded from the charging regime under Clause 4 (Charges) and some of the registration byelaws under Clause 11 (Requirement for registration) (see below).
- 3.1.2 Clause 3 (Navigation Advisory Committee) – Amendments have been made to this clause to provide that the Commissioners must explain why a person has been appointed to the Navigation Advisory Committee and ensure members of the Committee disclose any interests they may have in any matter in which the Commissioners are concerned. The amendments also introduce a dispute resolution process if the Commissioners and the Committee cannot agree on a matter and require the Commissioners to consult the Committee on proposals for a protocol for the removal of vessels under Clause 15 (Protocol of removal of vessels). As a consequence of this last amendment, a similar consultation duty in Clause 15 has been removed.
- 3.1.3 New Clause before Clause 4 (Continuity of navigation functions) – A new Clause has been added to the Bill to confirm that the Commissioner’s existing navigation functions under the Middle Level Acts continue to apply.
- 3.1.4 Clause 4 (Charges) – A new provision has been added to this clause to confirm that the Commissioners are not required to aim to secure that the income from charges meets the annualised navigation costs they incur. This addresses concerns raised by petitioners that if the Commissioners were obliged to do so, the charges imposed may be unreasonably high. This clause has also been amended to provide that the use of small unpowered pleasure vessels on the waterways will not incur a charge unless it is agreed by the Navigation Advisory Committee or a person appointed to act as an expert under the dispute resolution process in Clause 3 (Navigation Advisory Committee).
- 3.1.5 Clause 9 (Stranded, grounded and sunken vessels and vehicles) – This clause has been amended to make it clear that the new powers to remove stranded, grounded and sunken vessels from the waterways do not prevent the Commissioners from using existing powers to move vessels within the waterways where this is more appropriate. This wording was introduced in response to petitioners’ concerns that vessels could be removed when moving them would be a more appropriate solution.

- 3.1.6 Clause 11 (Requirement for registration) – This clause has been amended to state that byelaws made under the clause can provide for the exemption of small unpowered vessels from the requirement to register. Further amendments have been made to extend the provisions for an oral hearing and right to appeal to the Magistrate’s Court to boat owners who are refused a licence under clause 11(5) as well as clause 11(6) and (7).
- 3.1.7 Clause 17 (Audit) – The scope of this clause has been widened to update the requirement to maintain a navigation account in modern terms, and to give boat owners the ability to challenge the Commissioners’ accounts under Part 5 of the Local Audit and Accountability Act 2014.
- 3.2 There are other minor drafting amendments also made in the House of Lords to improve the wording of the Bill which the Commissioners also commend to the House.

#### **4 Consideration and Approval of Lords Amendments**

The Commissioners urge the House to approve the amendments made to the Bill in the House of Lords in order that the Bill may now proceed to Royal Assent.

**IN PARLIAMENT**

**SESSION 2017–19**

**MIDDLE LEVEL BILL**

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**STATEMENT**

**on behalf of the Promoter,  
The Middle Level Commissioners,  
in support of Consideration and  
Approval of Lords Amendments**

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*Consideration of Lords Amendments stands for*

*Thursday 18<sup>th</sup> October 2018*

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11 October 2018