

**IN THE HOUSE OF LORDS**

**SESSION 2017–2019**

**MIDDLE LEVEL BILL**

To: The Clerk of Private Bills in the House of Lords; and  
Ms P Smith of the National Bargee Travellers Association

**TAKE NOTICE** that the Promoters of the Middle Level Bill intend to object to the right of Ms P Smith of the National Bargee Travellers Association to be heard upon the Association's petition against the said Bill on the following grounds namely—

1. The petitioner does not qualify under Standing Order 117(1) as a "society or association sufficiently representing any ... interests in a district to which [the] bill relates" as the Petition does not make it clear how many of the members of the National Bargee Travellers Association live in or regularly use the Middle Level. It is therefore not clear that the Association sufficiently represents the interests of bargee travellers in the district to which the bill relates.
2. The petitioner does not qualify under Standing Order 117(2) as a "society or association sufficiently representing amenity, educational, travel or recreational interests" as the Petition does not make it clear, nor does it appear to be the case, that Ms Smith has the authority from the members of the National Bargee Travellers Association to petition on the Association's behalf. It is therefore not clear that the petition sufficiently represents the interests of bargee travellers that it purports to represent.
3. The allegations in the petition with respect to the effect of the Bill on the petitioner do not disclose, nor has the Petitioner in fact, any separate interest in respect thereof distinct from that of other member of the public to entitle it to be heard against the bill, except in relation to paragraph 29 of section 2 of the petition.
4. The petition does not disclose any facts or reasons which, according to the practice of Parliament, entitle the Petitioner to be heard against the Bill or any of the clauses or provisions thereof, other than clause 9.

Particulars of the Promoters' objection to the right of Ms Smith to be heard upon the petition of the National Bargee Travellers Association are set out in the Appendix to this notice.

Dated: 19 June 2018

  
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Bircham Dyson Bell LLP

Agents for the Bill

## **Appendix: Particulars of the Promoters' objection to the Petitioner's right to be heard upon her petition**

Ms Smith submitted a petition on 12 March 2018, purporting to be submitted on behalf of the National Bargee Travellers Association (**the NBTA**). The petition claims that "the proposals contained in the Bill will directly and specially affect the homes and possessions of Bargee Travellers".

Standing Order 117 provides that—

- "(1) Where any society or association sufficiently representing any trade, business, or interest in a district to which any bill relates, petition against the bill, alleging that such trade, business, or interest will be injuriously affected by the provisions contained therein, it shall be competent for the select committee to which the bill is committed, if they think fit, to permit petitioners to have their petition considered by the committee on such allegations against the bill or any part thereof.
- (2) Without prejudice to the generality of paragraph (1), where any society, association or other body, sufficiently representing amenity, educational, travel or recreational interests, petition against a bill, alleging that the interests they represent will be adversely affected to a material extent by the provisions contained in the bill, it shall be competent to the select committee, if they think fit, to permit petitioners to have their petition considered by the committee on such allegations against the bill or any part thereof."

It is not clear from the petition that the petition does "sufficiently represent" the interests of bargee travellers in the Middle Level or at all.

While the petition states that "a "significant number" of the members of the NBTA "either live permanently on the Middle Levels or use the waterways regularly", the petition does not indicate what that number is. The Promoters have asked for confirmation of how many members the NBTA has in the Middle Level, but have not received a response. To date, no evidence has been provided to show that any of the NBTA's members are based in the Middle Level, or specially and directly affected by the Bill. It is therefore not clear that the NBTA sufficiently represents an interest in the district to which the bill relates. The Promoters therefore consider that the petition falls outside the scope of Standing Order 117(1).

Further, it is not clear that the petition sufficiently represents the interests of bargee travellers at all. This is because there is no evidence that the NBTA has authorised Ms Smith to petition against the Bill on its behalf.

The NBTA is a not-for-profit unincorporated association, governed by a constitution adopted by a general meeting of the association on 21 November 2015. Clause 6.1 of that constitution states that—

- 6.1 Decisions of the NBTA shall be made by the General Meeting by consensus wherever possible. Where consensus cannot be reached, decisions shall be made by majority vote. The Chair shall have the casting vote.

The petition does not disclose when the General Meeting took place at which the NBTA decided to petition against the Bill. The promoters have asked Ms Smith to provide details of that Meeting, but she has not yet done so.

Clause 6.4 of the 21 November 2015 constitution also provides that decisions can be made by the committee of the NBTA in certain circumstances—

6.4 Decisions can be made in meetings of the Committee and by members of the Committee if the decisions are within the remit of the decisions made at General Meetings. Decisions can be made by this means which are not within the remit of decisions made at General Meetings provided that:

- a) they are not contrary to a decision made at a General Meeting and
- b) they are also brought up at General Meetings for discussion and/or further decision.

The Promoters have asked Ms Smith for details of any committee meeting at which it was decided to petition against the Bill, and of the subsequent decision and/or further decision at a General Meeting. These details have not been provided.

Accordingly, there is no evidence to indicate that the petition submitted by Ms Smith was duly authorised by the NBTA, or that it is sufficiently representative of the interests of bargee travellers. The Promoters therefore consider that the petition falls outside the scope of Standing Order 117(2).

Further, the overwhelming majority of the petition does not set out any impacts on bargee travellers that are distinct from the impacts that the petition alleges the Bill will have on the public at large. Paragraphs 11 to 23, and 25 to 37 of Section 2 of the petition set out the petitioners' objections to the provisions of the Bill. The only paragraph that indicates a special and direct effect on the interests of bargee travellers is paragraph 29, which complains of the particular effects that removing a vessel under clause 9 would have if that vessel is also a home.

Accordingly, if the committee does choose to exercise its discretion under clause 117 to allow the NBTA to be heard, the NBTA should be limited to the impacts of clause 9.

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**NOTICE OF OBJECTION TO RIGHT OF THE  
NATIONAL BARGEE TRAVELLERS ASSOCIATION  
TO BE HEARD ON THEIR PETITION**

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**BIRCHAM DYSON BELL LLP**

**Parliamentary Agents**