



House of Commons  
Regulatory Reform Committee

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# **Draft Regulatory Reform (British Waterways Board) Order 2003**

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**Twelfth Report of Session 2002–03**

*Report, together with formal minutes*

*Ordered by The House of Commons  
to be printed 7 May 2003*

## The Regulatory Reform Committee

The Regulatory Reform Committee is appointed to consider and report to the House of Commons on proposals for regulatory reform orders under the Regulatory Reform Act 2001 and, subsequently, any ensuing draft regulatory reform order. It will also consider any “subordinate provisions order” made under the same Act.

### Current membership

Mr Peter Pike (*Labour, Burnley*) (Chairman)  
Mr Russell Brown (*Labour, Dumfries*)  
Brian Cotter (*Liberal Democrat, Weston-super-Mare*)  
Mr Jeffrey M. Donaldson (*Ulster Unionist, Lagan Valley*)  
Mr Paul Goodman (*Conservative, Wycombe*)  
Mr Dai Havard (*Labour, Merthyr Tydfil and Rhymney*)  
Andy King (*Labour, Rugby and Kenilworth*)  
Mr Mark Lazarowicz (*Labour, Edinburgh North and Leith*)  
Mr Andrew Love (*Labour/Co-operative, Edmonton*)  
Mr John MacDougall (*Labour, Central Fife*)  
Chris Mole (*Labour, Ipswich*)  
Mr Denis Murphy (*Labour, Wansbeck*)  
Dr Doug Naysmith (*Labour/Co-operative, Bristol North West*)  
Andrew Rosindell (*Conservative, Romford*)  
Mr Anthony Steen (*Conservative, Totnes*)  
Brian White (*Labour, Milton Keynes North East*)

### Powers

The full constitution and powers of the Committee are set out in House of Commons SO No 141, available on the Internet via [www.parliament.uk](http://www.parliament.uk).

### Publication

The Reports and evidence of the Committee are published by The Stationery Office by Order of the House. All publications of the Committee (including press notices) are on the Internet at [www.parliament.uk/parliamentary\\_committees/regulatoryreform\\_committee.cfm](http://www.parliament.uk/parliamentary_committees/regulatoryreform_committee.cfm). A list of Reports of the Committee in the present Parliament is at the back of this volume.

### Committee staff

The current staff of the Committee are Martyn Atkins (Clerk), Fiona McLean (Committee Specialist), Brian Dye (Committee Assistant) and Liz Booth (Secretary).

### Contacts

All correspondence should be addressed to the Clerk of the Regulatory Reform Committee, Committee Office, 7 Millbank, London SW1P 3JA. The telephone number for general enquiries is 020 7219 2837; the Committee's email address is [regrefcom@parliament.uk](mailto:regrefcom@parliament.uk).

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# Draft Regulatory Reform (British Waterways Board) Order 2003

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## Report under Standing Order No. 141

1. The Regulatory Reform Committee has examined the draft Regulatory Reform (British Waterways Board) Order 2003 in accordance with Standing Order No. 141. We recommend unanimously that the draft order be approved.

## Introduction

2. On 28 April 2003 the Government laid the draft order before Parliament, together with an explanatory statement from the Department for Environment, Food and Rural Affairs (the Department).<sup>1</sup> We have already reported on the proposal for this order, which would amend the Transport Act 1962 and the Transport Act 1968 by adding to and clarifying the British Waterways Board's statutory powers, which would enable the Water Grid public/private partnership to be implemented. The amendments would:

- give the Board additional powers to abstract, purchase, treat and sell water, and to treat and dispose of effluent
- clarify that, where the Board forms a company for carrying on any of the Board's activities, the Board is not required to secure any restriction on that company's borrowing powers.

3. The House has instructed us to examine the draft order against such of the criteria specified in Standing Order No. 141(6) as are relevant. We are also required to consider the extent to which the responsible Minister has had regard to any resolution or report of the Committee or to any other representations made during the period for parliamentary consideration.<sup>2</sup> Our discussion of matters arising from our examination is set out below.

## Findings of our previous report

4. We were satisfied that the proposal met the criteria against which we are required to judge it, and we concluded that a draft order in the same terms as the proposal should be laid before the House.

## Adequate consultation

5. We were satisfied that the proposal had been the subject of an adequate consultation process and that the Department had taken appropriate account of the consultation

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<sup>1</sup> Copies of the proposal are available to Members of Parliament from the Vote Office and to members of the public from the Department. The proposal is also available on the Cabinet Office web site [www.cabinetoffice.gov.uk/regulation/act/proposals.htm](http://www.cabinetoffice.gov.uk/regulation/act/proposals.htm).

<sup>2</sup> Standing Order No. 141(7)

responses. However, we were concerned by the apparent lack of opportunity at the planning stages of the Water Grid project for groups such as English Nature and The Wildlife Trusts to raise environmental concerns.<sup>3</sup> We suggested that, had the Department provided certain relevant information to English Nature, The Wildlife Trusts and other interested environmental bodies, and given them the opportunity to comment on that information, their environmental concerns could have been resolved at an early stage. We considered it unfortunate that English Nature's concerns were properly addressed only when a parliamentary committee chose to seek further information about the adequacy of the consultation process.

6. On the basis of these concerns, we stated that we expected the Department to make the relevant information available to any other environmental body that requests such information. We trusted that the Department and the Board would seek to address any outstanding environmental concerns that may arise as a consequence of such a request.

### **The Department's response to our report**

7. No changes have been made to the draft order since the proposal was laid on 13 January 2003.

#### ***Adequate consultation***

8. Both the Department and the Board have undertaken to make the information discussed above available on request, and to seek to address any outstanding environmental concerns that may arise as a consequence of such a request.

**9. On the basis of the explanatory statement, we are satisfied that the responsible Minister has had due regard to our previous report on the proposal for the draft order.**

#### **Other representations**

10. The Department states, in the explanatory statement, that it is not aware of any representations made during the period for Parliamentary consideration other than those of English Nature and The Wildlife Trusts, which are dealt with in our previous report.

#### **Recommendation**

**11. In accordance with Standing Order No. 141(15), we recommend unanimously that the draft order be approved.**

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<sup>3</sup> Standing Order No. 141(5) provides that the Committee may report to the House on any matter arising from its consideration of a proposal.

## Formal minutes

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**Wednesday 7 May 2002**

Members present:

Mr Peter Pike, in the Chair

Mr Russell Brown  
Brian Cotter  
Mr Dai Havard  
Mr Andrew Love

Mr John MacDougall  
Mr Denis Murphy  
Dr Doug Naysmith  
Brian White

The Committee deliberated.

Draft Report, proposed by the Chairman, brought up and read.

*Ordered*, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 11 read and agreed to.

*Resolved*, That the Report be the Twelfth Report of the Committee to the House.

[Adjourned till Tuesday 20 May at 9.30 a.m.]

## Reports from the Regulatory Reform Committee since 2001

The following reports were published during the previous Session of Parliament by the Regulatory Reform Committee under its previous name, the Deregulation and Regulatory Reform Committee.

### Session 2001-02

Report	Title	HC number
First	Proposal for the Regulatory Reform (Special Occasions Licensing) Order 2001	265
Second	Draft Regulatory Reform (Special Occasions Licensing) Order 2001	388
Third	Draft Deregulation (Disposals of Dwelling-Houses By Local Authorities) Order 2001	449
Fourth	Proposal for the Regulatory Reform (Voluntary Aided Schools Liabilities and Funding) (England) Order 2002	583
Fifth	<ul style="list-style-type: none"> <li>• Draft Deregulation (Restaurant Licensing Hours) Order 2002</li> <li>• Draft Deregulation (Bingo and other Gaming) Order 2002</li> <li>• Proposal for the Regulatory Reform (Golden Jubilee Licensing) Order 2002</li> </ul>	599
Sixth	Proposal for the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002	663
Seventh	<ul style="list-style-type: none"> <li>• Draft Regulatory Reform (Golden Jubilee Licensing) Order 2002</li> <li>• Draft Regulatory Reform (Voluntary Aided Schools Liabilities and Funding) (England) Order 2002</li> </ul>	677
Eighth	Proposal for the Regulatory Reform (Carer's Allowance) Order 2002	691
Ninth	<ul style="list-style-type: none"> <li>• Draft Deregulation (Correction of Birth and Death Entries in Registers or Other Records) Order 2002</li> <li>• Proposal for the Regulatory Reform (Vaccine Damage Payments Act 1979) Order 2002</li> </ul>	708
Tenth	<ul style="list-style-type: none"> <li>• Draft Regulatory Reform (Housing Assistance) (England and Wales) Order 2002</li> <li>• Draft Regulatory Reform (Carer's Allowance) Order 2002</li> </ul>	807
First Special Report	Further report on the Handling of Regulatory Reform Orders	389

The following Reports were published by the Regulatory Reform Committee during the previous Session of Parliament under its current name.

#### Session 2001-02

Eleventh	Draft Regulatory Reform (Vaccine Damage Payments Act 1979) Order 2002	867
Twelfth	Proposal for the Regulatory Reform (Removal of the 20 Member Limit) Order 2002	1104
Thirteenth	Proposal for the Regulatory Reform (Sugar Beet Research and Education) Order 2003	1247
Fourteenth	Draft Regulatory Reform (Removal of 20 Member Limit in Partnerships Etc.) Order 2002	1303
Second Special Report	The Operation of the Regulatory Reform Act: Government Response to the Committee's First Special Report of Session 2001-02	1029
Third Special Report	The Handling of Regulatory Reform Orders (III)	1272

The following reports have been published during the present Session of Parliament.

#### Session 2002-03

First	<ul style="list-style-type: none"> <li>• Proposal for the Regulatory Reform (Credit Unions) Order 2002</li> <li>• Proposal for the Regulatory Reform (Special Occasions Licensing) Order 2002</li> </ul>	82
Second	Proposal for the Regulatory Reform (Business Tenancies) (England and Wales) Order 2003	182
Third	Proposal for the Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003	183
Fourth	Draft Regulatory Reform (Special Occasions Licensing) Order 2002	193
Fifth	Proposal for the Regulatory Reform (Housing Management Agreements) Order 2003	328
Sixth	<ul style="list-style-type: none"> <li>• Draft Regulatory Reform (Credit Unions) Order 2003</li> <li>• Draft Regulatory Reform (Assured Periodic Tenancies) (Rent Increases) Order 2003</li> </ul>	329
Seventh	Proposal for the Regulatory Reform (Schemes under Section 129 of the Housing Act 1988) (England) Order 2003	436
Eighth	Draft Regulatory Reform (Housing Management Agreements) Order 2003	520
Ninth	Proposal for the Regulatory Reform (British Waterways Board) Order 2003	521
Tenth	Proposal for the Regulatory Reform (Schemes under Section 129 of the Housing Act 1988) (England) Order 2003	549
Eleventh	Draft Regulatory Reform (Sugar Beet Research and Education) Order 2003	591

All reports are available from The Stationery Office.