

# MIDDLE LEVEL COMMISSIONERS



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Clerk and Chief Executive  
I A SMITH B.A., Solicitor

*Your Ref :*

*Our Ref :521*

*(Please quote this reference on any correspondence)*

24 February 2016

Dear Consultee

## Middle Level Commissioners Proposals for Amended Navigation Legislation

As the navigation authority for the Middle Level river system, which comprises 100 miles of navigable waterways in Cambridgeshire (including Peterborough City Council) and Norfolk as shown on the attached plan, the Commissioners have for some time been concerned that the legal framework which currently governs the navigation function is considerably out of date and does not align with either modern requirements or the statutory framework available and applicable to other navigation authorities.

The Commissioners have previously considered seeking a revision of these provisions but, for various reasons, have been unable to date to obtain the necessary legislative change. We do, however, remain of the view that the updating of our navigation legislation is necessary and therefore have now decided to proceed to seek the necessary changes. The precise Parliamentary mechanism to be followed will depend both on the results of this consultation and on the advice received from Defra as to the most appropriate method of proceeding but we would envisage that the Commissioners would be looking either to obtain an Order under the Transport and Works Act 1992 or a Private Act of Parliament.

It is currently envisaged that the Commissioners would seek both new powers and the amendment/repeal of certain obsolete provisions of the Middle Level Acts 1810-74, the Nene Navigation Act 1753 and the Wisbech Canal Act 1794. We propose in this consultation that the primary provisions contained in such revising legislation would be and have effect:-

to confer greater waterway management powers on the Commissioners and to allow us to provide increased facilities in connection with our navigation function either on our owned or leased land or elsewhere by agreement;

to enable the Commissioners to levy charges in respect of and require the registration of vessels using the Middle Level waterways, including the ability to charge where vessels, other than in an emergency, overstay the maximum time limits in force at a mooring place;

to enter into arrangements with other navigation authorities regarding such matters as the mutual recognition of registrations and licences;

to temporarily close sections of those waterways to enable works to be carried out or the holding of certain events and in certain other circumstances, including the power to close Well Creek at appropriate period(s) between 1<sup>st</sup> December in one year and 1<sup>st</sup> March in the next year when conditions are such that the traditional fenland pastime of ice skating could take place there;

to remove, immediately where necessary and after notice in less urgent cases, sunken, stranded and abandoned vessels and vessels and vehicles sunk in our waterways and to recover the costs of doing so where the owner of the vessel/vehicle fails to act;

to enable the making of more up to date byelaws regarding the management of the navigation;

to require vessels using the Commissioners' waterways to have insurance and

to make provision to enable funds raised under such provisions (if enacted) to be dealt with and audited together and along with our other funds.

As before, we would wish and, indeed hope to enter into reciprocal or similar arrangements with other navigation authorities to reduce costs and ensure the recognition of each other's licences and registrations. Equally, we would wish to treat unpowered vessels in a manner consistent with the way that they are dealt with on other navigation authorities' waters.

While these are the general aims of the current proposals, we also recognise that the Commissioners' previous draft application for a Transport and Works Order was widely consulted on and enjoyed a very large measure of local support. It may therefore be that consultees will take a similar view on this occasion and that application, in the form that was then finalised, are available on our website at <http://www.middlelevel.gov.uk/Navigationconsultation.aspx>

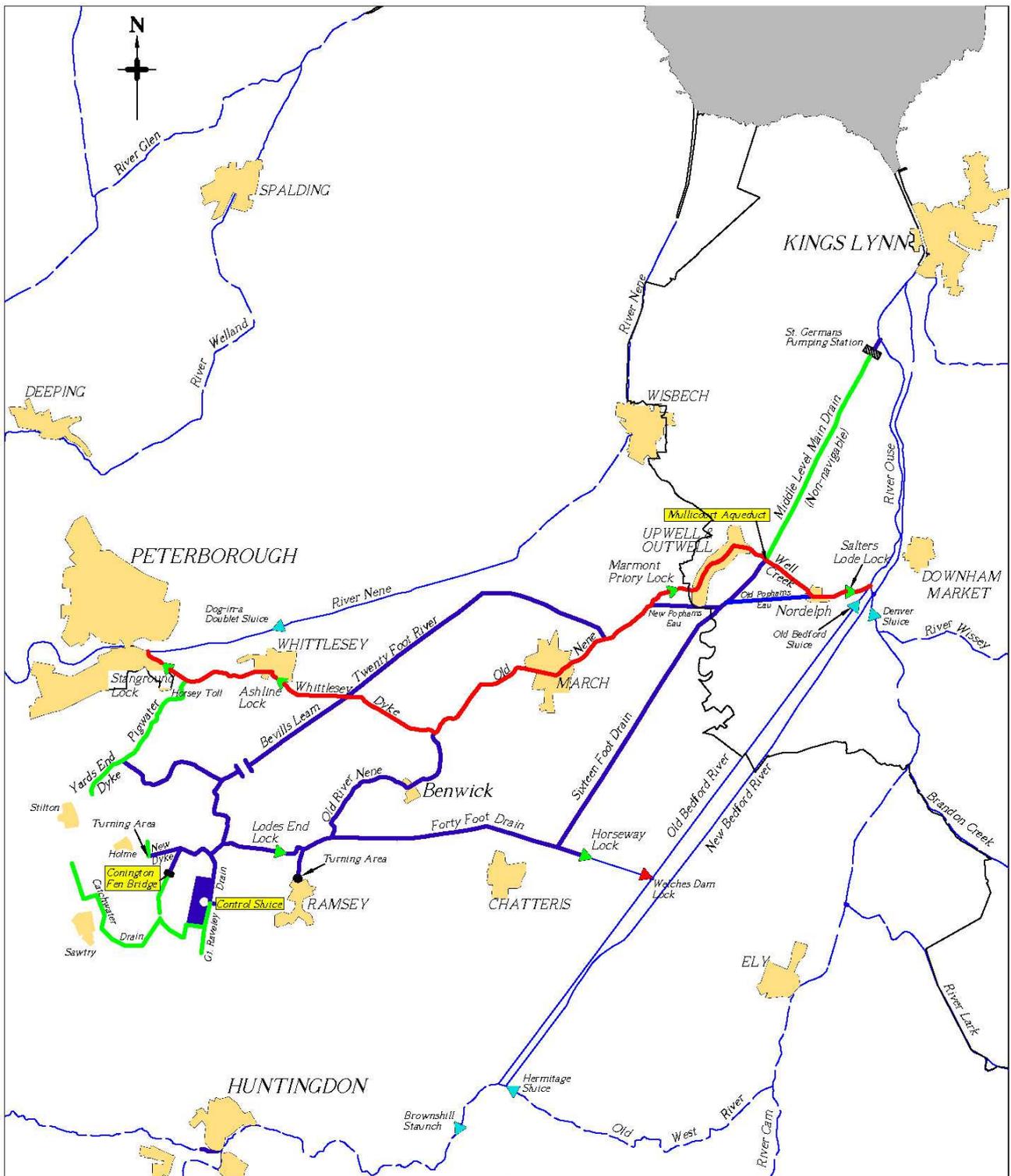
**The Commissioners therefore seek your views on these proposals.** Notwithstanding the remarks concerning the previous proposals, I cannot emphasise enough that this is a new consultation and that therefore the Commissioners are open to responses on and the reconsideration of all such provisions and the inclusion of any appropriate further clauses which may be popularly supported. To allow proper consideration of the matter, **the consultation period will run until 30<sup>th</sup> June 2016.** What were previously also proposed as amended byelaws could not, of course, in any event, be made until such time as the enabling power to make them was in force but the Commissioners consider that including them in the consultation at this time, will enable consultees to make their views known on the "whole package" of proposals.

I would also confirm and emphasise that the consultation is simply aimed at revising our legislation and that save as to the provision of facilities as mentioned above, there are no proposals for the Commissioners to be authorised to undertake additional works.

Please respond either by post to **The Clerk Middle Level Commissioners Middle Level Offices 85 Whittlesey Road March PE15 0AH** or by e-mail to [admin@middlelevel.gov.uk](mailto:admin@middlelevel.gov.uk) and please mark your reply "Navigation Consultation Response."

I would urge you to consider our proposals and to let me have your comments so that, hopefully, more modern navigation provisions which are generally acceptable can be put forward to Parliament.

I A Smith  
Chief Executive  
Middle Level Commissioners



KEY	
MIDDLE LEVEL LINK ROUTE (Navigable)	
OTHER NAVIGABLE MIDDLE LEVEL WATERCOURSES (See note 7)	
M.L. WATERCOURSES (Non-Navigable)	
RIVERS OUTSIDE M.L.	
CAMBS/NORFOLK COUNTY BOUNDARY	
M.L. LOCKS	
OTHER LOCKS	
SLUICES	

**MIDDLE LEVEL COMMISSIONERS**

D. Thomas B.Eng M.C.M.I Chief Engineer