



# Middle Level Act 2018

## 2018 CHAPTER ii

An Act to amend and update the powers of the Middle Level Commissioners to regulate navigation on the Middle Level of the Fens in the city of Peterborough and the counties of Cambridgeshire and Norfolk; to make further provision as to the regulation of navigation on those waterways; to make other provision as to the Commissioners; and for connected purposes. [1st November 2018]

### WHEREAS—

- (1) An Act of Parliament passed in the fiftieth year of the reign of His Majesty King George the Third, entitled “An Act for improving the Drainage of certain Lands within the North and South-west Parts of the Middle Level, Part of the Great Level of the Fens commonly called Bedford Level” established a body of Commissioners (“the Middle Level Drainage Commissioners”) with power and jurisdiction to improve the drainage of the rivers, drains, lands and grounds described in that Act:
- (2) The functions of the Middle Level Drainage Commissioners were amended by an Act of Parliament passed in the seventh and eighth year of the reign of Her Majesty Queen Victoria, entitled “An Act for improving the Drainage and Navigation of the Middle Level of the Fens”, and by the Middle Level Drainage Amendment Act 1848:
- (3) The Middle Level Act 1862 reconstituted the Middle Level Drainage Commissioners as commissioners of drainage and navigation, to be known as the Middle Level Commissioners, and transferred to them various functions relating to navigation in the waterways of the Middle Level from the Middle Level Drainage Commissioners:
- (4) Further amendments to the functions of the Middle Level Commissioners were made by the Middle Level Act 1867 and the Middle Level Act 1874:
- (5) It is expedient that provision should now be made for the Middle Level Commissioners’ powers to regulate navigation to be updated:
- (6) It is expedient for further powers to be conferred on the Middle Level Commissioners to regulate other activities affecting the use of the waterways for navigation:
- (7) It is expedient that the Middle Level Commissioners should be empowered to levy charges in respect of vessels using the waterways:
- (8) It is expedient that the Middle Level Commissioners should be empowered to make provision requiring the registration of vessels using the waterways:

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (9) It is expedient that revised provision should be made in relation to the auditing of the Middle Level Commissioners' accounts:
- (10) It is expedient that the other provisions contained in this Act should be enacted:
- (11) The objects of this Act cannot be attained without the authority of Parliament:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART 1

### INTRODUCTORY

#### 1 Citation and commencement

This Act may be cited as the Middle Level Act 2018, and comes into force at the end of 28 days beginning with the day on which it is passed.

#### 2 Interpretation

In this Act—

“the 1810 Act” means an Act of the fiftieth year of the reign of His Majesty King George the Third, entitled “An Act for improving the Drainage of certain Lands within the North and South-west Parts of the Middle Level, Part of the Great Level of the Fens commonly called Bedford Level”;

“authorised officer” means any person authorised in writing by the Commissioners under section 17 to carry out the functions of the Commissioners in respect of navigation under the provisions of the navigation Acts;

“the Commissioners” means the Middle Level Commissioners constituted under the Middle Level Acts;

“master” means the person taking or having for the time being (whether lawfully or not) the command, charge or management of a vessel;

“the Middle Level” means the fen lands and low grounds subject to be taxed by virtue of the 1810 Act;

“the Middle Level Acts” means—  
the 1810 Act;

an Act of the seventh and eighth years of the reign of Her Majesty Queen Victoria, entitled “An Act for improving the Drainage and Navigation of the Middle Level of the Fens”;

the Middle Level Drainage Amendment Act 1848;

the Middle Level Act 1862;

the Middle Level Act 1867; and

the Middle Level Act 1874;

“the navigation Acts” means the Middle Level Acts, the Nene Navigation Act 1753, the Wisbech Canal Act 1794, and this Act;

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

“navigation byelaws” means byelaws made under section 51 of the Middle Level Act 1874 (power to make byelaws for navigation) or under section 11 (byelaws) of this Act;

“the Nene Navigation Act” means the Act of Parliament passed in the twenty-seventh year of the reign of His Majesty King George the Second, entitled “An Act for improving and preserving the Navigation from Salter’s Load Sluice in the County of Norfolk, to Standground Sluice in the County of Huntingdon; and from Flood’s Ferry in the Isle of Ely in the County of Cambridge, to Ramsey High Load in the said County of Huntingdon; and also the Navigation from Old Bedford Sluice in the said County of Norfolk to the River Nene, in the Parish of Ramsey, in the said County of Huntingdon”;

“owner” includes—

- (a) in relation to any vessel, the master or hirer of that vessel; and
- (b) in relation to any building or structure—
  - (i) the tenant;
  - (ii) occupier; or
  - (iii) any person for the time being who, whether in that person’s own right or as agent or trustee for any other person, is entitled to receive the rack rent of the land, or who would be so entitled if the land were so let;

“personal water craft” means any water craft (not being a structure which, by reason of its concave shape, provides buoyancy for the carriage of persons or goods) propelled by a jet drive or other mechanical means of propulsion and steered either—

- (a) by means of a handlebar operated linkage system (with or without a rudder at the stern);
- (b) by movement of the body weight of the person or persons riding the craft; or
- (c) by a combination of those methods;

“polluting matter” means sewage or any other offensive or injurious matter, whether solid or liquid;

“power-driven vessel” means any vessel propelled by machinery, including any vessel propelled by a detachable outboard engine, but does not include any vessel for the time being proceeding solely by or under sail, oar or paddle;

“small unpowered pleasure vessel” means any unpowered vessel having a block area of less than 6 square metres which is not for the time being in use for commercial purposes;

“use” in relation to any vessel on a waterway, includes launching the vessel onto the waterway, keeping or mooring it on the waterway, navigating it on the waterway, and letting it for hire on the waterway;

“vehicle” includes every description of vehicle, apparatus, machinery or equipment capable of being used as a means of transportation on land;

“vessel” includes every description of craft, including a personal water craft, with or without means of propulsion of any kind, used or capable of being used to carry persons, goods, plant or machinery, or of being propelled or moved, on, in, or by water;

“water control structure” means any structure or appliance for introducing water into or removing water from a waterway or for controlling, regulating or affecting the level of the water or the flow of water in, into or out of a waterway and any aqueduct;

---

*Status: This is the original version (as it was originally enacted). This  
 item of legislation is currently only available in its original format.*

---

“the waterways” means the waterways in respect of which the Commissioners are the navigation authority under the navigation Acts, including—

- (a) so much of the waterways set out in column 1 of the table in Schedule 1 as lie between the points set out in column 2 of that table and the points set out in column 3 of that table;
- (b) all water control structures in, on, or on the banks of, those waterways; and
- (c) any watercourse in the Middle Level, or any lake, pit, pond, marina or other substantially enclosed water, adjacent to those waterways and from which any vessel may be navigated (whether or not through a lock or other similar work) into the waterways other than—
  - (i) any waters which are used, for mooring or navigation, only by the owner of the land upon which those waters are situated; and
  - (ii) any waters which are used, for mooring or navigation, only by an occupier of an adjoining residential building; and

“the Wisbech Canal Act” means the Act of Parliament passed in the thirty-fourth year of the reign of His Majesty King George the Third, entitled “An Act for making and maintaining a Navigable Canal from Wisbech River, at or near a Place called the Old Sluice, in the Town of Wisbech in the Isle of Ely and County of Cambridge, to join the River Nene in the Parish of Outwell, in the said Isle of Ely, and in the County of Norfolk, and for improving and maintaining the Navigation of the said River from Outwell Church to Salters Load Sluice”.

## PART 2

### REGULATION OF NAVIGATION

#### 3 Navigation Advisory Committee

- (1) The Commissioners must establish a body, to be known as the Navigation Advisory Committee (in this section referred to as “the Committee”), to advise the Commissioners on the exercise of their functions in respect of navigation under the navigation Acts.
- (2) Subject to subsection (3), the Committee is to consist of persons appointed by the Commissioners who appear to the Commissioners to be (taken together) representative of—
  - (a) recreational motor-boating interests in the waterways;
  - (b) the interests of individuals who use vessels on the waterways as their sole residence (including individuals who do not own or have access to a permanent mooring);
  - (c) other navigation interests in the waterways;
  - (d) other recreational users of the waterways and their banks;
  - (e) riparian owners in the Middle Level; and
  - (f) other local interests in the Middle Level.
- (3) When appointing a person to the Committee, the Commissioners must make a statement of their reasons for appointing that person.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (4) No person appointed to the Committee may take part in the proceedings of the Committee unless that person has disclosed to the clerk of the Commissioners details of every financial or other direct or indirect interest in any matter with which the Commissioners are concerned.
- (5) A person who fails to make that disclosure within three months of being appointed ceases to be a member of the Committee.
- (6) The Commissioners must, except in a case of urgency where it is not reasonably practicable to do so, consult the Committee on—
  - (a) proposals to provide facilities or services in respect of the waterways and their banks;
  - (b) proposals to impose or vary charges or fees relating to the waterways or their banks;
  - (c) proposals to make navigation byelaws; and
  - (d) proposals for a protocol for the removal of vessels under section 16.
- (7) In consulting the Committee pursuant to subsection (6) the Commissioners must allow a reasonable time (not being less than 28 days) for the Committee to meet and report back to them.
- (8) If the Committee reports back to the Commissioners within the time allowed in response to consultation under subsection (6), the Commissioners must—
  - (a) adjust the proposals in accordance with the report; or
  - (b) give the Committee reasons in writing for their refusal to do so.
- (9) If the Committee's report relates to proposals under subsection (6)(a), (b) or (d) and the Committee reasonably considers that the Commissioners' reasons do not justify their refusal to amend the proposals, the Committee may refer the matter—
  - (a) to mediation, or
  - (b) with the agreement of the Commissioners, to determination by a person acting as an expert.
- (10) If the matter is referred to mediation—
  - (a) the mediator is to be appointed by the agreement of the Commissioners and the Committee or, failing agreement, by the President of the Institute of Civil Engineers;
  - (b) the mediator is to decide the procedure for the mediation; and
  - (c) within seven days of the conclusion of the mediation, the mediator is to provide to the Commissioners and the Committee a report describing the outcome of the mediation.
- (11) If the matter is referred to determination by a person acting as an expert—
  - (a) the person is to be appointed by the agreement of the Commissioners and the Committee or, failing agreement, by the President of the Institute of Civil Engineers;
  - (b) the person is to determine the matter acting as an expert, having regard to the Commissioners' duties under the navigation Acts and such other matters as may be agreed by the Commissioners and the Committee;
  - (c) the person is to decide the procedure for determining the matter;
  - (d) the person is to determine the matter and notify the Commissioners and Committee of the determination as soon as reasonably practicable after