



Middle Level Act 2018

2018 CHAPTER ii

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.
- (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.

Status: This is the original version (as it was originally enacted).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

- (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 hearing the representations of the Commissioners and the Committee on the matter; and
 - (e) if the person determines that the Commissioners' proposals should be adjusted, the proposals are deemed to have been adjusted in accordance with the determination.

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- (12) The Committee may at any time make representations or recommendations in relation to, or refer to the Commissioners, any matter affecting the navigation or use of the waterways and their banks.
- (13) The Commissioners must take into consideration any matter, recommendation or representation which may from time to time be referred or made to them by the Committee.