



# Middle Level Act 2018

## 2018 CHAPTER ii

### PART 2

#### REGULATION OF NAVIGATION

#### 5 Charges

- (1) The Commissioners may fix and recover reasonable charges for—
  - (a) the use of any waterway by any vessel;
  - (b) the provision of services and facilities in respect of the waterways and their banks; and
  - (c) the registration of any vessel under navigation byelaws.
- (2) In exercising the power under subsection (1) the Commissioners must aim to secure that, taking one financial year with another, the income from charges under that subsection does not exceed the annualised costs incurred by the Commissioners in exercising their functions in respect of navigation under the navigation Acts.
- (3) Subsection (2) does not require the Commissioners to aim to secure that the income from charges under subsection (1) meets those costs.
- (4) The Commissioners may revise, waive or remove any charge fixed under subsection (1), and different charges may be fixed for different cases or classes of case.
- (5) The Commissioners may make the use of the services and facilities referred in subsection (1)(b) subject to such terms and conditions as the Commissioners may specify in writing.
- (6) Within 28 days of fixing or revising charges under this section, the Commissioners must publish notice of—
  - (a) the amounts of the charges;
  - (b) the date on which they were fixed or revised; and
  - (c) the period in respect of which they are in force (which may not commence before the date of publication).

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*Status: This is the original version (as it was originally enacted).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

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- (7) The notice required by subsection (6) must be—
- (a) displayed at one or more convenient places on or adjacent to the waterway;
  - (b) made available by the Commissioners free of charge on request; and
  - (c) published in some other way.
- (8) No charge shall be payable in respect of the use of a waterway by a vessel belonging to or employed in the service of any public authority or body for the purpose of the exercise of any functions conferred upon that authority or body by statute.
- (9) No charge is to be payable for the use of a waterway by a small unpowered pleasure vessel except with the agreement of the Navigation Advisory Committee, or in accordance with the determination of a person appointed to act as an expert under section 3(11).