

MIDDLE LEVEL COMMISSIONERS

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Clerk Chief Engineer & Chief Executive
David C Thomas B.Eng, M.C.M.I

Your Ref :

Our Ref : 521

(Please quote this reference on any correspondence)

13th July 2018

Dear Lord Thomas

Middle Level Bill

This letter records and confirms the undertakings given by the Middle Level Commissioners as promoters of the Bill during the Bill's consideration by the Opposed Bill Committee from 25th to 28th June and 12th July 2018. The section numbers used below relate to those in the Bill as amended by the Committee.

The Middle Level Commissioners undertake as follows:-

Provision of Facilities

- (1) to spend at least 25% of the annual income received from charges under section 5 on providing facilities on the Nene-Ouse Navigation Link which meet the current Minimum Standards for the Provision of Facilities for Boaters as published by the Inland Waterways Association, until the standards are achieved on this route; and will maintain those facilities until the Navigation Advisory Committee agrees that they are no longer needed (or an expert appointed to determine any dispute following the procedures set out in section 3 determines that they are no longer needed);

Definition of small vessels

- (2) to include a definition of "small vessel" in the first set of byelaws to be made under sections 11 and 12;

Advertisement of byelaws

- (3) to advertise any proposed byelaws to be made under section 11 or section 12 in a newspaper or magazine of interest to boaters, and on the Commissioners' website, as well as complying with the publicity requirements of section 236 of the Local Government Act 1972;

Adoption of boat safety scheme standards

- (4) when making the first set of byelaws under section 12 which require vessels to be constructed and equipped in accordance with specified safety standards, to specify standards that are equivalent to those set out in the Boat Safety Scheme, or such other similar standards as may be required by neighbouring navigation authorities at the time when the byelaws are made;

Level of registration fee for static houseboats

- (5) when making byelaws that set the level of charges for the registration of a vessel, the annual level of charges for the registration of a vessel that is used as a dwelling for any year in which that vessel does not use any of the waterways in the Middle Level but remains in a marina adjacent to one of those waterways shall be limited to the anticipated cost of –
 - (a) administering the application for registration
 - (b) checking that the vessel complies with any relevant requirements imposed under any byelaws made under section 12; and
 - (c) enforcing compliance with those requirements;

Publication of removal protocol

- (6) when publishing byelaws that are made or revised under section 11, they will annex to the published byelaws to protocol for removal of vessels published under section 16;

Residential mooring strategy

- (7) to prepare and publish a strategy setting out how they intend to exercise the powers conferred by section 15 with the aim of increasing the availability of residential moorings (including transit and temporary moorings) on the waterways;
- (8) that the strategy will include details of the steps that the Commissioners will take to –
 - (a) identify potential residential mooring sites to be put to the local planning authority
 - (b) facilitate applications for planning permission for residential moorings
 - (c) provide residential moorings themselves, subject to obtaining funding and planning permission;
- (9) in preparing the strategy, to consult the Navigation Advisory Committee under section 3(6)(a), as well as the local planning authorities, and housing authorities;
- (10) to keep the strategy under review, and revise the strategy as necessary;

Implementation of byelaws

- (11) that the first set of byelaws made under section 12 will include a transitional period of not less than 12 months before any requirement to meet construction or equipment standards comes into force;

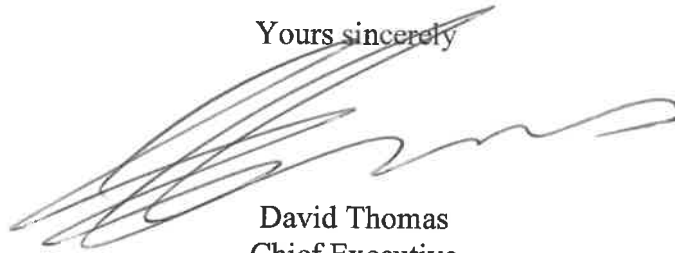
Publicity of undertakings

- (12) to publish and retain these Undertakings on their website;

Charging Philosophy

- (13) the Commissioners will not set navigation charges at a level which they anticipate is likely to cover the costs of exercising their navigation functions unless the Commissioners consider that the level of use of the waterways has changed to such a degree that it would be fair to all users to do so.

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Thomas', written over the typed name.

David Thomas
Chief Executive
Middle Level Commissioners

Lord Thomas of Cwmgiedd
Chair of the Middle Level Bill Opposed Bill Committee
House of Lords
London
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