



Middle Level Act 2018

2018 CHAPTER ii

PART 2

REGULATION OF NAVIGATION

11 Byelaws

- (1) Without prejudice to section 51 of the Middle Level Act 1874 (power to make byelaws for navigation), but subject to the provisions of this section, the Commissioners may make byelaws in relation to the waterways and their banks for maintaining and improving those waterways and banks, for the purposes of recreation and leisure pursuits, for controlling the navigation of those waterways and regulating the conduct and activities of persons using those waterways or banks.
- (2) In particular, but without prejudice to the generality of subsection (1), the Commissioners may make byelaws for the purposes of—
 - (a) regulating the use of the waterways by vessels, and the use of the banks of the waterways and any works, water control structures, facilities or services in or adjoining the waterways, including rules prescribing which class of vessels may enter which waterways;
 - (b) prescribing rules for navigation on the waterways, including rules regulating the speed of vessels and rules prescribing a minimum age for persons to be in control of or navigating a power-driven vessel;
 - (c) regulating the placing, maintenance and use of moorings in the waterways;
 - (d) prescribing standards for the construction, equipment and condition of vessels or categories of vessels using the waterways, including in particular standards for any engines, appliances (including sanitary appliances), fittings or equipment in such vessels, and authorising the Commissioners to inspect vessels to confirm compliance with those standards;
 - (e) prescribing additional standards to be met by commercial vessels or categories of commercial vessels;

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- (f) requiring vessels or categories of vessels not to be used on the waterways unless there is in force in relation to the vessel a policy of insurance complying with the requirements of Schedule 2;
 - (g) requiring notification to be given to the Commissioners of serious incidents involving vessels on a waterway, and—
 - (i) that any vessel involved in such an incident be made open for inspection by the Commissioners; and
 - (ii) where an incident involves a vessel slipping, parting from or losing any anchor, cable, propeller or other object, requiring the master to recover that anchor, cable, propeller or object, or providing for the Commissioners to do so, and to recover their expenses of so doing from the owner of the vessel as a civil debt;
 - (h) requiring vessels navigating the waterways at night or in restricted visibility to show lights;
 - (i) regulating the loading or unloading of vessels on the waterways;
 - (j) prohibiting or regulating the discharge from vessels into the waterways of any poisonous, noxious or polluting substances;
 - (k) prescribing the person to be deemed to be in charge of a vessel on a waterway, and providing for that person to be responsible for ensuring that the conduct of all other persons on board the vessel complies with the byelaws;
 - (l) regulating the erection of structures or the installation of works, apparatus, plant or equipment in, on, over, through, under or across a waterway or its banks;
 - (m) preventing obstructions to navigation in a waterway, requiring the cutting, pruning, lopping or topping of any tree, bush, shrub or other projection that obstructs navigation in a waterway, and providing for the Commissioners to cut, prune, lop or top any such tree, bush, shrub or other projection and recover the costs of doing so from the owner of the tree, bush, shrub or projection concerned; and
 - (n) preventing unauthorised entry onto water control structures.
- (3) Different byelaws may be made under this section in relation to different waterways and to different classes of vessels using any such waterway and any byelaws made under this section may come into force on such different dates as the Commissioners may determine.
- (4) A byelaw made by the Commissioners in exercise of the power conferred upon them by this section shall be made under the common seal of the Commissioners and may revoke or vary a byelaw made by them either pursuant to section 51 of the Middle Level Act 1874 or in the exercise of that power.
- (5) No byelaw made under the provisions of this section shall render unlawful the doing on private land outside a waterway or its banks of any act by, or with the lawful authority of, the owner or occupier of that land which does not obstruct the use of a waterway, or injure or endanger any person lawfully using a waterway or its banks or enjoying its amenities.
- (6) Byelaws made under this section may make it an offence for any person to contravene, or fail to comply with, the provisions of the byelaws, and for such person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In any proceedings for such an offence it shall be a defence for the person charged to prove—

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- (a) that the person took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; or
 - (b) that the person had a reasonable excuse for the action or failure to act.
- (8) In this section “private land” means any land other than land to which the public has access (whether as of right or by express or implied permission).
- (9) Byelaws made by the Commissioners under this section, section 12, or under section 51 of the Middle Level Act 1874, do not have effect until they are confirmed by the Secretary of State, and section 236 of the Local Government Act 1972 (procedure for byelaws) applies to their confirmation, as if the Commissioners were a local authority.