



Middle Level Act 2018

2018 CHAPTER ii

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”;

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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;

“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;

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“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;

“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”.