

Department of Environment, Food and Rural Affairs

September 2011

Dear consultee,

Re: A SUPPLEMENTARY CONSULTATION ON CERTAIN ASPECTS OF THE PROPOSED TRANSFER ORDER

1. We are writing to invite views on the supplementary consultation regarding the proposed Transfer Order under the Public Bodies Bill for transferring the functions of British Waterways in England and Wales to a New Waterways Charity and for making consequential provision in Scotland.
2. The Public Bodies Bill now before the UK Parliament would, subject to its enactment, provide the necessary powers to transfer functions, assets and liabilities from British Waterways to the NWC.
3. One of the main purposes of the proposed Transfer Order is to modify existing statute law to enable the NWC to succeed to those statutory powers and duties that are now held by BW and are necessary for the NWC to be an effective manager and guardian of the waterways being transferred to it. A number of material adaptations will need to be made to existing law, largely to reflect the proposed change of status under which BW's waterways in England and Wales will be owned and managed by a charitable company rather than by a public corporation.
4. Following the transition of BW in England and Wales to the NWC, the BW Board will continue to exist, exercising its functions solely in Scotland.
5. This consultation document has been developed under the aegis of a Project Board which includes representatives from Defra, Her Majesty's Treasury, the Office of the Civil Society, British Waterways and the Environment Agency. We have also taken account of the wide variety of views expressed by stakeholders at focus groups, workshops.
6. The following documents can be found on Defra's website:
www.defra.gov.uk/consult/2011/09/12/waterways-1109/
7. We welcome views and comments from all of you with a potential interest in our waterways i.e. members of the public, waterway authorities, non-governmental organisations, local authorities and communities and user groups. We are making the consultation document available as widely as we can, **including through community and other local websites**. If you are aware of anyone or any organisation that might be interested in seeing and commenting on the consultation paper but is not listed, please let us know (via the contact point below) and we will also seek their views.
8. While we welcome your views on any of the content of this consultation document we have included a number of specific questions which it would be helpful for you to answer.

Responses

9. Please e-mail responses no later than 24 October to:
NWCresponses@defra.gsi.gov.uk

or if you wish you can send in your response by letter to:

NWC Consultation Responses
Inland Waterways Team
Department for Environment, Food and Rural Affairs
Area 3B Nobel House

**17 Smith Square
London SW1P 3JR
Tel: 0207 238 4807 / 4805**

The consultation is in line with the Code of Practice on Consultations. This can be found at www.bis.gov.uk/policies/better-regulation/consultation-guidance

10. When this consultation ends we intend to put a copy of the responses in the Defra library at Ergon House, London. This is so that the public can see them. Also members of the public may also ask for a copy of responses under freedom of information legislation.
11. If you do not want your response – including your name, contact details and any other personal information – to be publicly available, please say so clearly in writing when you send your response to the consultation. Please note if your computer automatically includes a confidentiality disclaimer, that will not count as a confidentiality request.
12. Please explain why you need to keep details confidential. We will take your reasons into account if someone asks for this information under freedom of information legislation. But because of the law, we cannot guarantee that we will always be able to keep those details confidential.
13. We will summarise all responses and place the summary on our website at <http://www.defra.gov.uk/corporate/consult/> will include a list of names of organisations that responded but not personal names, addresses or other contact details.
14. To see consultation responses and summaries, please contact the library at:

**Information Resource Centre
Defra
Lower Ground Floor, Ergon House
17 Smith Square
London SW1P 2AL
Tel: 0207 238 6575
Email: defra.library@defra.gsi.gov.uk**

Please give the library 24 hours notice. There is a charge for photocopying and postage.

15. If you have any comments or complaints about the consultation process, please address them to Defra's Consultation Co-ordinator, Area 7C Nobel House, 17 Smith Square, London SW1P 3JR, or email:
Consultation.coordinator@defra.gsi.gov.uk

16. If you have any queries please contact us as above.

Yours sincerely,

**Penny Bramwell,
Department for Environment, Food and Rural Affairs**