



Department
for Environment
Food & Rural Affairs

helpline@defra.gsi.gov.uk
www.gov.uk/defra

Your ref:
Our ref: RFI 6234
Date: 12 March 2014

**REQUEST FOR INFORMATION: ADVICE GIVEN TO ALUN MICHAEL IN 2004 –
RELATING TO THE RIGHT OF NAVIGATION ON NON-TIDAL RIVERS AND THE
COMMON LAW**

Further to our letter of 26 February 2014 I am writing about your request for information about access to rivers which we received on 29th January 2014 and which, as you know, we have handled under the Freedom of Information Act 2000 (FOIA).

I enclose a copy of the information you requested:

- a. a one page note from Defra Legal.

We are also releasing:

- a. a copy of an email of 28 October 2004 which was sent to the Private Secretary to Alun Michael MP, the then Minister for Rural Affairs and Local Environmental Quality; and
- b. a copy of Alun Michael's letter to the British Canoe Union of 27 November 2004 which refers to your paper "*The Right of Navigation on Non-tidal Rivers and the Common Law*".

Names of officials have been redacted from both the attached email and letter.

We wish to take this opportunity to apologise for having overlooked the 2004 correspondence. The reason for this omission is that there have, inevitably, been a number of staff changes over the years, and current staff involved in access to rivers policy were not aware of your letter of 1 October 2004 to Alun Michael, which had included your paper "*The Right of Navigation on Non-tidal Rivers and the Common Law*", and the subsequent correspondence. The legal note was found in a search of the Department's files as a result of the information that you provided in respect of this request in which you



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gave us a very specific time period in which to search. Thus, the additional time-period information that you provided enabled us to locate the information.

In keeping with the spirit and effect of the FOIA and in keeping with the government's Transparency Agenda, all information is assumed to be releasable to the public unless exempt. Therefore, the information released to you will now be published on www.gov.uk together with any related information that will provide a key to its wider context. Please note that this will not include your personal data.

I attach Annex A, which explains the copyright that applies to the information being released to you.

I also attach Annex B giving contact details should you be unhappy with the service you have received.

If you have any queries about this letter, please contact me.

Yours sincerely

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████████████████

Annex A

Copyright

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Annex B

Complaints

If you are unhappy with the service you have received in relation to your request you may make a complaint or appeal against our decision under section 17(7) of the FOIA or under regulation 18 of the EIRs, as applicable, within 40 working days of the date of this letter. Please write to Mike Kaye, Head of Information Standards, Area 4D, Nobel House, 17 Smith Square, London, SW1P 3JR (email: requestforinfo@defra.gsi.gov.uk) and he will arrange for an internal review of your case. Details of Defra's complaints procedure are on our website.

If you are not content with the outcome of the internal review, section 50 of the FOIA and regulation 18 of the EIRs gives you the right to apply directly to the Information Commissioner for a decision. Please note that generally the Information Commissioner cannot make a decision unless you have first exhausted Defra's own complaints procedure. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF