

Draft Order laid before Parliament under section 11 of the Public Bodies Act 2011, for approval by resolution of each House of Parliament after the expiry of the 40-day period referred to in section 11(4) of that Act.

DRAFT STATUTORY INSTRUMENTS

2012 No. 0000

**CANALS AND INLAND WATERWAYS
PUBLIC BODIES**

**The Inland Waterways Advisory
Council (Abolition) Order 2012**

Made - - - - *****

Coming into force in accordance with article 1

The Secretary of State, in exercise of the powers conferred by sections 1(1), 6(1) and 35(2) of the Public Bodies Act 2011(1) (“the Act”), makes this Order.

In accordance with section 8 of the Act, the Secretary of State considers that this Order—

- (a) serves the purpose of improving the exercise of public functions, having had regard to the factors set out in section 8(1) of the Act; and
- (b) does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which that person might reasonably expect to continue to exercise.

The Secretary of State has carried out consultation in accordance with section 10 of the Act.

The Secretary of State has consulted the Scottish Ministers in accordance with section 88(2) of the Scotland Act 1998(2).

The Secretary of State has consulted the Welsh Ministers in accordance with section 63(1) of the Government of Wales Act 2006(3).

The Scottish Parliament has consented to the making of this Order in so far as its consent is required by section 9(1) of the Act.

A draft of this Order, and an explanatory document containing the information required by section 11(2) of the Act, have been laid before Parliament in accordance with section 11(1) after the end of the period of twelve weeks mentioned in section 11(3).

In accordance with section 11(4) of the Act, the draft of this Order has been approved by a resolution of each House of Parliament after the expiry of the 40-day period referred to in that provision.

(1) 2011 c. 24.
(2) 1998 c. 46.
(3) 2006 c. 32.

Citation and commencement

1. This Order—
 - (a) may be cited as the Inland Waterways Advisory Council (Abolition) Order 2012; and
 - (b) comes into force on the day after the day on which it is made.

Extent

2. The amendment made by article 4 and the repeals and revocations made by article 5 and the Schedule have the same extent as the provisions to which they relate.

Abolition of the Inland Waterways Advisory Council

3. The body established by section 110 of the Transport Act 1968⁽⁴⁾ is abolished.

Consequential amendment of the British Waterways Act 1995

4. For paragraph 12 (standards appeal panel) of Part 2 of Schedule 2 to the British Waterways Act 1995⁽⁵⁾ substitute—

“12.—(1) In England and Wales there is to be a standards appeal panel for the purpose of determining appeals under paragraph 13 below consisting of two persons appointed by Canal & River Trust⁽⁶⁾, and one by each of the following—

- (a) the Inland Waterways Association;
- (b) the Royal Yachting Association; and
- (c) the British Marine Federation.

(2) In Scotland there is to be a standards appeal panel for the purpose of determining appeals under paragraph 13 below consisting of one person appointed by each of the following—

- (a) the Board;
- (b) the Royal Yachting Association; and
- (c) the British Marine Federation”.

Repeals and revocations

5. The provisions mentioned in the Schedule are repealed or revoked to the extent specified.

(4) 1968 c. 73. Section 110 was substituted by section 74 of the Natural Environment and Rural Communities Act 2006 (c. 16). The body established by section 110 was (as originally established) known as the Inland Waterways Amenity Advisory Council, and by virtue of section 73 of the 2006 Act is known as the Inland Waterways Advisory Council.

(5) 1995 c. i.

(6) The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/****) transfers functions, so far as exercisable in relation to England and Wales, from the British Waterways Board to Canal & River Trust and makes consequential amendments and repeals relating to the continued existence of the British Waterways Board as a statutory corporation in relation to Scotland.

Date

Name
Parliamentary Under Secretary of State
Department for Environment, Food and Rural
Affairs

SCHEDULE

Article 5

Repeals and revocations

Table of repeals

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
1968 c. 73	Transport Act 1968	Sections 110 to 110C(7). In Schedule 13— (a) paragraph 3(a)(ii) and the preceding “and”; (b) paragraph 3(b).
1975 c. 24	House of Commons Disqualification Act 1975	In Schedule 1, Part 3, “Chairman of the Inland Waterways Advisory Council”(8).
1983 c. ii	British Waterways Act 1983	In Schedule 1, paragraph 1(c)(9) and the preceding “and”.
1995 c. i	British Waterways Act 1995	In Schedule 2, Part 2— (a) paragraph 6(c)(10); (b) in paragraph 7(1)(a), “the Inland Waterways Advisory Council, and to” and “other”; (c) in the tailpiece to paragraph 7(1), “the Inland Waterways Advisory Council and to”; (d) paragraph 8; (e) paragraph 9.
2000 c. 36	Freedom of Information Act 2000	In Schedule 1, Part 6(11), “The Inland Waterways Advisory Council”.
2006 c. 16	Natural Environment and Rural Communities Act 2006	Sections 73 to 77.

- (7) Section 110 was substituted, and sections 110A to 110C were inserted, by sections 74 to 77 of the Natural Environment and Rural Communities Act 2006 (c. 16).
- (8) Schedule 1, Part 3, to the House of Commons Disqualification Act 1975 was amended by paragraph 175 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16).
- (9) Paragraph 1(c) was amended by paragraph 175 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16).
- (10) Paragraphs 6(c), 7(1), 8, and 9 of Part 2 of Schedule 2 to the British Waterways Act 1995 were amended by paragraph 175 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16).
- (11) Part 6 was amended by paragraph 175 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16).

<i>Chapter</i>	<i>Short title</i>	<i>Extent of repeal</i>
		Section 108(4).
		In Schedule 11, paragraph 175.

Table of revocations

<i>Instruments revoked(12)</i>	<i>References</i>	<i>Extent of revocation</i>
The Transport and Works Applications (Inland Waterways Procedure) Regulations 1993	S.I. 1993/1119	In Schedule 1— (a) in the text substituted by paragraph 3(4), “the Inland Waterways Advisory Council(13)”; (b) in the text substituted by paragraph 3(5)— (i) sub-paragraph (a)(ii) and the preceding “and”; (ii) in sub-paragraph (b), “the said Council”.
The Scotland Act 1988 (Cross-Border Public Authorities) (Specification) Order 1999	S.I. 1999/1319	In the Schedule, the entry for “Inland Waterways Advisory Council”.
The Scotland Act 1988 (Cross-Border Authorities) (Adaptation of Functions etc) (No. 2) Order 2000	S.I. 2000/3251	Schedule 3.
The Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006	S.I. 2006/1466	In Schedule 5, in column (2) of the table, in entry 3, “the Inland Waterways Advisory Council.”.
The Transport and Works (Scotland) Act 2007 (Applications and Objections Procedure) Rules 2007	S.S.I 2007/570	In Schedule 3, in column (2), in entry 4, “the Inland Waterways Advisory Council;”, and in entry 5, “Inland Waterways Advisory Council; the”.

(12) References in subordinate legislation to “Inland Waterways Amenity Advisory Council” were amended by paragraph 175(1) of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16) by substituting for those words “Inland Waterways Advisory Council”.

(13) The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/****) amends the text substituted by paragraphs 3(4) and 3(5)(b), inserting “Canal & River Trust” where Inland Waterways Advisory Council was referred to.

EXPLANATORY NOTE

(This note is not part of the Order)

This instrument abolishes the Inland Waterways Advisory Council.

It also makes consequential amendments, including amendments to the membership of the standards appeal panels relating to the standards for construction and equipment of vessels.

An impact assessment has not been produced in respect of this Order, as it has no impact on the costs of business or the voluntary sector.