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DRAFT STATUTORY INSTRUMENTS

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**2012 No.**

**CANALS AND INLAND WATERWAYS**

**PUBLIC BODIES**

**TRANSPORT**

The British Waterways Board  
(Transfer of Functions) Order 2012

Made - - - - - \*\*\*

*Coming into force in accordance with article 1*

**THE BRITISH WATERWAYS BOARD**  
**(TRANSFER OF FUNCTIONS) ORDER 2012**

1. Citation, commencement, extent and interpretation
  2. Transfer of statutory functions
  3. Transfer of functions of harbour authority, navigation authority and statutory undertaker
  4. Supplementary provision
  5. Transitional provisions
  6. Savings
  7. Revocation
- Signature

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SCHEDULE 1 — Enactments conferring functions transferred by article 2

SCHEDULE 2 — Amendments to Transport Act 1962 and Transport Act 1968

1. Transport Act 1962
2. (1) Section 1 (the four Boards) is amended as follows....
3. In section 10(3) (duty and powers of the British Waterways...
4. In section 11 (development of land), for subsection (5) substitute—...
5. For section 12(3A) (pipe-lines), substitute— (3A) In the application of...
6. (1) Section 14 (supplemental provision relating to the Boards' powers)...
7. After subsection (2) of section 15 (compulsory purchase of land),...
8. (1) Section 15A (compulsory purchase of land: British Waterways Board...

9. After subsection (1) of section 17 (power to promote and...
10. After subsection (5) of section 18 (financial duty of Boards),...
11. (1) Section 19 (borrowing powers of Boards) is amended as...
12. In section 20(7) (Exchequer loans), omit “in connection with the...
13. In section 21(1) (Treasury guarantees), after “a Board” insert “other...
14. In section 21A(1) (British Waterways Board: guarantees by the Scottish...
15. (1) Section 24 (accounts) is amended as follows.
16. For section 25(2A) (the Board’s subsidiaries), substitute—
17. (1) Section 27 (power of Ministers in relation to Boards)...
18. In section 28(2), (3) and (4) (powers exercisable subject to...
19. (1) Section 43 (charges and facilities: general provisions) is amended...
20. (1) Section 50 (port charges and conditions at harbours) is...
21. In section 52(4) (independent railway companies and inland waterway undertakings),...
22. (1) Section 62 (local enactments relating to the supply of...
23. Section 63 (abstraction of water by British Waterways Board), to...
24. In section 73 (the powers of the Boards and the...
25. In section 74 (Minister’s power to make orders about pensions),...
26. In section 86(4) and (5) (application of Town and Country...
27. (1) Schedule 1 (the Boards and the holding company) is...
28. (1) Schedule 6 (distribution of Commission’s undertaking) is amended as...
29. In Schedule 9 (port charges), in paragraph 5(1), after “the...
30. Transport Act 1968
31. (1) Section 43 (additional financial provisions as to Waterways Board)...
32. After section 43, insert— Grants to Canal & River Trust...
33. In section 44(1)(b) (account by Minister of receipt and disposal...
34. In section 46(2)(a) (duty of Boards and new authorities to...
35. In section 48(1A) (manufacture, repair and supply)—
36. In section 49 (powers with respect to land), for subsection...
37. (1) Section 50 (miscellaneous provisions as to powers) is amended...
38. (1) Section 104 (classification of the Board’s waterways) is amended...
39. (1) Section 105 (maintenance of the Board’s waterways) is amended...
40. For section 106 (enforcement of maintenance duty), substitute— Enforcement of...
41. In section 108(1) (prevention of nuisance as respects certain waterways),...
42. (1) Section 109 (power of certain bodies to maintain or...
43. In section 111 (access agreements and orders as respects canals...
44. (1) Section 112 (power to extinguish statutory rights and obligations...
45. In subsection (5) of section 113 (byelaws in respect of...
46. (1) Section 116 (transfer of responsibility for maintenance etc) is...
47. (1) Section 117 (duty of Boards as respect bridges carrying...
48. (1) Section 118 (duty of highway authorities, etc, as respects...
49. (1) Section 119 (ending of liability of Boards to make...
50. (1) Section 121 (application of foregoing sections to undertakers other...
51. (1) Section 137 (machinery for negotiation and consultation with staff)...
52. In section 144(3) (transfer and disposal of historical records and...
53. (1) Schedule 13 (orders relating to inland waterways) is amended...

### SCHEDULE 3 — Amendments

#### PART 1 — Public general Acts

1. Public Health Acts Amendment Act 1907
2. Harbours Act 1964
3. Countryside Act 1968

4. Salmon and Freshwater Fisheries Act 1975
5. Local Government, Planning and Land Act 1980
6. Highways Act 1980
7. Transport Act 1981
8. Agricultural Holdings Act 1986
9. Town and Country Planning Act 1990
10. Ports Act 1991
11. Water Resources Act 1991
12. Transport and Works Act 1992
13. Environment Act 1995
14. Channel Tunnel Rail Link Act 1996
15. Freedom of Information Act 2000
16. Licensing Act 2003
17. Gambling Act 2005
18. Natural Environment and Rural Communities Act 2006
19. Crossrail Act 2008
20. Flood and Water Management Act 2010
21. Crime and Security Act 2010
22. Police Reform and Social Responsibility Act 2011
- PART 2 — Acts of the Scottish Parliament
23. Ethical Standards in Public Life etc. (Scotland) Act 2000
24. Scottish Public Services Ombudsman Act 2002
25. Freedom of Information (Scotland) Act 2002
26. Public Services Reform (Scotland) Act 2010
27. Public Records (Scotland) Act 2011
- PART 3 — Subordinate legislation
28. The Drainage Rates (Appeals) Regulations 1970
29. The Secretary of State for Transport (Harbour Authorities) Charging Scheme 1982
30. The Local Government Reorganisation (Preservation of Right to Buy) Order 1986
31. The Housing (Right to Buy) (Prescribed Persons) Order 1992
32. The Transport and Works Applications (Inland Waterways Procedure) Regulations 1993
33. The Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999
34. The Utilities Contracts Regulations 2006
35. The Merchant Shipping (Inland Waterways and Limited Coastal Operations) (Boatmasters' Qualifications and Hours of Work) Regulations 2006
36. The Community Drivers' Hours and Recording Equipment Regulations 2007

SCHEDULE 4 — Transitional provisions

1. Interpretation
2. Accounts and report for the period 1st April 2011 to 31st March 2012
3. Transitional arrangements for the period 1st April 2012-31st March 2013
4. Obligations on Canal & River Trust

Explanatory Note