

Status: Point in time view as at 02/07/2012.

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1968, SCHEDULE 13. (See end of Document for details)

SCHEDULES

SCHEDULE 13

Sections 104, 105 and 112.

ORDER RELATING TO INLAND WATERWAYS

Preliminary

- 1 [F1(1)] Before making an order under section 104(3), 105(3) or 112 of this Act the Minister shall comply with the requirements of this Schedule applicable to that order and may then make the order as originally proposed or with such modifications as he thinks fit.
- [F2(2)] Before making an order under section 104(3), 105(3A) or 112 the Scottish Ministers shall comply with the requirements of this Schedule applicable to that order and may then make the order as originally proposed or with such modifications as they think fit and in the case of such an order any reference in this Schedule (however expressed) to the Minister is to be construed as a reference to the Scottish Ministers.]

Textual Amendments

- F1** Sch. 13 para. 1(1): para. 1 renumbered as Sch. 13 para. 1 (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 Pt. 2 para. 3(30)** (with art. 4)
- F2** Sch. 13 para. 1(2) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(2)** (with arts. 4-6)

Modifications etc. (not altering text)

- C1** Sch. 13 para. 1 modified (1.6.1993) by S.I. 1993/1119, reg. 4(1)(a), **Sch. 1 para. 3(2)**

Consultation

- 2 (1) In the case of a proposed order under section 104(3) adding to or reducing the waterways in Part I of Schedule 12 to this Act, the Minister shall consult [F3 with Canal & River Trust, where the waterway in respect of which the order is to be made is in England or Wales, and] with any organisation appearing to him to represent persons operating, or (in relation to a waterway which is to be added) desiring to operate, commercial freight-carrying vessels on the waterway in respect of which the order is to be made.
- [F4(2)] In the case of a proposed order under section 104(3) adding to or reducing the waterways in England or Wales in Part 2 of that Schedule, the Minister shall consult with Canal & River Trust.]

Textual Amendments

- F3** Words in Sch. 13 para. 2(1) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(3)(a)** (with arts. 4-6)

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F4 Sch. 13 para. 2(2) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(3)(b)** (with arts. 4-6)

Modifications etc. (not altering text)

- C2** Sch. 13 para. 2(1) modified (1.6.1993) by [S.I. 1993/1119](#), **reg. 4** (1)(a), Sch. 1 para. 3(3)
- C3** Sch. 13 para. 2(2) modified (1.6.1993) by [S.I. 1993/1119](#), **reg. 4**(1)(a), **Sch. 1 para. 3(4)** (as amended (2.7.2012) by [The Inland Waterways Advisory Council \(Abolition\) Order 2012 \(S.I. 2012/1658\)](#), arts. 1(b), 5, **Sch.**

3 In the case of a proposed order under section 105(3)—

(a) in respect of a commercial waterway or any part thereof, the Minister shall consult—

(i) with any organisation appearing to him to represent persons operating commercial freight-carrying vessels on that waterway or part; ^{F5} ...

^{F5}(ii)

^{F6}(b)

Textual Amendments

- F5** Sch. 13 para. 3(a)(ii) and preceding word repealed (2.7.2012) by [The Inland Waterways Advisory Council \(Abolition\) Order 2012 \(S.I. 2012/1658\)](#), arts. 1(b), 5, **Sch.**
- F6** Sch. 13 para. 3(b) repealed (2.7.2012) by [The Inland Waterways Advisory Council \(Abolition\) Order 2012 \(S.I. 2012/1658\)](#), arts. 1(b), 5, **Sch.**

Modifications etc. (not altering text)

- C4** Sch. 13 para. 3 modified (1.6.1993) by [S.I. 1993/1119](#), **reg. 4**(1)(a), **Sch. 1 para. 3(5)** (as amended (2.7.2012) by [The Inland Waterways Advisory Council \(Abolition\) Order 2012 \(S.I. 2012/1658\)](#), arts. 1(b), 5, **Sch.**)

[^{F7}3A. In the case of a proposed order under section 105(3A) in respect of a commercial waterway or any part of such a waterway the Scottish Ministers shall consult with any organisation appearing to them to represent persons operating commercial freight-carrying vessels on that waterway or part.]

Textual Amendments

- F7** Sch. 13 para. 3A inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(4)** (with arts. 4-6)

4 In the case of a proposed order under section 112 in respect of a canal or part of a canal (within the meaning of that section) which appears to the Minister to be used to a significant extent for the purpose of navigation, the Minister shall consult with any organisation appearing to him to represent persons using it as aforesaid.

Modifications etc. (not altering text)

- C5** Sch. 13 para. 4 modified (1.6.1993) by [S.I. 1993/1119](#), **reg. 4**(1)(a), **Sch. 1 para. 3(6)**

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Publication of proposed orders and consideration of objections

- 5 (1) In the case of a proposed order under section 104(3), 105(3) [^{F8}or (3A)] or 112 in respect of any waterway the Minister shall—
- (a) publish in the London Gazette (or, if the waterway is situated in Scotland, the Edinburgh Gazette), in a national newspaper and in one or more local newspapers circulating in the area in which the waterway is situated; and
 - (b) cause to be displayed in one or more places adjacent to the waterway, a notice containing a statement—
 - (i) of the general effect of the proposed order; and
 - (ii) that objections to the order can be made to him within such time (not being less than twenty-eight days) and in such manner as is specified in the notice; and shall consider any such objection which is duly made and not withdrawn, and, if he has caused an inquiry to be held in connection with the proposed order, the report of the person holding it.
- (2) The holding of an inquiry shall be obligatory—
- (a) in connection with—
 - (i) a proposed order under section 104(3) removing a waterway from Part I of Schedule 12 to this Act, or removing a waterway from Part II of that Schedule without adding it to Part I thereof;
 - (ii) a proposed order under section 105(3) [^{F9}or (3A)];
 - (ii) a proposed order under section 112,if an objection is duly made to the proposed order (and is not withdrawn) [^{F10}Canal & River Trust, where the waterway in respect of which the order is to be made is in England or Wales,] by a local [^{F11}authority or [^{F12}Scottish Water] ;][^{F11}authority or the National Rivers Authority]
 - (b) in connection with any such proposed order as aforesaid relating to a waterway which appears to the Minister to have been used to a significant extent for the purpose of navigation at the time when notice of the proposed order was published, if an objection is duly made to the proposed order (and is not withdrawn) by any organisation appearing to him to represent a substantial number of persons using it as aforesaid at that time.
- (3) In this paragraph “waterway” means, in relation to an order under section 104(3) or 105(3) [^{F13}or (3A)], the waterway or part thereof in respect of which the order is to be made and, in relation to an order under section 112, the canal or part thereof (within the meaning of that section) in respect of which the order is to be made.

Textual Amendments

- F8** Words in Sch. 13 para. 5(1) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(5)(a)** (with arts. 4-6)
- F9** Words in Sch. 13 para. 5(2)(a) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(5)(b)(i)** (with arts. 4-6)
- F10** Words in Sch. 13 para. 5(2)(a) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(5)(b)(ii)** (with arts. 4-6)
- F11** “authority or the National Rivers Authority” substituted (E.W.) for “authority or water authority” by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1), **Sch. 25 para. 38(4)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)

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F12 Words in Sch. 13 para. 5(2)(a) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 7(5)**

F13 Words in Sch. 13 para. 5(3) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 53(5)(c)** (with arts. 4-6)

Modifications etc. (not altering text)

C6 Sch. 13 para. 5(1) modified (1.6.1993) by S.I. 1993/1119, reg. 4(1)(a), **Sch. 1 para. 3(7)**

C7 Sch. 13 para. 5(2)(b) modified (1.6.1993) by S.I. 1993/1119, reg. 4(1)(a), **Sch. 1 para. 3(8)**

Interpretation

6 In this Schedule “cruising craft” has the meaning assigned by section 105(1)(b) of this Act.

Modifications etc. (not altering text)

C8 Sch. 13 para. 6 modified (1.6.1993) by S.I. 1993/1119, reg. 4(1)(a), **Sch. 1 para. 3(9)**

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