

## SCHEDULES

### SCHEDULE 13

Sections 104, 105 and 112.

#### ORDERS RELATING TO INLAND WATERWAYS

##### *Preliminary*

- 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.

##### *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 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.
- (2) In the case of a proposed order under section 104(3)—
- (a) adding to or reducing the waterways in Part II of that Schedule ; or
  - (b) removing from Part I without adding to Part II thereof a waterway which is to a substantial extent used by cruising craft,
- the Minister shall consult with the Inland Waterways Amenity Advisory Council, consultation in a case within paragraph (b) above being limited to the effect of the proposed order on such use as is mentioned in that paragraph.
- 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 ; and
    - (ii) if the waterway or part is to a substantial extent used by cruising craft, with the said Council as to the effect of the proposed order on such use as aforesaid ;
  - (b) in respect of a cruising waterway or any part thereof, the Minister shall consult with the said Council.
- 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.

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*Status: This is the original version (as it was originally enacted).*

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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) 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) ;
    - (iii) a proposed order under section 112,
 if an objection is duly made to the proposed order (and is not withdrawn) by a local authority or a river 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), 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.

*Interpretation*

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