
STATUTORY INSTRUMENTS

2003 No. 1545

**REGULATORY REFORM
TRANSPORT, ENGLAND AND WALES
TRANSPORT, NORTHERN IRELAND**

The Regulatory Reform (British Waterways Board) Order 2003

Made - - - - - *12th June 2003*
Coming into force - - - - - *13th June 2003*

Whereas:

- (a) the Secretary of State for Environment, Food and Rural Affairs (“the Secretary of State”) has consulted—
 - (i) such organisations as appeared to her to be representative of interests substantially affected by her proposals for this Order,
 - (ii) the British Waterways Board,
 - (iii) the National Assembly for Wales, and
 - (iv) such other persons as she considered appropriate;
- (b) following that consultation the Secretary of State considered it appropriate to proceed with the making of this Order;
- (c) a document setting out the Secretary of State’s proposals was laid before Parliament as required by section 6 of the Regulatory Reform Act 2001(1) (“the 2001 Act”) and the period for Parliamentary consideration under section 8 of that Act expired;
- (d) the Secretary of State had regard to the Ninth Report of the Regulatory Reform Committee(2), and the Fifteenth Report of the Delegated Powers and Regulatory Reform Committee(3);
- (e) a draft of this Order was laid before Parliament with a statement giving details of the reports of each House of Parliament and recording the fact that no representations were made during the period set out in section 8 of the 2001 Act;
- (f) the draft was approved by resolution of each House of Parliament; and
- (g) the Secretary of State is of the opinion that this Order does not remove any necessary protection or prevent any person from continuing to exercise any right or freedom which he might reasonably expect to continue to exercise;

(1) 2001 c. 6.

(2) Ninth Report of Session 2002-03 on 20th March 2003, HC 521, ISBN 0 215 00894 4. The Committee confirmed its formal recommendation to the House on 12th May 2003.

(3) Fifteenth Report of Session 2002-03 on 20th March 2003, HL 77, ISBN 0 10 484010 2.

Now therefore, the Secretary of State, in exercise of the powers conferred by section 1 of the Regulatory Reform Act 2001, hereby makes the following Order:

Citation, commencement and extent

1. This Order may be cited as the Regulatory Reform (British Waterways Board) Order 2003 and shall come into force on 13th June 2003.

Amendment of the Transport Act 1962

2.—(1) The Transport Act 1962(4) is amended as follows.

(2) In section 10(3) (powers of British Waterways Board), after paragraph (d) insert—

“(dd) except in Scotland—

- (i) to abstract water from any source other than that mentioned in paragraph (d),
- (ii) to purchase water,
- (iii) to treat water;
- (iv) to sell any water other than that mentioned in paragraph (d),
- (v) to treat and dispose of effluent;”.

Amendment of the Transport Act 1968

3.—(1) The Transport Act 1968(5) is amended as follows.

(2) In section 50 (miscellaneous provisions as to powers), after subsection (8) insert—

“(8A) Subsection (8) of this section does not oblige the Waterways Board to secure any restriction on the borrowing powers of a company which it forms, promotes and assists, or joins with any other person in forming, promoting and assisting.

This subsection does not affect the powers or obligations of the Waterways Board in or as regards Scotland.”

Signed by authority of the Secretary of State

Alun Michael
Minister of State
Department for Environment, Food and Rural
Affairs

12th June 2003

(4) 1962 c. 46.
(5) 1968 c. 73.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the powers conferred on the British Waterways Board (“the Board”) by the Transport Acts 1962 and 1968.

Section 10(3)(d) of the Transport Act 1962 enables the Board to abstract and sell untreated water from any inland waterway owned or managed by the Board for any purpose. Article 2 confers additional powers on the Board to abstract, purchase, treat and sell water, and to treat and dispose of effluent.

Section 50(8) of the Transport Act 1968 enables the Board to form, promote and assist (or to join with another person in so doing) a company for carrying on any activities which the Board have power to carry on. Article 3 makes it clear that the Board is not required to secure any restriction on that company’s borrowing powers.

A Regulatory Impact Assessment, estimating the financial impact of the Order on businesses, can be obtained from: Marine and Waterways Division, Department for Environment, Food and Rural Affairs, Ashdown House, 123 Victoria Street, London SW1E 6DE.