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STATUTORY INSTRUMENTS

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**2011 No. 889**

**CANALS AND INLAND WATERWAYS, ENGLAND**

**The British Waterways Board (Kennet and  
Avon Canal) (Reclassification) Order 2011**

<i>Made</i>	- - - -	<i>18th March 2011</i>
<i>Laid before Parliament</i>		<i>24th March 2011</i>
<i>Coming into force</i>	- -	<i>18th April 2011</i>

The Secretary of State has consulted the Inland Waterways Advisory Council as required by paragraph 2(2)(a) of Schedule 13 to the Transport Act 1968(1), and has complied with the applicable requirements of paragraph 5 of that Schedule (publication of proposed order and consideration of objections).

In exercise of the powers conferred by section 104(3) and (5) of the Transport Act 1968, the Secretary of State(2) makes the following Order.

**Citation and commencement**

1. This Order may be cited as the British Waterways Board (Kennet and Avon Canal) (Reclassification) Order 2011 and comes into force on 18th April 2011.

**Reclassification of the Kennet and Avon Canal**

2. In Part 2 (cruising waterways) of Schedule 12 (commercial and cruising waterways) to the Transport Act 1968, for the entry relating to the Kennet and Avon Canal substitute—

“The Kennet and Avon Canal from High Bridge, Reading, to the tail of the bottom lock at Bath.”.”

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(1) 1968 c. 73. Paragraph 2(2) was amended by paragraph 175 of Schedule 11 to the Natural Environment and Rural Communities Act 2006 (c. 16), substituting the new name (the Inland Waterways Advisory Council) for the body's previous name (the Inland Waterways Amenity Advisory Council).

(2) By virtue of the definition in section 159(1) of the Transport Act 1968, “the Minister” in section 104(3) means the Minister of Transport. Article 2(2) of the Transfer of Functions (Transport) Order 1981 (S.I. 1981/238) transferred all functions of the Minister of Transport (other than some not relevant to this Order) to the Secretary of State.

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**Changes to legislation:** *There are currently no known outstanding effects for the The British Waterways Board (Kennet and Avon Canal) (Reclassification) Order 2011. (See end of Document for details)*

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18th March 2011

*Jim Paice*  
Minister of State  
Department for Environment, Food and Rural  
Affairs

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 104 of the Transport Act 1968 provides for the inland waterways comprised in the undertaking of the British Waterways Board to be divided into three categories: commercial waterways as specified in Part 1 of Schedule 12 to that Act, cruising waterways as specified in Part 2 of that Schedule, and “the remainder”. Section 105 of the Act imposes on the Board a duty to maintain the commercial waterways in a suitable condition for use by commercial freight-carrying vessels, and to maintain the cruising waterways in a suitable condition for use by cruising craft. Section 104(3) enables the Secretary of State by order to add to either of those Parts any inland waterway which is not a commercial waterway or a cruising waterway.

This Order replaces the existing entry in Part 2 of Schedule 12, which specifies the main navigable channel of the Kennet and Avon Canal as a cruising waterway, but only in respect of three sections of that canal. By virtue of the new entry, the main navigable channel of the entire Kennet and Avon Canal has the status of a cruising waterway.

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.

**Changes to legislation:**

There are currently no known outstanding effects for the The British Waterways Board (Kennet and Avon Canal) (Reclassification) Order 2011.