

## SCHEDULE 2

### Amendments to Transport Act 1962 and Transport Act 1968

#### **Transport Act 1968**

**38.**—(1) Section 104(1) (classification of the Board’s waterways) is amended as follows.

(2) In the heading, omit “the Board’s”.

(3) In subsection (1)—

(a) for “undertaking” substitute “undertakings”,

(b) after “Board” insert “and Canal & River Trust”.

(4) In subsection (3), after “Board” insert “or Canal & River Trust”.

(5) After subsection (3) insert—

“(3A) Canal & River Trust may apply to the Minister for the making of an order under subsection (3).

(3B) In deciding whether to make an order under subsection (3), the Minister must have regard to the financial position of Canal & River Trust.”.

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(1) Section 104 was amended by [S.I. 2000/3251](#).