

2011 No. 118

CANALS AND INLAND WATERWAYS

**The British Waterways Board (Forth and Clyde and Union
Canals) (Reclassification) Order 2011**

Made - - - - - *17th February 2011*

Laid before the Scottish Parliament *21st February 2011*

Coming into force - - - *1st April 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 104(3) of the Transport Act 1968(a) and all other powers enabling them to do so.

In accordance with paragraph 2(2) of Schedule 13 to that Act (order relating to inland waterways)(b), they have consulted with the Inland Waterways Advisory Council.

They have complied with the requirements of paragraph 5(1) of that Schedule(c). No objections to the proposed Order have been made.

Citation and commencement

1. This Order may be cited as the British Waterways Board (Forth and Clyde and Union Canals) (Reclassification) Order 2011 and comes into force on 1st April 2011.

Reclassification of the Forth and Clyde and Union Canals

2. In Part II of Schedule 12 to the Transport Act 1968 (cruising waterways)(d)—

(a) after the entry relating to the Erewash Canal insert—

“The Forth and Clyde Canal.”; and

(a) 1968 c.73; section 104(3) was amended by S.I. 2000/3251 (in terms of which (see paragraph 3(18) of Schedule 2 to that instrument) the function is exercisable by the Scottish Ministers in the case of a waterway in Scotland).
(b) Schedule 13 was relevantly amended by the Natural Environment and Rural Communities Act 2006 (c.16), Schedule 11, paragraph 175 and S.I. 2000/3251.
(c) Notices were placed in the Edinburgh Gazette, national and local newspapers, and on notice boards at various locations along the canals.
(d) Schedule 12 was amended by S.I. 1996/2552.

(b) after the entry relating to the Trent Navigation insert—
“The Union Canal.”.

St Andrew’s House,
Edinburgh
17th February 2011

KEITH BROWN
Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

Section 104 of the Transport Act 1968 (“the Act”) provides for the inland waterways comprised in the undertaking of the British Waterways Board to be divided into commercial waterways and cruising waterways (specified in Parts I and II of Schedule 12 to the Act) and the remainder (known as remainder waterways).

Section 104(3) of the Act enables the Scottish Ministers, by order, to add a remainder waterway to either Part I or II of Schedule 12. This Order adds the Forth and Clyde Canal and the Union Canal (both being remainder waterways) to the list of cruising waterways specified in Part II of Schedule 12.

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