

## SCHEDULE 3

### Amendments

## PART 1

### Public general Acts

#### Public Health Acts Amendment Act 1907

1. In section 94(8) of the Public Health Acts Amendment Act 1907<sup>(1)</sup> (power to license pleasure boats), for “the British Waterways Board” substitute “Canal & River Trust”.

#### Harbours Act 1964

2.—(1) The Harbours Act 1964<sup>(2)</sup> is amended as follows.

(2) In section 26(5)(a) (repeal of provisions limiting discretion of certain harbour authorities as to ships, passenger and goods dues charged by them), after “the Boards” insert “or Canal & River Trust”.

(3) In section 30<sup>(3)</sup> (duty of harbour and local lighthouse authorities to make available for inspection, and to keep for sale, copies of lists of certain charges)—

(a) in subsection (1)—

(i) omit the “or” at the end of paragraph (a);

(ii) after paragraph (b) insert an “or” and then—

“(c) by virtue of section 43 of the Transport Act 1962 by Canal & River Trust at a harbour specified in Schedule 9 to that Act;”.

(b) in subsection (3)—

(i) for “(a) or (b)”, substitute “(a), (b) or (c)”;

(ii) after “concerned”, insert “or by Canal & River Trust”;

(iii) after “Board”, in the second place it occurs, insert “or Canal & River Trust”;

(c) in subsection (6), after “Board”, insert “or by Canal & River Trust,”.

(4) In section 36(a)<sup>(4)</sup> (sections 31 and 32 not to apply to charges at certain harbours), after “the British Waterways Board”, insert “or Canal & River Trust”.

(5) In section 42(11)(a)<sup>(5)</sup> (accounts and reports relating to harbour activities and associated activities), after “the Boards”, insert “or Canal & River Trust”.

(6) In section 57 (interpretation), after subsection (5) insert—

“(6) Any reference in this Act to Canal & River Trust shall be construed as including a reference to any company that is a subsidiary (within the meaning of the Companies Act 2006) of Canal & River Trust.”.

(1) 1907 c. 53. Section 94(8) was substituted by S.I. 1997/1187, article 2.

(2) 1964 c. 40.

(3) Section 30 was amended by virtue of the Decimal Currency Act 1969 (c. 19) and by the Transport Act 1968, Schedules 16 and 18; the Transport Act 1981 (c. 56), Schedules 5, 6 and 12; the Merchant Shipping Act 1995 (c. 21), Schedule 12; the Transport Act 2000 (c. 38), Schedule 31, Part 4, and S.I. 1978/272, Schedule 5.

(4) Section 36 was amended by the Transport Act 1968, Schedule 16; the Transport Act 1981, Schedule 12, Parts 1 and 2; the Transport Act 2000, Schedule 31, Part 4, and S.I. 1999/1820, Schedule 2, Part 1, paragraph 34.

(5) Section 42 was substituted by the Transport Act 1981, Schedule 6, paragraph 10. There are other amendments not relevant to this Order.

### **Countryside Act 1968**

3. In section 16(6)(c) of the Countryside Act 1968(6) (access to open country: canals and woodlands), for “the British Waterways Board” substitute “Canal & River Trust”.

### **Salmon and Freshwater Fisheries Act 1975**

4.—(1) The Salmon and Freshwater Fisheries Act 1975(7) is amended as follows.

(2) In section 40 (River Severn)—

- (a) for “the British Waterways Board” substitute “Canal & River Trust”;
- (b) for “the Board’s” substitute “Canal & River Trust’s”.

### **Local Government, Planning and Land Act 1980**

5.—(1) The Local Government, Planning and Land Act 1980(8) is amended as follows.

(2) In section 185(2)(a)(9) (restriction on power of certain authorities to make pleasure boat byelaws), for “the British Waterways Board” substitute “Canal & River Trust”.

(3) In Schedule 16(10) (bodies to whom Part 10 applies), in paragraph 18, after “Statutory undertakers” insert “other than Canal & River Trust”.

### **Highways Act 1980**

6.—(1) The Highways Act 1980(11) is amended as follows.

(2) In section 111(1) (interpretation of Part 6), for “the British Waterways Board” substitute “Canal & River Trust”.

(3) In section 169(6) (controls on scaffolding in section 169 not to apply to certain structures), for “the British Waterways Board” substitute “Canal & River Trust”.

(4) In section 219(4)(i)(i) (provisions relating to payment for street works not to apply in certain cases), for “the British Waterways Board” substitute “Canal & River Trust”.

(5) In section 329(4) (interpretation), for “the British Waterways Board” substitute “Canal & River Trust”.

(6) In Schedule 11 (provisions as to orders under section 93), in paragraph 4(c)—

- (a) for “the British Waterways Board” in the first place it occurs substitute “Canal & River Trust”;
- (b) for “that Board” substitute “Canal & River Trust”;
- (c) omit “(the predecessors of the British Waterways Board)”.

### **Transport Act 1981**

7. In Schedule 3 to the Transport Act 1981(12) (powers of Associated British Ports), in paragraph 31(4), after “the British Waterways Board” insert “, Canal & River Trust”.

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(6) 1968 c. 41. Section 16(6)(c) was amended by the Transport Act 1968, section 111.

(7) 1975 c. 51. Section 40 was amended by the Environment Act 1995 (c. 25), Schedule 15, paragraph 2.

(8) 1980 c. 65.

(9) There are amendments to section 185 that are not relevant to this Order.

(10) See article 3(2) of this Order. Paragraph 18 of Schedule 16 was amended by the Gas Act 1986 (c. 44), section 67(4) and Schedule 9, Part 1, the Electricity Act 1989 (c. 29), section 112(4) and Schedule 18, and the Water Act 1989 (c. 15), section 190 and Schedule 25, paragraph 61.

(11) 1980 c. 66. There are amendments to the listed provisions that are not relevant to this Order.

(12) 1981 c. 56. There are amendments to paragraph 31 of Schedule 3 that are not relevant to this Order.

## **Agricultural Holdings Act 1986**

**8.** In Schedule 12 to the Agricultural Holdings Act 1986(**13**) (modifications applicable to old tenancies and other similar cases), after paragraph 4(5) insert—

“(5A) Where by a scheme under section 24 of the Public Bodies Act 2011 relevant land has been transferred by the British Waterways Board to Canal & River Trust or any subsidiary of Canal & River Trust, sub-paragraph (2) shall (so far as relates to relevant land so transferred) have effect in relation to Canal & River Trust or, as the case may be, that subsidiary as it had effect in relation to the British Waterways Board immediately before that land was transferred under that scheme.

(5B) In sub-paragraph (5A)—

- (a) “relevant land” means land falling within paragraph (a) or (b) of sub-paragraph (2) and transferred to the British Waterways Board as there mentioned;
- (b) “subsidiary” means a company which is a subsidiary within the meaning of the Companies Act 2006.”.

## **Town and Country Planning Act 1990**

**9.** In section 264(4)(a) (operational land) of the Town and Country Planning Act 1990(**14**), after “the Water Industry Act 1991”(**15**), insert “or, in the case of land held by Canal & River Trust, the Public Bodies Act 2011”.

## **Ports Act 1991**

**10.** In section 1(4) of the Ports Act 1991(**16**) (meaning of relevant port authority), after paragraph (c), insert—

“(ca) Canal & River Trust;”.

## **Water Resources Act 1991**

**11.**—(1) The Water Resources Act 1991(**17**) is amended as follows.

(2) In the heading to section 66 (inland waterways owned or managed by British Waterways Board), for “British Waterways Board” substitute “Canal & River Trust”.

(3) In section 66(**18**)—

- (a) in subsection (1), for “the British Waterways Board (“the Board”)”, substitute “Canal & River Trust”;
- (b) in subsections (2)(b) and (c) and (3), for “the Board” in each place occurring, substitute “Canal & River Trust”.

(4) In the heading to section 130 (charges in respect of abstraction from waters of British Waterways Board), for “British Waterways Board” substitute “Canal & River Trust”.

(5) In section 130(**19**), in subsections (1) and (2), for “the British Waterways Board” and “the Board” in each place occurring, substitute “Canal & River Trust”.

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(13) 1986 c. 5. There are amendments to paragraph 4 of Schedule 12 that are not relevant to this Order.

(14) 1990 c. 8. Relevant amendments to section 264 were made by the Water Consolidation (Consequential Provisions) Act 1991 (c. 60), section 2, Schedule 1, paragraph 54; the Planning and Compulsory Purchase Act 2004, section 40(2)(k).

(15) 1991 c. 56.

(16) 1991 c. 52. There is an amendment to section 1 that is not relevant to this Order.

(17) 1991 c. 57.

(18) Section 66 was amended by the Water Act 2003 (c. 37), sections 14(3)(d) and 101; Schedule 7, Part 1, paragraphs 1 and 7, and Schedule 9, Part 3, and by the Environment Act 1995, Schedule 22, paragraph 128.

(19) Section 130 was amended by the Environment Act 1995, Schedule 22, paragraph 128.

### **Transport and Works Act 1992**

12.—(1) The Transport and Works Act 1992(20) is amended as follows.

(2) In section 5(7) (subject matter of orders under sections 1 and 3), for “the British Waterways Board’s” substitute “Canal & River Trust’s”.

(3) In section 20 (power to apply for, or object to, orders), omit subsection (3).

### **Environment Act 1995**

13. In section 41(8) (power to make schemes imposing charges) of the Environment Act 1995(21), for “the British Waterways Board” substitute “Canal & River Trust”.

### **Channel Tunnel Rail Link Act 1996**

14.—(1) Schedule 15 (protective provisions) to the Channel Tunnel Rail Link Act 1996(22) is amended as follows.

(2) In the heading to Part 6 (protection of British Waterways Board), for “British Waterways Board”, substitute “Canal & River Trust”.

(3) In Part 6(23)—

(a) in paragraph 1(2), omit the definition of “the Board”;

(b) for “the Board”, in each place occurring, substitute “Canal & River Trust”.

### **Freedom of Information Act 2000**

15.—(1) The Freedom of Information Act 2000(24) is amended as follows.

(2) In Part 6 of Schedule 1 (other public bodies and offices: general)—

(a) omit the entry relating to the British Waterways Board;

(b) at the appropriate place insert—

“Canal & River Trust, in respect of information held by it relating to functions exercisable by it by virtue of the British Waterways Board (Transfer of Functions) Order 2012.”.

### **Licensing Act 2003**

16.—(1) The Licensing Act 2003(25) is amended as follows.

(2) In section 13(4)(26) (vessels: responsible authorities), in paragraph (h)(iii), for “the British Waterways Board” substitute “Canal & River Trust”.

(3) In section 69(4)(27) (vessels: responsible authorities), in paragraph (h)(iii), for “the British Waterways Board” substitute “Canal & River Trust”.

### **Gambling Act 2005**

17.—(1) The Gambling Act 2005(28) is amended as follows.

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(20) 1992 c. 42.

(21) 1995 c. 25. There are amendments to section 48 that are not relevant to this Order.

(22) 1996 c. 61.

(23) Paragraph 11 of Part 6 was amended by S.I. 1997/2971, Schedule, paragraph 37.

(24) 2000 c. 36.

(25) 2003 c. 17.

(26) There are amendments to section 13 that are not relevant to this Order.

(27) There are amendments to section 69 that are not relevant to this Order.

(28) 2005 c. 19.

- (2) In section 211(4) (vehicles and vessels: premises licences), for paragraph (c) substitute—
- “(c) the British Waterways Board, if the place where the vessel is or is likely to be while activities are carried on in the vessel in reliance on a premises licence is in Scotland,
- (ca) Canal & River Trust, if the place where the vessel is or is likely to be while activities are carried on in the vessel in reliance on a premises licence is in England or Wales, and”.
- (3) In section 231(3) (vehicles and vessels: temporary use of premises), for paragraph (c) substitute—
- “(c) the British Waterways Board, if the place where the vessel is moored or is likely to be moored, or the place in the United Kingdom nearest to the place at which the vessel is or is likely to be, while activities are carried on in the vessel in reliance on a temporary use notice is in Scotland,
- (ca) Canal & River Trust, if the place where the vessel is moored or is likely to be moored, or the place in the United Kingdom nearest to the place at which the vessel is or is likely to be, while activities are carried on in the vessel in reliance on a temporary use notice is in England or Wales, and”.

### **Natural Environment and Rural Communities Act 2006**

**18.** In Schedule 7 to the Natural Environment and Rural Communities Act 2006(**29**) (designated bodies), in paragraph 7, for “The British Waterways Board” substitute “Canal & River Trust”.

### **Crossrail Act 2008**

- 19.**—(1) Schedule 17 to the Crossrail Act 2008(**30**) (protective provisions) is amended as follows.
- (2) In the heading to Part 5 (protection of British Waterways Board), for “British Waterways Board”, substitute “Canal & River Trust”.
- (3) In Part 5—
- (a) in paragraph 1(2), omit the definition of “the Board”,
- (b) for “the Board”, in each place occurring, substitute “Canal & River Trust”.

### **Flood and Water Management Act 2010**

**20.** In Schedule 3 to the Flood and Water Management Act 2010(**31**) (sustainable drainage), in paragraph 11(3)(d), for “British Waterways” substitute “Canal & River Trust”.

### **Crime and Security Act 2010**

**21.** In section 55(2)(**32**) (power to restrict sale and supply of alcohol) of the Crime and Security Act 2010(**33**), in the inserted section 172B(5)(i)(iii) of the Licensing Act 2003 (vessel: responsible authorities), for “the British Waterways Board” substitute “Canal & River Trust”.

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(29) 2006 c. 16.

(30) 2008 c. 18.

(31) 2010 c. 29.

(32) Section 55 comes into force on a date to be appointed, but has been prospectively repealed by section 119(4) of the Police Reform and Social Responsibility Act 2011 (c. 13), which comes into force on a date to be appointed.

(33) 2010 c. 17.

## **Police Reform and Social Responsibility Act 2011**

**22.** In section 119(3)(**34**) (early morning alcohol restriction orders) of the Police Reform and Social Responsibility Act 2011(**35**), in the substituted section 172B(4)(j)(iii) of the Licensing Act 2003 (vessel: responsible authorities), for “the British Waterways Board” substitute “Canal & River Trust”.

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**(34)** Section 119 comes into force on a date to be appointed. When in force, section 119(4) will repeal section 55 of the Crime and Security Act 2010.

**(35)** 2011 c. 13.