



# Aire and Calder Navigation Act 1992

## 1992 CHAPTER iv

### PART V

#### MISCELLANEOUS AND GENERAL

#### **41 New navigation to be commercial waterway, etc**

- (1) Subject to section 39 (As to navigation enactments) of this Act, as from a date to be agreed between the Corporation and the Board (or, failing agreement, to be determined by the Secretary of State on the application of either party, after notice in writing to the other) the new navigation shall be deemed to be part of so much of the navigation as is specified as a commercial waterway in Part I of Schedule 12 to the Transport Act 1968 and the channel for which the new navigation is substituted shall for all purposes cease to form part of the navigation and part of a commercial waterway.
- (2) The Board shall not be required to enter into any agreement for the purposes of subsection (1) above, and the Secretary of State shall not give a determination for the purposes of that subsection, until the new navigation has been completed in accordance with plans approved or deemed to have been approved by the engineer under paragraphs (4) and (5) of section 32 (For protection of British Waterways Board) of this Act.
- (3) Without prejudice to the generality of subsection (2) above, it shall be the duty of the Corporation to construct the new navigation to such a standard as will enable the Board to comply with the duties which will apply to them in relation to the navigation as from the transfer date under section 105 of the Transport Act 1968 and the Board may refuse to enter into an agreement for the purposes of subsection (1) above, and the Secretary of State shall not give a determination for the purposes of that subsection, if it appears that the condition of the new navigation is not such as to enable the Board to comply with those duties.
- (4) As soon as practicable after the date agreed or determined under subsection (1) above the Corporation shall cause notice of that date to be published in the London Gazette and in one or more newspapers circulating in the area in which the said work is situated.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (5) Nothing contained in or done under this section shall have the effect of—
- (a) vesting any works or lands in the Board; or
  - (b) imposing on the Board any duty to maintain any works, lands or property, other than the duties applicable to the Board as from the transfer date in relation to the new navigation and arising under section 105 of the Transport Act 1968.