



# Transport Act 1968

## 1968 CHAPTER 73

### PART VII

#### INLAND WATERWAYS

##### *Other inland waterway provisions*

#### **113 Byelaws in respect of waterways owned or managed by certain bodies.**

- (1) The Minister may, on the application of any qualified body which owns or manages an inland waterway and after consultation with the relevant authority, by order confer on that body power to make byelaws in relation to that waterway for such purposes as may be specified in the order.
- (2) Byelaws made by virtue of an order under this section shall not have effect until confirmed by the Minister, and before applying to the Minister for the confirmation of any byelaws the body concerned shall take such steps as may be specified in the order for securing that persons affected by the byelaws have an opportunity of making representations thereon to the Minister.
- (3) If any person contravenes, or fails to comply with, any byelaws made by virtue of an order under this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F1</sup>level 1 on the standard scale], and if the contravention or failure to comply is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £5 for each day on which it is so continued.
- (4) An order under this section may contain such supplementary provisions as the Minister thinks necessary or expedient.
- (5) In this section—

“qualified body” means any navigation authority as defined in section 135(1) of the <sup>M1</sup>Water Resources Act 1963, a body mentioned in any of the paragraphs of section 109(2) of this Act <sup>F2</sup>... and any other body having public or charitable objects;

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*Changes to legislation: Transport Act 1968, Section 113 is up to date with all changes known to be in force on or before 29 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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“relevant authority”, in relation to any order, [F<sup>3</sup> means [F<sup>4</sup> any local authority or [F<sup>5</sup> water authority] (except any such authority which is itself the applicant for the order)]] [F<sup>4</sup>, except where applying for the order, Scottish Water or any local authority]] [F<sup>3</sup> means, except in a case where it is itself the applicant for the order, the National Rivers Authority or any local authority] in whose area the waterway in question is wholly or partly situated.

- (6) Section 40 of the <sup>M2</sup>Railway and Canal Traffic Act 1888 (which makes provision as to the byelaws of canal companies) shall not apply to byelaws made by virtue of an order under this section.

#### Textual Amendments

- F1** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38, 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F, 289G** (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)
- F2** Words in s. 113(5) omitted (2.7.2012) by virtue of The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 45** (with arts. 4-6)
- F3** Words commencing “means, except” substituted (E.W.) for words commencing “means any local” by Water Act 1989 (c. 15, SIF 130), s. 190(1), **Sch. 25 para. 38(3)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F4** Words in s. 113(5) substituted (S.) (14.7.2004) by The Water Industry (Scotland) Act 2002 (Consequential Modifications) Order 2004 (S.I. 2004/1822), art. 1(1), **Sch. para. 7(4)**
- F5** Words substituted by virtue of Water Act 1973 (c. 37), **s. 9(a)**

#### Marginal Citations

- M1** 1963 c. 38.  
**M2** 1888 c. 25.

**Changes to legislation:**

Transport Act 1968, Section 113 is up to date with all changes known to be in force on or before 29 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(1)(b)(ib) omitted by [S.I. 2024/402 Sch. 2 para. 1\(b\)](#)
- s. 9(1)(b)(ia) words omitted by [S.I. 2024/402 Sch. 2 para. 1\(a\)](#)
- s. 9(1)(c)(ie) substituted by [S.I. 2024/402 Sch. 2 para. 1\(c\)](#)
- s. 97(1)(a)(i) words inserted by [S.I. 2019/453 reg. 35\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 35(2) substituted (24.10.2019) by S.I. 2019/1379, regs. 1, 8(a))
- s. 97(1)(a)(ii) words substituted by [S.I. 2019/453 reg. 35\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 35(2) substituted (24.10.2019) by S.I. 2019/1379, regs. 1, 8(a))