



Natural Environment and Rural Communities Act 2006

2006 CHAPTER 16

PART 7

INLAND WATERWAYS

73 **Inland Waterways Advisory Council**

The body established by section 110 of the Transport Act 1968 (c. 73) and known as the Inland Waterways Amenity Advisory Council is to be known instead as the Inland Waterways Advisory Council.

74 **Constitution of Council**

For section 110 of the 1968 Act substitute—

“110 The Inland Waterways Advisory Council

- (1) There is to be a body known as the Inland Waterways Advisory Council (“the Council”).
- (2) The Council is to consist of a chairman and not less than 12 other members.
- (3) The chairman is to be appointed by the Secretary of State after consulting the Scottish Ministers.
- (4) Two of the members are to be appointed by the Scottish Ministers after consulting the Secretary of State.
- (5) In making those appointments, the Scottish Ministers must have regard to the desirability of appointing persons who appear to them to have specialist knowledge of Scotland.
- (6) The other members of the Council are to be appointed by the Secretary of State.

- (7) The members must include persons who appear to the person making the appointment to have wide knowledge of, and interest in, inland waterways.”

75 **Term of office, procedure etc.**

After section 110 of the 1968 Act insert—

“110A Term of office, procedure etc.

- (1) The members of the Council—
- (a) hold and vacate office in accordance with their terms of appointment, and
 - (b) on ceasing to hold office, are eligible for reappointment;
- but a member may at any time resign his office by notice in writing to the Secretary of State or (as the case may be) the Scottish Ministers.
- (2) The Council—
- (a) may, with the approval of the Secretary of State and after consulting the Scottish Ministers, appoint such regional committees as they think fit, and
 - (b) may appoint such other committees as they think fit.
- (3) The Council may determine the procedure (including quorum) of the Council or any committee.
- (4) The Secretary of State or the Scottish Ministers may pay the members of the Council—
- (a) travelling and other expenses;
 - (b) allowances for loss of remunerative time.
- (5) The Secretary of State may pay the chairman such remuneration as the Secretary of State may determine.
- (6) If the chairman receives such remuneration he is not to be paid any allowance under subsection (4) for loss of remunerative time.
- (7) The Secretary of State and the Scottish Ministers must provide the Council with such staff, accommodation, services and other facilities as appear to the Secretary of State and the Scottish Ministers to be necessary or expedient for the proper performance of the Council’s functions.”

76 **Functions of Council: England and Wales**

After section 110A of the 1968 Act insert—

“110B Functions of Council: England and Wales

- (1) The Council—
- (a) shall provide the Secretary of State and navigation authorities with such advice as appears to the Council appropriate about matters relevant to inland waterways in England and Wales, and
 - (b) may provide any other interested person with such advice.

- (2) “Navigation authority” means any person who has a duty or power under any enactment to work, maintain, conserve, improve or control any canal or other inland navigation, navigable river, estuary, harbour or dock.
- (3) “Interested person”, in relation to any matter, means a person appearing to the Council to have a sufficient interest in the matter.”

77 Functions of Council: Scotland

After section 110B of the 1968 Act insert—

“110C Functions of Council: Scotland

- (1) The Council—
 - (a) shall provide the Scottish Ministers and the Waterways Board with such advice as appears to the Council appropriate about matters relevant to inland waterways in Scotland—
 - (i) which are owned or managed by the Waterways Board, or
 - (ii) in respect of which the Waterways Board is providing technical advice or assistance, and
 - (b) may provide any other interested person with such advice.
- (2) “Interested person”, in relation to any matter, means a person appearing to the Council to have a sufficient interest in the matter.”