

SCHEDULE 3

Article 6(1)

CONSEQUENTIAL AMENDMENTS ETC

Enactments relating to statutory undertakers and their “appropriate Ministers”

1. In section 15(1) of the Water Act 1948 after the definition of “statutory undertakers” there shall be inserted the following definition:—

“‘appropriate Minister’ means—

- (a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Secretary of State for Energy;
- (c) in relation to statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;
- (d) in relation to statutory undertakers, being statutory water undertakers, in the application of this Act to Wales, the Secretary of State for Wales; and
- (e) in relation to any other statutory undertakers, the Secretary of State for the Environment.”

2.—(1) In section 51(1) of the Opencast Coal Act 1958 after the definition of “agricultural land” there shall be inserted the following definition:—

“‘appropriate Minister’ means—

- (a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Secretary of State for Energy;
- (c) in relation to the Civil Aviation Authority or statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;
- (d) in relation to the Post Office, the Secretary of State for Industry;
- (e) in relation to any drainage authority, the Minister of Agriculture, Fisheries and Food;
- (f) in relation to statutory undertakers carrying on an undertaking for the supply of water, in the application of this Act to Wales, the Secretary of State for Wales; and
- (g) in all other cases, the Secretary of State for the Environment.”

(2) In section 52(2) of the Opencast Coal Act 1958 after the definition of “agricultural land” there shall be inserted the following definition:—

“‘appropriate Minister’ means—

- (a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of gas or hydraulic power, the Secretary of State for Energy;
- (c) in relation to the Civil Aviation Authority or statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;
- (d) in relation to the Post Office, the Secretary of State for Industry;
- (e) in relation to statutory undertakers carrying on an undertaking for the supply of electricity or water, the Secretary of State for Scotland; and

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(f) in all other cases, the Secretary of State for the Environment.”

3.—(1) In section 54(1) of the New Towns Act 1965 after the definition of “acquiring authority” there shall be inserted the following definition:—

“the appropriate Minister' means—

- (a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Secretary of State for Energy;
- (c) in relation to the British Airports Authority or the Civil Aviation Authority or statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;
- (d) in relation to the Post Office, the Secretary of State for Industry;
- (e) in relation to statutory undertakers carrying on an undertaking for the supply of water, in the application of this Act to Wales, the Secretary of State for Wales; and
- (f) in relation to any other statutory undertakers, the Secretary of State for the Environment.”

(2) In section 47(1) of the New Towns (Scotland) Act 1968 after the definition of “the Act of 1845” there shall be inserted the following definition:—

“the appropriate Minister' means—

- (a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of gas or hydraulic power, the Secretary of State for Energy;
- (c) in relation to the British Airports Authority or the Civil Aviation Authority or statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;
- (d) in relation to the Post Office, the Secretary of State for Industry;
- (e) in relation to statutory undertakers carrying on an undertaking for the supply of electricity or water, the Secretary of State for Scotland; and
- (f) in relation to any other statutory undertakers, the Secretary of State for the Environment.”

4.—(1) For section 224(1) of the Town and Country Planning Act 1971 there shall be substituted the following subsection:—

“(1) In this Act 'the appropriate Minister' means—

- (a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of electricity, gas or hydraulic power, the Secretary of State for Energy;
- (c) in relation to the British Airports Authority or the Civil Aviation Authority or statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;
- (d) in relation to the Post Office, the Secretary of State for Industry;
- (e) in relation to statutory undertakers carrying on an undertaking for the supply of water, in the application of this Act to Wales, the Secretary of State for Wales; and

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(f) in relation to any other statutory undertakers, the Secretary of State for the Environment.”

(2) For section 213(1) of the Town and Country Planning (Scotland) Act 1972 there shall be substituted the following subsection:—

“(1) In this Act ‘the appropriate Minister’ means—

- (a) in relation to statutory undertakers carrying on any railway, light railway, tramway, road transport, dock, harbour or pier undertaking, the Secretary of State for Transport;
- (b) in relation to statutory undertakers carrying on an undertaking for the supply of gas or hydraulic power, the Secretary of State for Energy;
- (c) in relation to the British Airports Authority or the Civil Aviation Authority or statutory undertakers carrying on any lighthouse undertaking, the Secretary of State for Trade;
- (d) in relation to the Post Office, the Secretary of State for Industry;
- (e) in relation to statutory undertakers carrying on an undertaking for the supply of electricity or water, the Secretary of State for Scotland; and
- (f) in relation to any other statutory undertakers, the Secretary of State for the Environment.”

(3) The said sections 224(1) and 213(1) as substituted by sub-paragraphs (1) and (2) above shall apply in relation to any enactment applying provisions of the said Acts of 1971 and 1972, and to any other enactment or instrument in so far as the meaning therein of “appropriate Minister” depends on its meaning in those Acts, as they apply in relation to those Acts.

5. In the Schedule to the Greater London Council (General Powers) Act 1976 for the second entry in the Table there shall be substituted the following entries:—

“A building owned by a person authorised by or in pursuance of any enactment to carry on any railway, road transport, dock or harbour undertaking.	The Secretary of State for Transport.
A building owned by a person authorised by or in pursuance of any enactment to carry on any canal or inland navigation undertaking.	The Secretary of State for the Environment.”

Other enactments

6. In section 86(6A) of the Transport Act 1962 for the words from “the Secretary of State for the Environment” to the end there shall be substituted the words

“the Secretary of State for Scotland acting jointly with—

- (a) in relation to the British Waterways Board, the Secretary of State for the Environment; and
- (b) in relation to any other Board, the Secretary of State for Transport ”

7.—(1) In section 82(9) of the Water Resources Act 1963 for the words “the Minister of Transport” (as originally enacted) there shall be substituted the words “the appropriate Minister” and after that subsection there shall be inserted the following subsection:—

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“(10) In this section and in Schedule 10 to this Act ‘the appropriate Minister’—

- (a) in relation to functions or property of a navigation authority, means the Secretary of State for the Environment; and
- (b) in relation to functions or property of a conservancy authority or harbour authority, means the Secretary of State for Transport.”

(2) In section 91(3)(a) of the said Act of 1963 for the words “the Minister and the Minister of Transport” (as originally enacted) there shall be substituted the words “the appropriate Minister or Ministers”.

(3) In section 106(4) of the said Act of 1963, for the words from “the Minister” to the end there shall be substituted the words “the Secretary of State for the Environment and the Minister of Agriculture, Fisheries and Food shall act jointly with the Secretary of State for Transport”.

(4) In section 108(8) of the said Act of 1963 for the words from “the Ministers, the Minister of Agriculture, Fisheries and Food” to the end there shall be substituted the words “the appropriate Minister or Ministers and the Minister of Agriculture, Fisheries and Food acting jointly”.

(5) In section 109(1) of the said Act of 1963 for the words “the Minister of Transport” (as originally enacted) there shall be substituted the words “the Secretary of State for Transport”.

(6) In section 111(2) of the said Act of 1963 for the words “the Minister of Transport” (as originally enacted) there shall be substituted the words “the Secretary of State for Transport”.

(7) In section 135(2) of the said Act of 1963 for the words “the three Ministers mentioned in section 1(2) of this Act” (as originally enacted) there shall be substituted the words “the Ministers (including the Secretary of State for Transport)” and for paragraph (c) and the word “and” immediately preceding that paragraph there shall be substituted the following paragraphs:—

- “(bb) the Secretary of State for the Environment shall be taken to be concerned with functions relating to navigation or functions of navigation authorities;
- (c) the Secretary of State for Transport shall be taken to be concerned with functions relating to functions of harbour authorities or conservancy authorities;”.

(8) In paragraph 8 of Schedule 10 to the said Act of 1963 for the words “the Minister of Transport” (as originally enacted) there shall be substituted the words “the appropriate Minister”.

8. For section 137(7) of the Transport Act 1968 there shall be substituted the following subsection:—

“(7) In this section ‘the Minister’ —

- (a) in relation to the British Waterways Board, means the Secretary of State for the Environment;
- (b) in relation to the Scottish Group, means the Secretary of State for Scotland; and
- (c) in relation to any other authority, means the Secretary of State for Transport.”

9. In Schedule 4 to the Road Traffic Act 1972, in column 5 of the entry relating to section 22 of that Act for the words “the Secretary of State for the Environment” there shall be substituted the words “the Secretary of State for Transport, the Secretary of State for Wales”.