

SCHEDULE 1

Article 11

FOR THE PROTECTION OF WEAVER NAVIGATION

1. In this Schedule —
  - “the 1968 Act” means the Transport Act 1968(1);
  - “the channel” means so much of the main navigable channel of the navigation as is situated within the Port; and
  - “the duty” means the duty imposed on BW by section 105(1)(a) of the 1968 Act to maintain the channel in a suitable condition for use by commercial freight-carrying vessels.
2. Notwithstanding any other provision of this Order, but subject to the following provisions of the Schedule, on and from the operative date —
  - (a) the channel shall remain a commercial waterway for the purposes of the 1968 Act; and
  - (b) BW shall continue to be subject to the duty.
3. BW and the Company may enter into and carry into effect arrangements whereby the Company maintain and manage the channel to such a standard as is sufficient to ensure compliance with the duty.
4. BW shall not be required to maintain and manage the channel or do any other things in fulfilment of the duty for so long as the duty is being fulfilled by the Company in accordance with arrangements made under paragraph 3.
5. Nothing in this Schedule shall affect the powers of the Secretary of State to alter the duty by order made under section 105(3) of the 1968 Act, and following the making of any such order the foregoing provisions of this Schedule shall apply to the duty as so altered.

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(1) 1968 c.73.