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STATUTORY INSTRUMENTS

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**2012 No. 1659**

**The British Waterways Board  
(Transfer of Functions) Order 2012**

**Transfer of statutory functions**

- 2.—(1) On the transfer date, the functions exercisable by the British Waterways Board—
- (a) under or by virtue of the enactments listed in Schedule 1 (enactments conferring functions transferred by article 2), and
  - (b) under or by virtue of any local Act<sup>(1)</sup>,
- are transferred, so far as exercisable in relation to England and Wales, to Canal & River Trust<sup>(2)</sup>.
- (2) Schedule 2 (which makes consequential provision to the 1962 Act and the 1968 Act) has effect.
- (3) Schedule 3 (which makes consequential provision to public general Acts, Acts of the Scottish Parliament and subordinate legislation) has effect.
- (4) Paragraphs (5) and (6) apply so far as is necessary for the purposes of, or in consequence of, paragraph (1).
- (5) Any reference in an enactment which, by virtue of section 32 of, or Schedule 2 or 6 to, the 1962 Act<sup>(3)</sup>, is to be read as a reference to the British Waterways Board is to be read in relation to England and Wales as a reference to Canal & River Trust.
- (6) Subject to paragraph (5), any reference to (and any reference which is to be read as a reference to) the British Waterways Board—
- (a) in any subordinate legislation made under or by virtue of any Act listed in Schedule 1 (other than subordinate legislation made under or by virtue of any section of the 1962 Act or the 1968 Act listed as an exception in that Schedule), or
  - (b) in any local Act or any subordinate legislation made under or by virtue of any such Act,
- is to be read in relation to England and Wales as a reference to Canal & River Trust.

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(1) Local Acts with particular relevance to the British Waterways Board include the British Waterways Acts 1963 to 1995 (1963 c. xii, 1965 c. xxiii, 1966 c. xiii, 1971 c. xviii, 1974 c. xxiii, 1975 c. xxiii, 1983 c. ii, 1987 c. xxviii, 1988 c. xxv and 1995 c. i). A number of local Acts contain provision for the protection of the British Waterways Board.

(2) Canal & River Trust is a company limited by guarantee formed and registered under the Companies Act 2006 (c. 46), company number 07807276.

(3) References to the British Transport Commission in certain enactments specified in Part 1 and 3 of Schedule 2 to the Transport Act 1962 were substituted by references to the British Waterways Board. Those substituted references include references to any wholly-owned subsidiary of that Board by virtue of paragraph 7(1) of Schedule 16 to the Transport Act 1968. Paragraph 2 of Schedule 6 of the Transport Act 1962 makes additional provision for statutory provisions referring to the British Transport Commission to be read as references to the Board.