

SCHEDULE 2

Amendments to Transport Act 1962 and Transport Act 1968

Transport Act 1968

- 53.**—(1) Schedule 13(1) (orders relating to inland waterways) is amended as follows.
- (2) In paragraph 1, for sub-paragraph (2) substitute—
- “(2) Before making an order under section 104(3), 105(3A) or 112 the Scottish Ministers shall comply with the requirements of this Schedule applicable to that order and may then make the order as originally proposed or with such modifications as they think fit and in the case of such an order any reference in this Schedule (however expressed) to the Minister is to be construed as a reference to the Scottish Ministers.”.
- (3) In paragraph 2—
- (a) in sub-paragraph (1) after “shall consult” insert “with Canal & River Trust, where the waterway in respect of which the order is to be made is in England or Wales, and”;
- (b) for sub-paragraph (2) substitute—
- “(2) In the case of a proposed order under section 104(3) adding to or reducing the waterways in England or Wales in Part 2 of that Schedule, the Minister shall consult with Canal & River Trust.”.
- (4) After paragraph 3 insert—
- “**3A.** In the case of a proposed order under section 105(3A) in respect of a commercial waterway or any part of such a waterway the Scottish Ministers shall consult with any organisation appearing to them to represent persons operating commercial freight-carrying vessels on that waterway or part.”.
- (5) In paragraph 5—
- (a) in sub-paragraph (1), after “105(3)” insert “or (3A)”;
- (b) in sub-paragraph (2)(a)—
- (i) after “105(3)” insert “or (3A)”,
- (ii) after “(and is not withdrawn) by” insert “Canal & River Trust, where the waterway in respect of which the order is to be made is in England or Wales,”;
- (c) in sub-paragraph (3), after “105(3)” insert “or (3A)”.

(1) Schedule 13 was amended by the Water Act 1989, Schedule 25, paragraph 38; the Natural Environment and Rural Communities Act 2006, Schedule 11, Part 2 and [S.I. 1996/593](#), [2000/3251](#), [2004/1822](#) and [2012/1658](#). It was modified by [S.I. 1993/1119](#).