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**Changes to legislation:** Transport Act 1968, Paragraph 5 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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## SCHEDULES

### SCHEDULE 13

#### ORDER RELATING TO INLAND WATERWAYS

##### *Publication of proposed orders and consideration of objections*

- 5 (1) In the case of a proposed order under section 104(3), 105(3) [<sup>F1</sup>or (3A)] or 112 in respect of any waterway the Minister shall—
- (a) publish in the London Gazette (or, if the waterway is situated in Scotland, the Edinburgh Gazette), in a national newspaper and in one or more local newspapers circulating in the area in which the waterway is situated; and
  - (b) cause to be displayed in one or more places adjacent to the waterway, a notice containing a statement—
    - (i) of the general effect of the proposed order; and
    - (ii) that objections to the order can be made to him within such time (not being less than twenty-eight days) and in such manner as is specified in the notice; and shall consider any such objection which is duly made and not withdrawn, and, if he has caused an inquiry to be held in connection with the proposed order, the report of the person holding it.
- (2) The holding of an inquiry shall be obligatory—
- (a) in connection with—
    - (i) a proposed order under section 104(3) removing a waterway from Part I of Schedule 12 to this Act, or removing a waterway from Part II of that Schedule without adding it to Part I thereof;
    - (ii) a proposed order under section 105(3) [<sup>F2</sup>or (3A)];
    - (ii) a proposed order under section 112, if an objection is duly made to the proposed order (and is not withdrawn) [<sup>F3</sup>Canal & River Trust, where the waterway in respect of which the order is to be made is in England or Wales,] by a local [<sup>F4</sup>authority or [<sup>F5</sup>Scottish Water] ;][<sup>F4</sup>authority or the National Rivers Authority]
  - (b) in connection with any such proposed order as aforesaid relating to a waterway which appears to the Minister to have been used to a significant extent for the purpose of navigation at the time when notice of the proposed order was published, if an objection is duly made to the proposed order (and is not withdrawn) by any organisation appearing to him to represent a substantial number of persons using it as aforesaid at that time.
- (3) In this paragraph “waterway” means, in relation to an order under section 104(3) or 105(3) [<sup>F6</sup>or (3A)], the waterway or part thereof in respect of which the order is to be made and, in relation to an order under section 112, the canal or part thereof (within the meaning of that section) in respect of which the order is to be made.

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### Textual Amendments

- F1** Words in Sch. 13 para. 5(1) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(5)(a)** (with arts. 4-6)
- F2** Words in Sch. 13 para. 5(2)(a) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(5)(b)(i)** (with arts. 4-6)
- F3** Words in Sch. 13 para. 5(2)(a) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(5)(b)(ii)** (with arts. 4-6)
- F4** “authority or the National Rivers Authority” substituted (E.W.) for “authority or water authority” by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(1), **Sch. 25 para. 38(4)** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 57(6), 58)
- F5** Words in Sch. 13 para. 5(2)(a) substituted (S.) (14.7.2004) by [The Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), art. 1(1), **Sch. para. 7(5)**
- F6** Words in Sch. 13 para. 5(3) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 53(5)(c)** (with arts. 4-6)

### Modifications etc. (not altering text)

- C1** Sch. 13 para. 5(1) modified (1.6.1993) by [S.I. 1993/1119](#), reg. 4(1)(a), **Sch. 1 para. 3(7)**
- C2** Sch. 13 para. 5(2)(b) modified (1.6.1993) by [S.I. 1993/1119](#), reg. 4(1)(a), **Sch. 1 para. 3(8)**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(1)(b)(ib) omitted by [S.I. 2024/402 Sch. 2 para. 1\(b\)](#)
- s. 9(1)(b)(ia) words omitted by [S.I. 2024/402 Sch. 2 para. 1\(a\)](#)
- s. 9(1)(c)(ie) substituted by [S.I. 2024/402 Sch. 2 para. 1\(c\)](#)
- s. 97(1)(a)(i) words inserted by [S.I. 2019/453 reg. 35\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 35(2) substituted (24.10.2019) by S.I. 2019/1379, regs. 1, 8(a))
- s. 97(1)(a)(ii) words substituted by [S.I. 2019/453 reg. 35\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 35(2) substituted (24.10.2019) by S.I. 2019/1379, regs. 1, 8(a))