

## SCHEDULE 2

### Amendments to Transport Act 1962 and Transport Act 1968

#### **Transport Act 1968**

**44.**—(1) Section 112(1) (power to extinguish statutory rights and obligations in respect of canals not comprised in undertaking of Board) is amended as follows.

(2) In the heading, after “Board” insert “or Canal & River Trust”.

(3) In subsection (1)—

(a) after “Waterways Board” insert “or Canal & River Trust”;

(b) after “the Minister” insert “, or, in the case of a canal in Scotland, the Scottish Ministers,”.

(4) In subsection (3)—

(a) in paragraph (a), for “the Minister” substitute “the authority making the order”;

(b) in paragraph (d), for “the Minister” substitute “the authority making the order”.

(5) In subsection (5)—

(a) after “order shall” insert “, in the case of an order made by the Minister,”;

(b) after “Parliament” insert “, and in the case of an order made by the Scottish Ministers, is subject to the negative procedure”.

(6) Omit subsection (6A).

---

(1) Section 112 was amended by the Water Act 1989, Schedule 25, paragraph 38; the Planning (Consequential Provisions) Act 1990, Schedule 2; the Planning (Consequential Provisions) (Scotland) Act 1997, Schedule 2, paragraph 17(2); the Public Health etc (Scotland) Act 2008 ([asp 5](#)), schedule 3, Part 1, and [S.I. 1996/593](#), [2000/3251](#) and [2004/1822](#).