

SCHEDULE 2

Amendments to Transport Act 1962 and Transport Act 1968

Transport Act 1968

46.—(1) Section 116(1) (transfer of responsibility for maintenance etc) is amended as follows.

(2) In the heading, for “Boards” substitute “certain”.

(3) After subsection (11), insert—

“(12) Subsection (13) applies if Canal & River Trust is, or but for this section would be, responsible for maintaining—

- (a) a highway carried by a new bridge over an inland waterway comprised in its undertaking or over any other installation or land used by Canal & River Trust in connection with such an inland waterway, or
- (b) that highway together with an access highway.

(13) Where—

- (a) the highway at each end of the bridge; or
- (b) if Canal & River Trust is also responsible for maintaining any access highway, the highway at each end of the bridge and any access highway,

is a highway maintainable at the public expense, the highway carried by the bridge, together with any access highway, shall be a highway maintainable at the public expense.

(14) In this section—

- (a) “access highway”, in relation to a bridge, means a highway giving access to the bridge; and
- (b) “new bridge” means a bridge constructed after the coming into force of the British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659).

(15) Subsections (6) and (7) of this section shall have effect in relation to Canal & River Trust and any such bridge of Canal & River Trust as is mentioned in subsection (12) above as they have effect in relation to a Board.”.

(1) Section 116 was amended by the Local Government Act 1972 (c. 70), Schedule 30 and S.I. 1996/420 and 2003/1615.