

## 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).

#### Commencement Information

- I1** Sch. 2 para. 44 in force at 2.7.2012, see [art. 1\(2\)](#)
- I2** Sch. 2 para. 30 in force at 2.7.2012, see [art. 1\(2\)](#)

(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](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The British Waterways Board (Transfer of Functions) Order 2012, Paragraph 44.