

SCHEDULE 2

BRITISH WATERWAYS BOARD

PART II

MODIFICATIONS

Modification of the 1968 Act

- 3.—(1) The 1968 Act is modified as follows.
- (2) After section 43(2) there is inserted—
 - “(2A) The Scottish Ministers may from time to time make grants to the Board.”
- (3) In section 43(5) there is inserted at the beginning of that subsection “Subject to subsection (6) below,”.
- (4) After section 43(5) there is inserted—
 - “(6) Where an excess under subsection (5) of this section arises in relation to the activities of the Board in Scotland, the Scottish Ministers may require that excess, so far as it appears to them, after consultation with the Board, to be surplus to the requirements of the Board, to be paid over to the Scottish Ministers.”
- (5) In section 46(2)(a) after “the Minister” there is inserted “or, in the case of the Waterways Board, in respect of their functions in Scotland, the Scottish Ministers”.
- (6) After section 48(1) there is inserted—
 - “(1A) In the application of this section to the Waterways Board in connection with any activity in Scotland, any reference to the Minister shall be construed as a reference to the Scottish Ministers and, in subsection (6) the words “and with the approval of the Treasury” shall be omitted.”
- (7) After section 49(4) there is inserted—
 - “(4A) In the application of this section to the development of their land in Scotland by the Waterways Board, any reference to the Minister shall be construed as a reference to the Scottish Ministers.”
- (8) In section 50(1) after “the Minister” there is inserted “or, in the case of the Waterways Board, in connection with the exercise of their functions in Scotland, the Scottish Ministers”.
- (9) In section 50(5) after “the Minister” there is inserted “or, in the case of the Waterways Board, in connection with the exercise of their functions in Scotland, the Scottish Ministers”.
- (10) In section 50(9) after “the Minister” there is inserted “or, in the case of the Waterways Board, in connection with the exercise of their functions in Scotland, the Scottish Ministers”.
- (11) In section 51(6)(a) after “the Minister” there is inserted “or, as the case may be, the Scottish Ministers”.
- (12) In section 51(6)(b) after “has” there is inserted “or, as the case may be, the Scottish Ministers have”.
- (13) In section 51(6)(c) after “the Minister” there is inserted “or, as the case may be, the Scottish Ministers”.
- (14) In section 51(6)(d) after “the Minister” there is inserted “or, as the case may be, the Scottish Ministers”.
- (15) In section 51(6) after paragraph (d)–

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) after “the Minister” there is inserted “or, as the case may be, the Scottish Ministers”; and
 - (b) after “to him” there is inserted “or, as the case may be, to them”.
- (16) After section 57 there is inserted–

“Grants for research or development in connection with transport services by inland waterways in Scotland

57A. Without prejudice to the Minister’s power to make grants for research or development in connection with transport services by inland waterways in Scotland under section 57, the Scottish Ministers may make grants upon such terms and conditions as they think fit to any person towards expenditure incurred or to be incurred by that person–

- (a) in carrying out research in connection with the provision or improvement of transport services by inland waterway in Scotland; or
- (b) in developing for the purposes of the provision or improvement of such services or facilities the results of any research carried out by, or any invention or idea of, that or any other person.”.

(17) In section 104(2) after “the Minister” there is inserted “or, in the case of a waterway in Scotland, the Scottish Ministers”.

(18) In section 104(3) after “The Minister” there is inserted “or, in the case of a waterway in Scotland, the Scottish Ministers”.

(19) In section 104(4)–

- (a) after “annulment” there is inserted “in the case of an order made by the Minister,”; and
- (b) at the end there is inserted “in the case of an order made by the Scottish Ministers, in pursuance of a resolution of the Scottish Parliament.”.

(20) After section 105(3) there is inserted–

“(3A) In the case of a waterway or any part of a waterway in Scotland, the power of the Minister under subsection (3) above shall be exercisable, instead, by the Scottish Ministers; and where the Scottish Ministers exercise that power, the reference in subsection (4) below to either House of Parliament shall be construed as a reference to the Scottish Parliament.”.

(21) In section 106(2) after “the Minister” there is inserted “or, in relation to any waterway or any part of a waterway in Scotland, the Scottish Ministers”.

(22) In section 106(3)–

- (a) after “the Minister” there is inserted “or, in relation to any waterway or part of a waterway in Scotland, the Scottish Ministers”; and
- (b) after “he is” there is inserted “or, as the case may be, they are”.

(23) In section 106(4) after “the Minister” there is inserted “or, as the case may be, the Scottish Ministers”.

(24) In section 106(5)–

- (a) after “the Minister notifies” (in each case where those words appear) there is inserted “or, as the case may be, the Scottish Ministers notify”;
- (b) after “he is” there is inserted “or, as the case may be, they are”.

(25) In section 106(6) for the words from “if the waterway” to “in Scotland” there is substituted “the Scottish Ministers shall give such notice in.”.

(26) After section 106(7) there is inserted–

“(8) References in this section to an order made under section 105(3) of this Act include references to such an order made by the Scottish Ministers by virtue of section 105(3A) of this Act.”.

(27) In section 109(2)–

- (a) after “the Minister” there is inserted “or, where the particular agreement or transfer relates to a waterway or part of a waterway in Scotland, the Scottish Ministers”; and
- (b) after “him” there is inserted “or, as the case may be, them”.

(28) After section 112(6) there is inserted–

“(6A) In the case of an order made under this section in respect of any canal in Scotland which is not comprised in the undertaking of the Waterways Board, any reference in this section (however expressed) to the Minister is to be construed as a reference to the Scottish Ministers.”

(29) In section 117(8)–

- (a) after “the Minister,” there is inserted “,as respects bridges in Scotland, the Scottish Ministers”; and
- (b) “Scotland or” is omitted.

(30) In Schedule 13, the existing words of paragraph 1 shall be sub-paragraph (1) of that paragraph and there is inserted after sub-paragraph (1)–

“(2) In the case of an order made under a provision of this Act mentioned in sub-paragraph (1), any reference in this Schedule (however expressed) to the Minister is to be construed as a reference to the Scottish Ministers.”.