

---

STATUTORY INSTRUMENTS

---

**2012 No. 1266**

**The Bridgewater Canal (Transfer of Undertaking) Order 2012**

**Byelaws, etc.**

4.—(1) On and after the transfer date any byelaw, regulation, licence or consent made, issued or granted by MSCC in relation wholly or partly to the Bridgewater Canal and in force immediately before that date, regardless of the making of this Order, continues to be in force and have effect so far as it relates to the Bridgewater Canal as if made, issued or granted by the Company

(2) In addition to its powers to make byelaws under the Manchester Ship Canal Acts and Orders 1885 to 2009 or any other enactment, the Company may make byelaws in relation to the good management of the Bridgewater Canal and the navigation and use of the Bridgewater Canal.

(3) In particular, byelaws under paragraph (2) may be made for all or any of the following purposes—

- (a) for regulating or prohibiting races, regattas or any other similar event;
- (b) for preventing obstructions to the navigation or use of the Bridgewater Canal;
- (c) for prescribing navigational rules, including rules regulating the speed of vessels on the Bridgewater Canal and rules prohibiting the navigation or use of the Bridgewater Canal by, or the keeping on the Bridgewater Canal of, vessels which exceed dimensions (in terms of length, width, height, draught or other criteria) specified in the byelaws;
- (d) for prescribing precautions for the prevention of fire and precautions to be taken in cases of fire or accident occurring in or to any vessel;
- (e) for preventing or controlling pollution by prohibiting or regulating the discharge from vessels into the Bridgewater Canal of any poisonous, noxious or polluting material or substance, or by requiring the use of effectual silencers and the control of noise generally on vessels on the Bridgewater Canal;
- (f) for regulating the launching of vessels within the Bridgewater Canal, the placing, laying down, maintenance, use and removal of existing and future moorings, and the use of pontoons, slipways and landing places;
- (g) for regulating the passage of vessels over or through any structure, works or apparatus in the Bridgewater Canal, either generally or in circumstances prescribed by the byelaws, and for regulating the use of any other works or facilities provided by the Company on the Bridgewater Canal;
- (h) for prescribing, for purposes of safety, conditions with respect to their construction, equipment and maintenance (including maintenance of equipment) which must be satisfied by vessels navigating, using or kept on the Bridgewater Canal; and
- (i) for requiring the registration of, or of any class of, vessels, for the renewal of registration, for the revocation of registration in specified circumstances, and for prohibiting vessels which are required to be but which are not registered with the Company from being navigated and used on, or kept on, the Bridgewater Canal.

(4) Byelaws made for the purpose of paragraph (3)(b) do not apply in relation to any property of a statutory undertaker or adversely affect or obstruct access to any such property.

(5) Byelaws made for the purpose of paragraph (3)(h) may authorise the Company to specify from time to time the conditions which vessels navigating or using the Bridgewater Canal must satisfy for the purposes of the byelaws.

(6) Byelaws made for the purpose of paragraph 3(i) may authorise the Company—

- (a) to attach conditions to the registration of vessels;
- (b) to grant exemptions (with or without conditions) from the requirements of registration, including exemptions to those vessels used by members of such clubs, bodies or associations as the Company may from time to time determine; and
- (c) to require notice of the sale or transfer of any vessel so registered to be given to the Company.

(7) Byelaws made under this article may relate to the whole of the Bridgewater Canal, or to any part of the Bridgewater Canal, may make different provisions for different parts of the Bridgewater Canal, may relate to different classes of vessel navigating or using the Bridgewater Canal, and may otherwise make different provision for different circumstances.

(8) Byelaws made under this Order may provide for it to be an offence for a person to contravene or to fail to comply with a provision of the byelaws and for such a person to be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(9) Subsections (3) to (8) and (11) of section 236 and section 238 of the Local Government Act 1972<sup>(1)</sup> (which relate to the procedure for making, and evidence of, byelaws) apply to any byelaws made by the Company by virtue of this article as if the Company were a local authority and the secretary of the Company were a proper officer of a local authority; but, subject to paragraph (10), the Secretary of State may confirm the byelaws with such modifications as the Secretary of State thinks fit.

(10) Where the Secretary of State proposes to make a modification which appears to the Secretary of State to be substantial, the Secretary of State must inform the Company and require it to take such steps as the Secretary of State may specify for informing persons likely to be concerned with the modification, and may not confirm the byelaws until a period of 3 months following the taking of those steps has elapsed.

---

(1) 1972 c. 70.

**Changes to legislation:**

There are currently no known outstanding effects for the The Bridgewater Canal (Transfer of Undertaking) Order 2012, Section 4.