STATUTORY INSTRUMENTS

1973 No. 1488

CANALS AND INLAND WATERWAYS

The Bridgewater Canal (Waterloo Bridge) (Local Enactments) Order 1973

Made - - -	*20th August* 1973
Laid before Parliament	*31st August* 1973
Coming into Operation	*24th September* 1973

The Secretary of State for the Environment, on the application of the Cheshire County Council and after complying with the relevant requirements of Schedule 13 to the Transport Act 1968(a), hereby makes the following Order in exercise of powers conferred by section 112 of that Act and now vested in him(b) and of all other enabling powers:—

1.—(1) This Order may be cited as the Bridgewater Canal (Waterloo Bridge) (Local Enactments) Order 1973 and shall come into operation on 24th September 1973.

(2) In this Order the expression "the scheduled waterway" means the parts of the Bridgewater Canal described in the Schedule to this Order.

(3) The Interpretation Act 1889(c) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2.—(1) The local enactments specified in paragraph (2) of this Article, in so far as they confer any public or private rights of navigation over the scheduled waterway or impose any duty to maintain that waterway for the purposes of navigation (including any duty to supply, or maintain a supply of, water for that purpose) shall cease to have effect with respect to the scheduled waterway.

(2) The local enactments referred to in paragraph (1) of this Article are:—

(*a*) An Act of 1765 entitled "An Act for maintaining a navigable cut, or Canal, from the River Trent, at or near Wilden Ferry in the County of Derby to the River Mersey at or near Runcorn Gap"(d),

(*b*) An Act of 1885 entitled "An Act to authorise the construction of a Ship Canal to Manchester and for other purposes"(e).

3. Compensation for loss suffered by reason of the extinguishment of any private right by virtue of this Order shall be payable by the Cheshire County Council.

4. The scheduled waterway shall be deemed to be:—

(*a*) a watercourse for the purposes of section 259 of the Public Health Act 1936(f), and

(*b*) a vacant site for the purposes of section 65 of the Town and Country Planning Act 1971(g),

(a) 1968 c. 73.
(b) S.I. 1970/1681 (1970 III, p. 5551).
(c) 1889 c. 63.
(d) 1765 c. xcvi.
(e) 1885 c. clxxxviii.
(f) 1936 c. 49.
(g) 1971 c. 78.

and the provisions of Part III of the said Act of 1936, as they apply by virtue of this Order may be enforced by a county council as well as by a local authority as defined in that Act, and any local authority within the meaning of the said Act of 1971 (and not only the local planning authority) shall be entitled to enforce the provisions of the said section 65 as it applies by virtue of this Order.

Signed by authority of the Secretary of State

20th August 1973.

R. Graham Page,
Minister for Local Government and Development,
Department of the Environment.

THE SCHEDULE

The parts of the Bridgewater Canal to which this Order applies are the three lengths of the Bridgewater Canal at Runcorn in the county of Cheshire described hereunder:

1. The southernmost length of the Canal commencing at the western side of Waterloo Bridge and extending for a distance of 40 yards in a westerly direction;
2. The basin lying to the west of Waterloo Bridge and extending from the western side of the said bridge for a distance of 26 yards in a westerly direction;
3. The northernmost length of the canal commencing at the western side of Waterloo Bridge and extending for a distance of 5 yards in a westerly direction.

EXPLANATORY NOTE

(This Note is not part of the Order.)

The effect of this Order will be to extinguish navigation rights and maintenance obligations on the lengths of canal concerned.

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