STATUTORY INSTRUMENTS

1986 No. 870

CANALS AND INLAND WATERWAYS

The Droitwich Canals Trust (Conferment of Powers to make Byelaws) Order 1986

Made - - - -	15*th May* 1986
Coming into Operation	30*th May* 1986

The Secretary of State for the Environment, on the application of the Droitwich Canals Trust Limited, and after consultation with the authorities specified in Schedule 1 to this order, being the authorities in whose area the inland waterway to which this order applies is wholly or partly situated; in exercise of the powers conferred by section 113 of the Transport Act 1968 (**a**) and now vested in him (**b**) and of all other powers enabling him in that behalf, orders as follows:—

Citation and commencement

1. This order may be cited as the Droitwich Canals Trust (Conferment of Powers to make Byelaws) Order 1986 and shall come into operation on 30th May 1986.

Interpretation

2. In this order—

"the inland waterway" means the Droitwich Canal, from its junction with the River Severn Navigation at Hawford in the county of Hereford and Worcester to its junction with the River Salwarpe in the same county;

"the Trust" means the Droitwich Canals Trust Limited;

"vessel" includes every description of watercraft used or capable of being used as a means of transportation on water.

Conferment of power to make byelaws

3.—(1) The Trust are empowered to make byelaws in relation to the inland waterway for any of the purposes specified in Schedule 2 to this order and any such byelaw shall be made by instrument under the Common Seal of the Trust.

(2) A byelaw made by the Trust in exercise of the power conferred upon them by paragraph (1) above may revoke or vary a byelaw previously made by them in the exercise of that power.

Procedure before confirmation of byelaws

4.—(1) At least 28 days before application is made to the Secretary of State by the Trust for confirmation of any byelaw, the Trust shall give notice

(**a**) 1968 c.73. (**b**) S.I. 1970/1681.

of their intention to apply for confirmation in the London Gazette and in one or more local newspapers circulating in the area through which the inland waterway runs.

(2) The notice referred to in paragraph (1) above shall state where, and the period during which, a copy of the byelaw is available for inspection (which shall be a period of not less than 28 days from the first publication of the notice in a local paper) and that during that period, representations may be made in accordance with paragraph (3) below.

(3) Any person who may be affected by the confirmation of a byelaw made by the Trust may, within the time specified for that purpose in the notice published in accordance with paragraph (1) above, make representations in writing to the Secretary of State stating the grounds of objection to the byelaw.

Confirmation of byelaws by the Secretary of State

5.—(1) The Secretary of State may confirm, with or without modification, or may refuse to confirm, any byelaw submitted for confirmation but if he proposes to make a modification which appears to him to affect the substance of the byelaw, he shall first inform the Trust, persons who have made representations in relation to the byelaw and any other persons appearing to him likely to be affected by the modification, of the proposed modification and give them an opportunity to make representations to him.

(2) A byelaw confirmed by the Secretary of State shall come into operation on such date as he may fix when confirming the byelaw or, if no date is fixed, at the expiration of 28 days after the date of confirmation.

Procedure after confirmation of byelaws

6.—(1) As soon as may be after confirmation, the Trust shall publish, in the same manner as the notice of intention to apply for confirmation was published, a notice of confirmation of the byelaw which shall state where and when a printed copy of the byelaw is available for inspection.

(2) The Trust shall keep a printed copy of the confirmed byelaw at the place specified in the notice of confirmation which shall be available for inspection during normal office hours, so long as the byelaw remains in force.

(3) The Trust shall also display copies of the byelaw on notice boards placed at appropriate intervals along the inland waterway and at or near any locks, so long as it remains in force.

SCHEDULE 1

AUTHORITIES CONSULTED

Hereford and Worcester County Council
Wychavon District Council
Droitwich Town Council
Severn-Trent Water Authority

SCHEDULE 2

PURPOSES FOR WHICH BYELAWS MAY BE MADE

(1) For regulating the use of the inland waterway and the conduct of persons (including the officers and servants of the Trust) on the inland waterway.

(2) For requiring the registration with the Trust of all vessels using the inland waterway.

(3) For making requirements as to the condition of vessels using the inland waterway and as to how they should be equipped.

(4) For regulating the manner in which vessels may be navigated and used on the inland waterway.

(5) For regulating the marking of vessels using the water.

(6) For regulating the loading, discharging and mooring of vessels in the inland waterway.

(7) For preventing damage or injury to any persons, vessels or plant or equipment on the waterway and the removal, alteration, damage to or destruction of any work or structure set up by the Trust or with their consent in connection with the inland waterway.

(8) For regulating operation of the locks, sluices, weirs and moveable bridges on the inland waterway.

(9) For preventing obstructions to navigation on the inland waterway.

(10) For regulating the speed at which vessels may navigate the inland waterway.

(11) For preventing or regulating fishing or bathing in the inland waterway.

(12) For regulating the use, and the conduct of persons on the towing path so as to avoid interference with vessels on the inland waterway.

Signed by authority of
the Secretary of State.
15th May 1986.

J. Hobson,
An Under Secretary in the
Department of the Environment.

EXPLANATORY NOTE

(*This note is not part of the order.*)

This order will enable the Droitwich Canals Trust to make byelaws for the proper control and use of the Droitwich Canal. Byelaws made under this order will be subject to confirmation by the Secretary of State for the Environment.

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