STATUTORY INSTRUMENTS

1973 No. 96

CANALS AND INLAND WATERWAYS

The Neath Canal (Lamb and Flag Bridge to Yscwrfa Bridge) (Local Enactments) Order 1973

Made - - -	*23rd January* 1973
Laid before Parliament	*2nd February* 1973
Coming into Operation	*23rd February* 1973

The Secretary of State for the Environment, on the application of the Glamorgan County Council and after complying with the relevant requirements of Schedule 13 of 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 Neath Canal (Lamb and Flag Bridge to Yscwrfa Bridge) (Local Enactments) Order 1973 and shall come into operation on 23rd February 1973.

(2) In this Order the expression "the scheduled waterway" means the part of the Neath 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 1791(**d**) entitled "An Act for making and maintaining a Canal or Navigable Communication from or near a certain place called Abernant, in the County of Glamorgan, to and through a certain place called the Brickfield near Melincrythan Pill, into the River Neath, near the Town of Neath, in the said County", and

(*b*) an Act of 1798(**e**) entitled "An Act for extending the Neath Canal Navigation, and for amending an Act, passed in the Thirty-first year of the Reign of His present Majesty, for making the said Canal".

(a) 1968 c. 73.
(b) S.I. 1970/1681 (1970 III, p. 5551).
(c) 1889 c. 63.
(d) 1791 c. lxxxv.
(e) 1798 c. xxx.

3. Compensation for loss suffered by reason of the extinguishment of any private right by virtue of this Order shall be payable by the Secretary of State for Wales.

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

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

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

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

23rd January 1973.

John Peyton,
Minister for Transport Industries,
Department of the Environment.

THE SCHEDULE

The part of the Neath Canal to which this Order applies is the length at Blaengwrach which extends from the south-eastern parapet of the bridge carrying the existing Neath-Abergavenny Trunk Road A465 over the canal near the Lamb and Flag Public House westwards to the northern parapet of Yscwrfa Bridge, a length of approximately 1570 yards, in the rural district of Neath in the county of Glamorgan.

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 length of canal concerned.

(**a**) 1936 c. 49. (**b**) 1971 c. 78.

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