

The British Waterways Board Transfer Scheme 2012 - Modification Agreement 2013

Pursuant to article 10(1)(a) and (2) of the British Waterways Board Transfer Scheme 2012, the Secretary of State for Environment, Food and Rural Affairs and Canal and River Trust agree to the following modifications to that Scheme:

Modification of Scheme

1.—(1) The British Waterways Board Transfer Scheme 2012 (“the 2012 Scheme”) is modified in accordance with the following provisions.

(2) The modifications made by this modification agreement have effect from the date upon which the 2012 Scheme came into effect.

Article 3

2.—(1) Article 3 is renumbered as article 3(1).

(2) After article 3(1), insert—

“(2) The real property transferred pursuant to paragraph (1) will as a result of the transfer be held by or in trust for Canal & River Trust, a non-exempt charity, and the restrictions on disposition imposed by sections 117 to 121 of the Charities Act 2011 will apply to that real property (subject to section 117(3) of that Act).”.

Article 6

3. After article 6(3), insert—

“(4) The property transferred pursuant to paragraph (1) will as a result of the transfer be held by or in trust for Canal & River Trust as trustee of the Waterways Infrastructure Trust a non-exempt charity and the restrictions on disposition imposed by sections 117 to 121 of the Charities Act 2011 will apply to that property (subject to section 117(3) of that Act).”.

Schedule 3

4. Replace Schedule 3 with the Schedule to this modification agreement.

Date

Dan Rogerson MP
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

Date

Nigel Ian Johnson
Corporate Services Director and Company Secretary
on behalf of Canal & River Trust

SCHEDULE

“SCHEDULE 3

Property to be held on charitable trust

1. All land and infrastructure which is necessary to—
 - (a) inland navigation on a waterway; or
 - (b) public access to, and use of, a towpath.
2. Paragraph 1 includes, in particular—
 - (a) the navigation channel of a waterway extending to the rear of the towpath waterway wall and the offside water’s edge.
 - (b) towpath (including any bridge over which it passes) extending to either—
 - (i) the rear of the boundary hedge or other boundary structure; or
 - (ii) in the absence of a defined boundary, to a width of three metres measured from the edge of the navigation channel;
 - (c) locks including side ponds, by-weirs, spillways and adjoining land required to ensure safe operation of the waterway;
 - (d) reservoir feeders;
 - (e) reservoirs to the maximum high water mark, head banks, dams and spillways;
 - (f) other structures, equipment or features necessary to the operation of the waterway and the supply of water thereto including, in particular—
 - (i) weirs,
 - (ii) sluices,
 - (iii) culverts,
 - (iv) drainage channels,
 - (v) winding holes,
 - (vi) pumping stations,
 - (vii) boat lifts; and
 - (viii) land or structures supporting any such structures, equipment or features.
 - (g) access roads and paths including rights of access and similar easements;
 - (h) land and structures necessary for the support or protection of the navigation channel, feeder channel or towpath including in particular—
 - (i) embankments,
 - (ii) cuttings,
 - (iii) retaining walls,
 - (iv) tunnels, and
 - (v) aqueducts.
3. Land or infrastructure is not excluded from paragraph 1 by reason of it being derelict or disused, if there is a realistic prospect of its restoration in the long term.”