



# Transport Act (Northern Ireland) 1967

## 1967 CHAPTER 37

### PART V

#### THE NORTHERN IRELAND TRANSPORT HOLDING COMPANY

#### **47 Establishment of the Northern Ireland Transport Holding Company.**

- (1) For the purposes of this Act there shall be a body corporate with perpetual succession to be known as the Northern Ireland Transport Holding Company (in this Act referred to as “the Holding Company”).
- (2) The Holding Company shall consist of a chairman and not more than eight other directors all of whom shall be members thereof and shall be appointed by the Minister.
- (3) The chairman and other directors of the Holding Company shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters or to have other adequate or suitable experience, and the Minister in appointing them shall have regard to the desirability of including among them persons who are directors of, or concerned in the management of, the subsidiaries of the Holding Company.

[<sup>F1</sup>(3A) Section 18(2) of the Interpretation Act (Northern Ireland) 1954 (c. 33) shall apply to appointments under this section.]

- (4) Schedule 1 shall have effect as regards the directors of the Holding Company and its proceedings.

**F1** S. 47(3A) inserted (16.3.2011) by [Transport Act \(Northern Ireland\) 2011 \(c. 11\)](#), **ss. 41, 48(1)(a)**

#### **48 General functions of the Holding Company.**

- <sup>F2</sup>(1) The objects of the Holding Company shall be—

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- (a) subject to the provisions of sections 69 and 70, to hold and manage the properties vested in it by virtue of section 68 and any other properties acquired by it; and
  - (b) to exercise the rights attached to such properties;
- as if the Holding Company were a company engaged in a commercial enterprise, and the Holding Company shall have power for those objects—
- (i) to form, promote and assist companies (including subsidiary companies) and, without prejudice to the foregoing, to lend money to any of its subsidiary companies;
  - (ii) to subscribe for, take, acquire and hold, exchange and sell securities of companies;
  - (iii) to acquire and, subject to subsection (2), dispose of any property;
- and generally to carry on any business usually carried on by a holding company and to do all such other things as are incidental or conducive to the attainment of those objects.
- (2) The Holding Company shall not, without the consent of the Ministry which may be given for any case or description of cases specified in the consent or may be general and may be given subject to conditions, exercise its powers under subsection (1) to dispose of any property held by it.
  - (3) The Minister may by order extend or vary the objects, duties and powers of the Holding Company under this section but he shall not make such an order unless a draft of the order has been laid before Parliament and approved by resolution of each House.

F2 1971 c.15 (NI)
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**49 Power to Minister to give directions as to policy and control by the Holding Company of its subsidiaries.**

- (1) The Minister may from time to time give directions to the Holding Company as to the policy to be followed by it (including its policy towards its subsidiary companies) and may vary, suspend or revoke any directions so given and the Holding Company shall comply with any such directions.
- (2) It shall be the duty of the Holding Company to exercise its powers in relation to its subsidiary companies so as to ensure that a subsidiary company—
  - (a) does not do anything which the Minister has directed the Holding Company not to do;
  - (b) does not, except with the consent of the Ministry, borrow money; and
  - (c) does not, except with the consent of the Ministry, raise money by the issue of shares or stock.
- (3) The appointment or re-appointment by the Holding Company of any person to be a director of any of its subsidiary companies shall be subject to the approval of the Minister.

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## **50 Surplus Funds of the Holding Company.**

The Ministry, with the approval of the Ministry of Finance, may require the Holding Company to pay to the Ministry out of any moneys which appear to the Ministry to be surplus to the requirements of the Company such sums as the Ministry may determine.

## **51 Borrowing powers of the Holding Company.**

- (1) The Holding Company shall not borrow money except in accordance with the provisions of this section.
- (2) Subject to subsection (3) the Holding Company with the approval of the Ministry may, for the purpose of discharging its functions, making loans to a subsidiary company or meeting its obligations, borrow money from time to time in any of the following ways—
  - (a) by way of overdraft or other arrangement with bankers or otherwise;
  - (b) from a subsidiary of the Company;
  - (c) by means of<sup>F3</sup> government loans under Part III of the Financial Provisions (Northern Ireland) Order 1983].
- (3) The aggregate of the amounts of principal outstanding in respect of moneys borrowed after the coming into operation of this section by the Holding Company under paragraphs (a) and (b) of subsection (2) shall not at any time exceed [<sup>F4</sup> ten million pounds].
- (4) The Ministry of Finance may guarantee in such manner and subject to such conditions as it thinks fit the payment of the interest and principal of any loan raised by the Holding Company under subsection (2)(a).
- (5) Such sums as may from time to time be required by the Ministry of Finance for fulfilling any guarantees given by it under subsection (4) or given by it in respect of any loans raised by the Ulster Transport Authority shall be charged on and issued out of the Consolidated Fund and for the purpose of providing for such issues the Ministry of Finance may borrow money.

<b>F3</b>	1983 NI 1
<b>F4</b>	1977 NI 10

## **52 Accounts, audit and returns.**

- (1) The accounts of the undertaking providing or operating railway services shall be kept in accordance with such directions as may from time to time be given by the Ministry,<sup>F5</sup> . . . .
- (2) The Holding Company shall furnish to the Ministry at such times as the Ministry may determine—
  - (a) a copy of audited accounts of the Company and its subsidiaries and a copy of any reports thereon made by the auditor;
  - (b) such returns, accounts and other information with respect to its property, activities, policy and programme and the property, activities, policy and programme of any company which is its subsidiary or in which it owns a substantial proportion of the issued capital as the Ministry may require.

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- (3) The Ministry shall, as soon as practicable after the receipt by it of the accounts and reports referred to in subsection (2)(a) lay copies thereof before Parliament.

**F5** 1984 NI 15

### **53 Supplemental provisions as to the Holding Company and its subsidiaries.**

- (1) It is hereby declared that the Holding Company and its subsidiaries are not to be regarded as servants or agents of the Crown, or as enjoying any status, immunity or privilege of the Crown, or as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that their property is not to be regarded as property of, or property held on behalf of the Crown.
- (2) Subject to section 52(1), for the purpose of any provision of [F6the Companies Act 2006] relating to the keeping and audit of accounts, the making of returns and the publication of statements of accounts or other information the Holding Company and its subsidiaries shall be deemed to be companies with limited liability.
- (3) It is hereby declared that the provisions of this Part concerning the powers of the Holding Company and its subsidiaries relate only to their capacity as statutory corporations and do not authorise those companies to infringe the right of any other person.
- (4) Nothing in this Part shall be construed as imposing, either directly or indirectly, upon the Holding Company or any of its subsidiaries any form of duty or liability enforceable by proceedings before any court to which the Holding Company or its subsidiary would not otherwise be subject.
- (5) It shall be the duty of a chairman or director of the Holding Company or, as the case may be, of any company which is a subsidiary of the Holding Company, who is in any way, either directly or indirectly, interested in any contract made or proposed to be made by the company of which he is a chairman or director to disclose at the first opportunity the nature of his interest at a meeting of that company and the disclosure shall forthwith be recorded in the minutes of that company and the person who is so interested shall not take any part in any deliberation or decision of that company with respect to that contract.

*Subs.(6) rep. by 1975 c.25*

**F6** Words in s. 53(2) substituted (6.4.2008) by [Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), arts. 2(2), 3(1), **Sch. 1 para. 40** (with arts. 6, 11, 12)

### **54 Pension schemes.**

The Holding Company may, but only with the written consent of the Ministry, provide by means of pension schemes for the payment of pensions and other superannuation benefits to or in respect of persons who are or have been in the employment of the Holding Company.

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## 55 Provision of railway services.

- (1) Subject to the provisions of this Act it shall be the duty of the subsidiary of the Holding Company incorporated under the name of the Northern Ireland Railways Company Limited (being an authorised railway undertaking and in this Act referred to as the “railway undertaking” ) to provide, or secure the provision of, railway services in Northern Ireland [<sup>F7</sup>in accordance with any service agreement under the Transport Act (Northern Ireland) 2011] with due regard to efficiency, economy and safety of operation.
- (2) References in this Act to “railway services” shall be construed as including services provided for the carriage of passengers and goods by rail and such other services and facilities as appear to the railway undertaking requisite or expedient to provide in connection therewith.

**F7** Words in s. 55(1) inserted (5.10.2015) by Transport Act (Northern Ireland) 2011 (c. 11), ss. 22, 48(2); S.R. 2015/284, art. 2(1), Sch.

## 56 Powers of the railway undertaking.

Without prejudice to any other powers of the railway undertaking, it shall have power to carry on any business usually carried on by a railway company and to do all such other things as are incidental thereto and, without prejudice to the generality of the foregoing, shall have power—

- (a) to enter into and carry out agreements with any person for the performance by that person, whether as agent for the undertaking or otherwise, of any functions conferred on the undertaking by this Act;
- (b) to consign goods on behalf of itself or other persons from any places in Northern Ireland to any other place whether in Northern Ireland or elsewhere;
- (c) to store within Northern Ireland goods which have been or are to be carried by the undertaking;
- (d) to enter into and carry out agreements with any other person engaged in the carriage of passengers and goods for the through carriage of passengers and goods under one contract or at a through charge or in the same vehicles or containers.

## 57 Power of railway undertaking to made byelaws.

- (1) The railway undertaking may make byelaws regulating the use and working of, and travel on, railways, the maintenance of order on railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including officers and servants of the railway undertaking, while on those premises, and in particular byelaws—
  - (a) with respect to tickets issued for entry on railway premises or travel on railways and evasion of payment of fares and other charges;
  - (b) with respect to interference with or obstruction of the working of the railways;
  - (c) with respect to <sup>F8</sup>. . . the prevention of nuisances;
  - (d) with respect to the receipt and delivery of goods;
  - (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the railway undertaking and intended for the use of those on foot; and

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(f) for regulating the parking of vehicles on railway premises.

[<sup>F9</sup>(2) A person who contravenes a byelaw made under this section shall be guilty of an offence and, subject to subsection (2A), shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale and, in the case of a continuing offence, a further fine not exceeding £10 for each day on which the offence continues after conviction.

(2A) Byelaws made under this section may, for offences under subsection (2) in relation to the byelaws, fix lower maximum fines than the sums mentioned in that subsection.]

(3) Byelaws made under this section shall not have any force or effect unless and until they have been confirmed by the Ministry and such byelaws shall be published in such manner as the Ministry may direct.

(4) Byelaws made under this section shall not prejudice or affect the operation of any byelaw made under or in pursuance of any statutory provision by any port, harbour or sanitary authority.

(5) The production of a written or printed copy of any byelaws made under this section, sealed with the common seal of the railway undertaking, shall be sufficient evidence of such byelaws in any prosecution instituted thereunder.

**F8** Words in s. 57(1)(c) repealed (30.4.2007) by [Smoking \(Northern Ireland\) Order 2006 \(S.I. 2006/2957 \(N.I. 20\)\)](#), [art. 17](#) (with [art. 16\(1\)](#)); S.R. 2007/118, [art. 2](#)

**F9** 1990 NI 7

*S. 58 rep. by 1984 NI 15*

## **59 Complaints as to inadequacy of railway services.**

(1) Where on a reference made to [<sup>F10</sup> the Council] by any body or person or group of persons representing or appearing to represent a substantial number of users of any railway service provided by the railway undertaking, [<sup>F10</sup> the Council] consider that that service is inadequate to meet the needs of persons who might be expected to use it, the railway undertaking shall consider any recommendation made by [<sup>F10</sup> the Council] in connection with the reference and shall take such steps, if any, consistent with its duty under this Part as appear to the railway undertaking to be necessary or expedient to render the service adequate to meet the needs of persons expected to use it.

(2) If, in the opinion of [<sup>F10</sup> the Council], the railway undertaking has unreasonably failed to comply with any requirement under subsection (1) to render a service adequate to meet the needs of persons expected to use it, [<sup>F10</sup> the Council] may refer the matter to the Minister.

(3) On a reference to him under subsection (2) the Minister, after making such investigations as he may think fit, may give such direction as he thinks fit to the railway undertaking and the railway undertaking shall comply with that direction.

**F10** 1984 NI 12

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## 60 Discontinuance of railway services.

- (1) Notwithstanding any provision in this or any other enactment, or any contractual or other obligation to the contrary, the railway undertaking may, subject to the provisions of this section, terminate wholly a transport service provided on any railway line or section of a railway line owned or operated by the railway undertaking and shall not terminate wholly such a transport service except in accordance with the provisions of this section.
- (2) Where the railway undertaking proposes to terminate wholly any transport service as aforesaid (in this Part referred to as a closure), it shall, not less than six weeks before carrying the proposal into effect, publish in two successive weeks in the Belfast Gazette and in two newspapers circulating in the area affected, and in such manner as appears to it to be appropriate, a notice—
  - (a) giving the date and particulars of the proposed closure, and particulars of any alternative services which it appears to the railway undertaking will be available and of any proposals for providing or augmenting such services; and
  - (b) stating that objections on the grounds of hardship to the proposed closure may be lodged in accordance with this section within six weeks of a date specified in the notice (not being earlier than the date on which the notice is last published as required by this section);and copies of the notice shall be sent to<sup>F11</sup> the Council].
- (3) Where a notice has been published under subsection (2) any user of any service affected and any body representing such users may within the period specified in the notice lodge with the railway undertaking an objection in writing; and where such an objection is lodged the railway undertaking shall forthwith inform the Minister, and the closure shall not be proceeded with until the Minister has given his consent.
- (4) Subject to subsection (5), the Minister may give his consent to a closure subject to such conditions as he thinks fit and may from time to time vary those conditions; and the Minister may from time to time give such directions as he thinks fit to the railway undertaking in connection with the closure.
- (5) The Minister shall not consent to a closure by the railway undertaking under this section unless the proposals for the closure have been laid before Parliament and approved by resolution of each House.
- (6) The railway undertaking may terminate wholly a service on a railway line or section thereof—
  - (a) if within the time stated in the notice referred to in subsection (2), no such objection as aforesaid is received by the railway undertaking; or
  - (b) if all such objections received by the railway undertaking within that time are at any subsequent time withdrawn; or
  - (c) if the Minister has given his consent to the closure.
- (7) If the railway undertaking becomes, by virtue of subsection (6), entitled to terminate wholly the service provided on any railway line or section thereof, then—
  - (a) the termination shall not affect in any way any liability of the railway undertaking to maintain bridges, level crossings, fences, drains and other works constructed and maintained for the use, accommodation or protection of the public generally or of any members of the public or of the owners or occupiers of particular lands;



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- (b) so much of section 47 of the Railway Clauses Consolidation Act 1845, as makes it obligatory on a railway company to employ proper persons to open and shut gates at a level crossing, shall not apply to any level crossing on such railway line if and so long as the gates of such level crossing are kept and secured in such position as to permit the free passage of road traffic across such line at such crossing.

F11 1984 NI 12

## 61 Abandonment of railway lines.

### (1) Where—

- (a) a service provided on any railway line or section thereof by a railway undertaking was wholly terminated before the coming into operation of this section and no such service has since been provided thereon;
- (b) the railway undertaking becomes entitled by virtue of section 60(6) to terminate wholly the service provided on any railway line or section thereof;

the railway undertaking may—

- (i) in a case to which paragraph (a) applies, at any time; or
- (ii) in a case to which paragraph (b) applies, not earlier than six months after the date on which the period for objections to the termination of the service ended or the date on which the consent of the Minister was obtained;

apply to the Ministry for an order (hereafter in this Part referred to as “an order for abandonment”) authorising the railway undertaking to abandon the said railway line or section thereof and the Ministry shall have power to make such an order.

### (2) Where an order for abandonment has been made by the Ministry the following provisions shall have effect—

*Paras.(a)(b) rep. by 1980 NI 11*

- (c) where the railway line has been carried over any public road by means of a bridge or viaduct which the railway undertaking was immediately before the making of the order for abandonment, liable to maintain, the railway undertaking shall if so directed by the Ministry remove the superstructure of the bridge or viaduct and render that part of the public road over which the railway line was carried fit and safe for use by the public to the satisfaction of the road authority and thereupon—
- (i) the road authority shall be liable to maintain so much of the bridge or viaduct as remains after the removal of the superstructure; and
- (ii) the railway undertaking shall cease to be liable to maintain the bridge;
- (d) where any road authority becomes liable for the maintenance of any bridge or viaduct in accordance with paragraph (c), the railway undertaking shall pay to the road authority such sum as represents the expenses which the road authority may incur by reason of the liability imposed on them by that paragraph (including any expenses incurred by reason of the failure of the undertaking to remove the superstructure of such bridge or viaduct);
- (e) where the railway line crosses any public road at a level crossing the railway undertaking shall, within six months of the making of an order for abandonment or such further period as the Ministry may allow, remove the rails and do all such other things as may be necessary to render that part of the



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public road which the railway line crosses fit and safe for use by the public to the satisfaction of the road authority, and thereupon the railway undertaking shall cease to be liable to maintain that part in repair;

- (f) where any bridge (being a bridge which the railway undertaking was, immediately before the making of the order for abandonment, liable to maintain) was, in pursuance of section 68 of the Railway Clauses Consolidation Act 1845, made over or under the railway line for the accommodation of owners and occupiers of land adjoining the railway line, the railway undertaking shall, not later than twelve months after the making of the order for abandonment or such further period as the Ministry may allow, replace the bridge by a level crossing over the site of the abandoned railway and render the said crossing fit and safe for use, and thereupon—
- (i) the railway undertaking shall cease to be liable to maintain the said crossing in repair; and
  - (ii) any right of way exercisable over the bridge before the making of the order for abandonment shall be exercisable in like manner over the said crossing, and any person for the time being entitled thereto shall do all such things as are reasonably necessary for keeping the said crossing fit and safe for use;
- (g) the railway undertaking shall cease to be liable—
- (i) if the railway undertaking has failed to replace any bridge in accordance with paragraph (f), at the end of the period allowed for replacement; or
  - (ii) if the railway undertaking is liable to maintain any work (other than bridges over or under railway lines) of the kind mentioned in section 68 of the Railway Clauses Consolidation Act 1845, on the making of the order for abandonment;

and the railway undertaking shall pay to any owner or occupier of land adjoining the railway line for whose accommodation any bridge or works were made and which the railway undertaking was liable to maintain, compensation for all such injury or damage as he may sustain by reason of the railway undertaking ceasing to be liable to maintain such bridge or works.

- (3) Where any dispute as to property or liabilities transferred or obligations imposed or compensation or expenses payable under this section arises between the railway undertaking and any Government department, local or public authority or other person it shall in default of agreement be referred to and determined by the Lands Tribunal.

*Para. (4) rep. by 1984 NI 15*

## **62 Powers of acquisition where railway diverted for road purposes.**

*Subs. (1) rep. by 1993 NI 15*

- (2) Where<sup>F12</sup> under Article 111 of the Roads (Northern Ireland) Order 1993] land is acquired for the purpose of providing substituted sites or facilities for the railway undertaking, the undertaking may, notwithstanding anything in any other enactment, provide those substituted sites or facilities.

**F12** 1993 NI 15

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**63 Exchequer grants to meet capital expenditure of the railway undertaking.**

The Ministry with the approval of the Ministry of Finance may, out of moneys provided by Parliament, make payments to the railway undertaking towards any capital expenditure which has been or may be incurred by that undertaking with the consent of the Ministry.

**64 Financial assistance by Holding Company to the railway undertaking.**

Notwithstanding anything in section 48, the Holding Company may, and if so required by the Ministry shall, make payments by way of grants, loans or otherwise to the railway undertaking to meet—

- (a) any deficit in the revenue account of the undertaking;
- (b) any capital expenditure incurred or to be incurred by the undertaking.

**65 Trespass on premises of the railway undertaking.**

- (1) Any person who trespasses upon any land in the possession or under the control of the railway undertaking shall, subject to the provisions of subsection (2), be guilty of an offence and be liable on summary conviction<sup>[F13]</sup> to a fine not exceeding level 3 on the standard scale].
- (2) A person shall not be convicted of an offence under subsection (1) if he proves to the satisfaction of the court that adequate notices warning against trespass were not displayed at the station, depot, office or level crossing nearest to the place where the trespass is alleged to have been committed.
- (3) Nothing in this section shall prejudice or affect any civil proceedings with respect to the ownership or possession of any property.
- (4) The provisions of this section shall be in addition to and not in derogation of the provisions of any enactment imposing a penalty for trespass on any railway or other property.

**F13** 1990 NI 7

**[F14]66 Safety arrangements at level crossings.**

- (1) The Department may, on an application by the railway undertaking made pursuant to this section, by order provide that, while the order remains in force, any statutory provision—
  - (a) applying to a level crossing specified in the order, and
  - (b) imposing requirements as to—
    - (i) barriers or other protective equipment at or near the level crossing;
    - (ii) the supervision of the level crossing (including the provision of buildings for the purposes of supervision); or
    - (iii) the operation of the railway at or near the level crossing;
shall not apply in relation to the level crossing.
- (2) An order under this section, may require the railway undertaking—

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- (a) to provide, at or near any level crossing specified in the order, and maintain and operate, such barriers, lights and automatic and other devices as may be specified in the order;
  - (b) to secure the provision, at or near any level crossing specified in the order, and the maintenance and operation of such traffic signs as may be approved by the Department;
  - (c) to comply with such other conditions and requirements as are necessary or desirable for the convenience of the public and are specified in the order.
- (3) Where—
- (a) an order under this section requires the railway undertaking to secure the provision, maintenance and operation of any traffic sign, and
  - (b) the road crossed by the railway is a public road within the meaning of Article 2 (2) of the Roads (Northern Ireland) Order<sup>[F15]</sup> 1993;
- then—
- (i) the Department shall carry out any works necessary for the purposes mentioned in paragraph (a);
  - (ii) the railway undertaking shall pay to the Department amounts equal to the costs of those works; and
  - (iii) the sign shall be deemed to be provided under<sup>[F16]</sup> Article 58 of the Road Traffic Regulation (Northern Ireland) Order 1997].
- (4) An application by the railway undertaking to the Department under this section shall be accompanied by a draft, in such form as the Department may direct, of the proposed order.
- (5) Before making an application to the Department under this section the railway undertaking shall give written notice of its intention to do so to the council in whose district the level crossing is situated.
- (6) The notice under subsection (5)—
- (a) shall be accompanied by a copy of the draft order which the railway undertaking intends to submit to the Department; and
  - (b) shall specify the period (not being less than 2 months) within which the council may make representations to the Department in respect of the application.
- (7) The Department shall consider any representations in respect of the application made by such a council within the period specified in accordance with subsection (6)(b) and may then, if it decides to do so, make the order in accordance with the draft submitted by the railway undertaking or with such modifications as the Department thinks fit.
- (8) Notwithstanding anything in any other enactment (including a local or private Act) the Department may construct or reconstruct a road crossing the railway on the level.

[ An order under this section shall be made subject to negative resolution.]  
<sup>F17</sup>(8A)

- (9) In this section—
- “barrier” includes gate;
  - “council” and “district” have the meaning given in section 1(3) of the Local Government Act (Northern Ireland) 1972;

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“protective equipment” includes lights, traffic signs and telephone and television equipment; and

“traffic sign” has the meaning given in Article 2(2) of the<sup>F16</sup> Road Traffic Regulation (Northern Ireland) Order 1997].]

**F14** 1984 NI 15

**F15** 1993 NI 15

**F16** 1997 NI 2

**F17** 1990 NI 7

**67 Supplemental provisions as to the railway undertaking.**

(1) The railway undertaking shall not be subject to the provisions of section 76 of the Railways Clauses Consolidation Act 1845<sup>M1</sup> or of section 7 of the Railway and Canal Traffic Act 1854<sup>M2</sup> (which—

- (a) impose a duty to afford facilities for the connection of private sidings; and
- (b) regulate liability for negligence in the carriage of goods).

(2) The railway undertaking shall not be regarded as a common carrier.

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**Marginal Citations**

**M1** 1845 c. 20

**M2** 1854 c. 31

**Changes to legislation:**

There are currently no known outstanding effects for the Transport Act (Northern Ireland) 1967, PART V.