



Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

PART III

TRANSPORT CHARGES AND FACILITIES

General

43 Charges and facilities: general provisions.

(1) Subject to this Act,—

- (a) all charges schemes under Part V of the ^{M1}Transport Act 1947, shall cease to have effect, and
- (b) no local enactment passed or made with respect to any particular undertaking so far as it limits the discretion of the persons carrying on that undertaking as to the charges to be made by them—
 - (i) for the carriage of passengers or goods,
 - (ii) for the use of any railway, or of any inland waterway by any ship or boat,
 - (iii) for services and facilities connected with the carriage of passengers or goods, or with the use of any railway, or of any inland waterway by any ship or boat, or
 - (iv) for services and facilities in or connected with a harbour,(whether by specifying, or providing for specifying, the charges to be made, or fixing, or providing for fixing, maximum charges, or otherwise) shall apply to the charges of the Boards.

(2) Paragraph (b) of the foregoing subsection shall not be read as exempting the Boards from any local enactment so far as it expressly provides for freedom from charges or otherwise prohibits the making of any charge.

(3) Subject to this Act and to any such enactment as is mentioned in the last foregoing subsection, the Boards shall have power to demand, take and recover [^{F1}or waive]

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such charges for their services and facilities, and to make the use of those services and facilities subject to such terms and conditions, as they think fit.

(4) The Boards shall not be subject to the enactments listed in the Eighth Schedule to this Act (which—

- (a) impose a duty to afford reasonable services and facilities, and
- (b) regulate liability for negligence in the carriage of goods, and
- (c) authorise the revision of railway freight charges on complaint by competitors or traders).

(5) No local enactment passed or made with respect to any particular undertaking so far as it imposes on the persons carrying on that undertaking—

- (a) a duty to connect, or afford facilities for the connection of, any siding to a railway, or
- (b) a duty to permit privately owned railway wagons to be used on a railway owned or operated by them, or
- (c) a duty (otherwise than to a named person, or to the successors of a named person, or for the benefit of specified lands) to provide or maintain any other railway services or facilities (including the provision of stations, sidings or carriages and of any services, facilities or amenities connected therewith),

or so far as it otherwise makes provision corresponding to any of the enactments listed in the Eighth Schedule to this Act, shall apply to any of the Boards.

(6) None of the Boards shall be regarded as common carriers by rail or inland waterway.

(7) F2

(8) The services and facilities referred to in subsection (3) of this section include, in the case of the British Waterways Board, the use of any inland waterway owned or managed by them by any ship or boat.

(9) F3

Textual Amendments	
F1	Words inserted by Transport Act 1968 (c. 73), s. 50(10)
F2	S. 43(7) repealed by Unfair Contract Terms Act 1977 (c. 50), Sch. 4
F3	S. 43(9) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. VI
Modifications etc. (not altering text)	
C1	S. 43 extended by Harbours Act 1964 (c. 40), s. 32(8) and Transport Act 1968 (c. 73), s. 47 ; amended by Transport (London) Act 1969 (c. 35), s. 28
C2	S. 43(1)-(3) extended by Transport Act 1968 (c. 73), s. 51(2)
C3	S. 43(3) amended by Harbours Act 1964 (c. 40), s. 37
Marginal Citations	
M1	1947 c. 49.

44— F4
49.

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Textual Amendments

F4 Ss. 44–49 repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), s. 27(1), [Sch. 6](#)

Charges and conditions at harbours

50 †**Port charges and conditions at harbours.**

- (1) The provisions of the Ninth Schedule to this Act shall have effect as regards the powers of the Boards to make . . . ^{F5} charges at the harbours specified in that Schedule.
- (2) Subsection (3) of section forty-three of this Act shall not authorise the Boards to make the use of their services and facilities at the said harbours subject to any term or condition which the Boards would not be able to impose apart from that subsection.
- (3) ^{F6}

Textual Amendments

F5 Word repealed by [Harbours Act 1964 \(c. 40\)](#), [Sch. 6](#)
F6 Ss. 50(3), 51 repealed by [Harbours Act 1964 \(c. 40\)](#), [Sch. 6](#)

Modifications etc. (not altering text)

C4 Unreliable marginal note

51 ^{F7}

Textual Amendments

F7 Ss. 50(3), 51 repealed by [Harbours Act 1964 \(c. 40\)](#), [Sch. 6](#)

Miscellaneous

52 **Independent railway and inland waterway undertakings.**

- (1) Sections three and four of the ^{M2}Transport Charges, &c. (Miscellaneous Provisions) Act 1954 (under which charges schemes under the ^{M3}Transport Act 1947, may be applied to independent undertakings), together with any orders under those sections, shall cease to have effect, and the enactments listed in the Eighth Schedule to this Act shall cease to have effect not only as regards the Boards but also as regards any other undertakings.
- (2) Paragraph (b) of subsection (1), and subsections (2), (3), (5) and (6) of section forty-three of this Act shall apply to any independent railway undertaking or independent inland waterway undertaking, subsection (7) of that section shall apply to any independent railway undertaking, and subsection (8) of that section shall apply to any independent inland waterway undertaking, as those subsections apply to the Boards.

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(3) Paragraph (b) of subsection (1) of section six of the ^{M4}Transport Charges &c. (Miscellaneous Provisions) Act 1954 (which relates to the revision of charges), shall not apply to any inland waterway undertaking which is an independent inland waterway undertaking within the meaning of this section.

(4) In this section—

“independent railway undertaking” means a railway undertaking not forming part of the undertaking of any of the Boards, being an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament;

“independent inland waterway undertaking” means an undertaking not forming part of the undertaking of any of the Boards, being an undertaking engaged in conserving, maintaining, improving or working a canal or other inland navigation or the navigation of a tidal water, but does not include—

- (a) an undertaking none of the charges of which has been the subject of a Provisional Order made, and confirmed by Parliament, in pursuance of sections twenty-four and thirty-six of the ^{M5}Railway and Canal Traffic Act 1888, or
- (b) an undertaking forming part of a harbour undertaking if the inland waterway is situated wholly within the limits of the harbour, or
- (c) an undertaking all or any of the charges of which are, under the statutory provisions relating to that undertaking, subject to revision by the Minister and some other Minister acting together;

“railway” does not include—

- (a) a light railway laid wholly or mainly along a public carriageway and used wholly or mainly for the carriage of passengers, or
- (b) a railway which, under the statutory provisions relating thereto, is to be treated as forming part of a tramway, or
- (c) a railway laid wholly or mainly over a beach or wholly along a pier, or
- (d) a railway of the nature of a lift providing communication between the top and bottom of a cliff;

“undertaking” means an undertaking carried on in Great Britain.

(5) This section shall apply to an independent railway undertaking or independent inland waterway undertaking whether or not the undertaking is also engaged in other activities, but shall not apply in respect of any such other activities.

Modifications etc. (not altering text)

C5 S. 52(4) amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2)(a), Sch. 4 para. 6(2)(5)

Marginal Citations

M2 1954 c. 64.
M3 1947 c. 49.
M4 1954 c. 64.
M5 1888 c. 25.

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53 Coastal shipping.

- (1) If at any time a complaint is made to the Minister by any body appearing to him to be representative of the interests of persons engaged in coastal shipping as to—
- (a)^{F8}
 - (b) the charges made by the Railways Board for the carriage by rail to or from any harbour of goods which are to be or have been carried by coastal shipping, the Minister may give directions to the Board with regard to the charges which are the subject of the complaint.
- (2)^{F9}
- (3) The Minister shall not give a direction under this section with regard to any such charges as are mentioned in paragraph (b) of subsection (1) of this section unless it appears to him—
- (a) that the charges in question are excessive having regard to the full cost of affording the service or services in respect of which they are made, and
 - (b) that the goods in question cannot reasonably be carried by coastal shipping unless they are carried by rail to or from the harbour specified in the complaint.
- (4) If it appears to the Minister that a body making a complaint under subsection (1) of this section has a reasonable case to make in support of the complaint, he shall refer the complaint for investigation to a person appearing to him to have suitable qualifications for that purpose, and the Minister shall consider the report of that person before giving a direction upon the complaint under this section:
- Provided that this subsection shall not apply to a complaint if it appears to the Minister that he has no power to give a direction upon the complaint by reason of . . .^{F10} paragraph (b) of subsection (3), of this section.
- (5) If it appears to the Minister on a complaint by any such body as is mentioned in subsection (1) of this section—
- (a) that the Railways Board have refused to quote a charge for the carriage by rail to or from any harbour of goods which are to be or have been carried by coastal shipping, and
 - (b) that the goods in question cannot reasonably be carried by coastal shipping unless they are carried by rail to or from the harbour specified in the complaint,
- the Minister may give directions to the Board requiring them to quote a charge for the carriage in question.
- (6) The procedure on any complaint under this section (including any reference of the complaint for investigation) shall be such as the Minister may determine.
- (7) In this section, references to a charge made by the Railways Board for the carriage of any goods include references to a charge at which the Board hold themselves out as willing to carry any goods.
- (8) The Coastal Shipping Advisory Committee established under section seventy-one of the^{M6} Transport Act 1947, is hereby abolished.

Textual Amendments

F8 S. 53(1)(a) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

F9 Ss. 53(2), 55, 56(11)(16)(18) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

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F10 Words repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

Marginal Citations

M6 [1947 c. 49](#).

54 Advance information about railway and shipping closures.

- (1) With a view to giving the public advance notice of plans for the discontinuance of—
- (a) railway passenger or goods services provided by the Railways Board or the London Board, and
 - (c) shipping services provided by the Railways Board,
- the Railways Board or the London Board, as the case may be, shall from time to time publish in such manner and in such places in the United Kingdom as the Minister may direct such information as to their plans as the Minister may determine.
- (2) For the purposes of this section, any shipping service provided by the Caledonian Steam Packet Company Limited or the Caledonian Steam Packet Company (Irish Services) Limited shall, so long as the company providing the service is a subsidiary of the Railways Board, be deemed to be a service provided by that Board.

Modifications etc. (not altering text)

- C6** [S. 54\(1\)](#) amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 42(2)**
- C7** [S. 54\(1\)](#) applied by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 123(3)**

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