



Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

PART IV

MISCELLANEOUS AND GENERAL

The Nationalised Transport Advisory Council, the Consultative Committees and the Transport Tribunal

55^{F1}

Textual Amendments

F1 Ss. 53(2), 55, 56(11)(16)(18) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. 1](#)

56 The [^{F2}Passengers' Council and London Transport Users' Committee].

^{F3}(1)

^{F3}(2)

^{F3}(3)

(4) Subject to the following provisions of this section, it shall be the [^{F4}duty of the [^{F5}Passengers' Council] and [^{F6}the London Transport Users' Committee] to consider] and, where it appears to them to be desirable, make recommendations with respect to any matter affecting the services and facilities provided by any of the Boards—

(a) which has been the subject of representations (other than representations appearing to the committee to be frivolous) made to the committee by or on behalf of users of those services or facilities, or

(b) which has been referred to [^{F7}the [^{F5}Passengers' Council] or [^{F8}the London Transport Users' Committee]] by the Minister or by a Board, or

*Changes to legislation: There are currently no known outstanding effects
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(c) which appears to [^{F7}the [^{F5}Passengers' Council] or [^{F8}the London Transport Users' Committee]] to be a matter to which consideration ought to be given;

^{F9} ...

^{F10}(5)

(6) Where the Minister receives a recommendation under subsection (4) of this section he may give to the Board concerned such directions as he thinks fit with respect to the matters dealt with in the recommendation.

[^{F11}(6ZA) If the Secretary of State so directs ^{F12}..., subsections (4) to (6) of this section shall have effect in relation to ^{F12}[^{F13}... the [^{F5}Passengers' Council]] [^{F14}and the London Transport Users' Committee] as if the reference in subsection (4) of this section to services and facilities provided by any of the Boards included a reference to any such ferry service as may be specified in the direction, whether provided by a Board or by some other person; and, in the application of subsections (4) to (6) of this section in relation to any such ferry service, any reference in those subsections to a Board shall be taken to include a reference to the person providing the ferry service.]

[^{F15}(6A) [^{F16}Each of the [^{F5}Passengers' Council] and the London Transport Users' Committee] may consider, and if they think fit object to, any proposal for the discontinuance of railway services made in an application for an order under section 1 of the Transport and Works Act 1992 or made by the Secretary of State by virtue of section 7 of that Act.]

^{F17}(7)

^{F17}(8)

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^{F17}(14)

^{F17}(15)

^{F18}(16)

^{F17}(17)

^{F18}(18)

^{F19}(19)

^{F20}(20)

Textual Amendments

F2 Words in heading to s. 56 substituted (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), art. 1, **Sch. para. 2(3)**

F3 S. 56(1)-(3) repealed (1.4.1994) by [1993 c. 43](#), s. 152(3), **Sch. 14**; [S.I. 1994/571](#), **art. 5**.

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- F4** Words in s. 56(4) substituted (1.2.2001) by 2000 c. 38, s. 227(2), **Sch. 22 para. 15(2)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F5** Words in s. 56 substituted (25.2.2010) by The Passengers' Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), art. 1, **Sch. para. 2(2)**
- F6** Words in s. 56(4) substituted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(3)(a)(i)**; S.I. 2005/1909, art. 2, Sch.
- F7** Words in s. 56(4)(b)(c) substituted (1.2.2001) by 2000 c. 38, s. 227(2), **Sch. 22 para. 15(2)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F8** Words in s. 56(4) substituted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(3)(a)(ii)**; S.I. 2005/1909, art. 2, Sch.
- F9** Words in s. 56(4) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(3)(a)(iii), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.
- F10** S. 56(5) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(3)(b), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.
- F11** S. 56(6ZA) inserted (E.W.S.)(1.4.1994) by 1993 c. 43, **s. 78(5)**; S.I. 1994/571, **art. 5**.
- F12** Words in s. 56(6ZA) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(3)(c)(i), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.
- F13** Words in s. 56(6ZA) substituted (1.2.2001) by 2000 c. 38, s. 227(2), **Sch. 22 para. 15(4)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F14** Words in s. 56(6ZA) inserted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(3)(c)(ii)**; S.I. 2005/1909, art. 2, Sch.
- F15** S. 56(6A) inserted (E.W.S.)(1.1.1993) by Transport and Works Act 1992 (c. 42), **s. 21(1)**; S.I. 1992/2784, art. 2(a), **Sch. 1**
- F16** Words in s. 56(6A) substituted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(3)(d)**; S.I. 2005/1909, art. 2, Sch.
- F17** S. 56(7)-(10), (12)-(15), (17) repealed (1.4.1994) with savings and superseded in part by 1993 c. 43, ss. 49(1)(3), 152(2)(3), Sch. 13 para. 3(2), **Sch. 14**; S.I. 1994/571, **art. 5**.
- F18** S. 56(11)(16)(18) repealed by Transport Act 1968 (c. 73), **Sch. 18 Pt. I**
- F19** S. 56(19) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**
- F20** S. 56(20) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(3)(e), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

Modifications etc. (not altering text)

- C1** S. 56 excluded (21.7.1994) by 1994 c. xv, **s. 17(4)**.
- C2** S. 56 extended (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), **s. 41(4)**
- C3** S. 56 amended by Transport Act 1968 (c. 73), **ss. 54, 55**
- C4** S. 56 excluded by Heathrow Express Railway Act 1991 (c. vii), **s. 41(1)** (with s. 36(1))
- C5** S. 56 (definition of "central committee") applied by Heathrow Express Railway Act 1991 (c. vii), **s. 41(2)** (with s. 36(1))
- C6** S. 56 excluded (16.3.1992) by London Underground Act 1992 (c. iii), **s. 38**
- C7** S. 56 excluded (27.7.1993) by 1993 c. xv, **s. 13(5)**
- C8** S. 56(4)-(6) applied (with modifications)(E.W.S.)(11.11.1996) by S.I.1996/2714, **arts. 1, 46**
S. 56(4)-(6) excluded (30.11.2000) by 2000 c. 38, ss. 253, 275(4), **Sch. 28 para. 10**
- C9** S. 56(4) extended by Transport Act 1985 (c. 67, SIF 126), **s. 123(4)(6)**
- C10** S. 56(4) extended (with modifications) by Channel Tunnel Act 1987 (c. 53, SIF 102), **s. 41(1)(a)**
- C11** S. 56(4)-(6) excluded (E.W.S.)(1.4.1994) by 1993 c. 43, **s. 78(1)**; S.I. 1994/571, **art. 5**.
- C12** S. 56(4)-(6A) functions of the former Central Committee transferred (E.W.S.)(1.4.1994) to the Central Committee by 1993 c. 43, **s. 78(3)(4)**; S.I. 1994/571, **art. 5**.

*Changes to legislation: There are currently no known outstanding effects
for the Transport Act 1962, Part IV. (See end of Document for details)*

Textual Amendments

F21 S. 56A repealed (1.4.1994) with saving and superseded by 1993 c. 43, ss. 49(1)(b), 152(3), **Sch. 14**; S.I. 1994/571, **art. 5**.

57 The Transport Tribunal.

(1) **F22**

(7) Any objection or application which, before the date on which this section comes into force, was referable to the tribunal under the ^{M1}Railway Employment (Prevention of Accidents) Act 1900 (which relates to safety rules), shall be referred instead to a referee appointed (either generally or for the purpose of a particular case) by the Minister; and the said Act shall have effect with the necessary modifications.

Any objection or application under the said Act which is pending before the tribunal on that date shall be proceeded with before a referee appointed under this subsection in such manner as the Minister may direct.

(8) **F22**

Textual Amendments

F22 S. 57, except subsection (7), repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

Marginal Citations

M1 1900 c. 27.

Provisions relating to the Boards

58, 59. **F23**

Textual Amendments

F23 Ss. 58, 59 repealed by Transport (London) Act 1969 (c. 35), **Sch. 6**

60 **F24**

Textual Amendments

F24 S. 60 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

61 Amendment of enactments relating to inland waterways.

(1) **F25**

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Part IV. (See end of Document for details)

(2) Sections thirty-five and thirty-six of the Transport Act, 1947 (under which the Commission may apply a licensing system to canal carriers on an inland waterway belonging to them), shall cease to have effect.

(3) ^{F26}

[^{F27}(4) The definition of “ statutory water undertakers ” in subsection (1) of section fifty-nine of the ^{M2} Water Act 1945, shall not include the British Waterways Board.]

Textual Amendments

F25 S. 61(1) repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

F26 S. 61(3) repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

F27 S. 61(4) repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), **Sch. 27 Part I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

Modifications etc. (not altering text)

C13 The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M2 1945 c. 42.

62 Local enactments relating to the supply of water for canals.

(1) Any local enactment which authorises the British Waterways Board [^{F28}or Canal & River Trust] to take water for the purpose (whether express or implied) of using the water for a canal owned or managed by the British Waterways Board [^{F29}or, as the case may be, Canal & River Trust], or for purposes which include that purpose, shall have effect as if that purpose included the purpose of selling, or affording the use of, water from the canal; and the British Waterways Board [^{F29}or, as the case may be, Canal & River Trust] may exercise their powers under Part I of this Act accordingly.

(2) The foregoing subsection shall not be taken as authorising the British Waterways Board [^{F30}or, as the case may be, Canal & River Trust]—

(a) to disregard any restriction, whether as regards quantity or rate or otherwise, on the water which may be taken from any source, or

(b) to affect the level or flow of water in any part of the canal, or in any river or watercourse fed from the canal, to a degree which conflicts with any of the Board’s obligations [^{F31}or, as the case may be, Canal & River Trust’s obligations], and in particular with any statutory obligation to maintain the canal in a navigable condition.

Textual Amendments

F28 Words in s. 62(1) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 22(2)(a)** (with arts. 4-6)

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- F29** Words in s. 62(1) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 22(2)(b)** (with arts. 4-6)
- F30** Words in s. 62(2) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 22(3)(a)** (with arts. 4-6)
- F31** Words in s. 62(2) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 22(3)(b)** (with arts. 4-6)

F32 **63 Abstraction of water by British Waterways Board.**

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Textual Amendments

- F32** S. 63 repealed (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 23** (with arts. 4-6)

64 **F33**

Textual Amendments

- F33** S. 64 repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

65 The railway savings banks.

(1) In this section—

“the railway savings banks” means the savings banks established under—
section twenty-three of the ^{M3}Metropolitan Railway Act 1873,
section forty-five of the ^{M4}Great Western Railway Act 1885,
section eighteen of the ^{M5}Taff Vale Railway Act 1895,
section sixty-one of the ^{M6}London, Midland and Scottish Railway Act 1924,
section ninety-nine of the ^{M7}Southern Railway Act 1924, and
section three of the ^{M8}London and North Eastern Railway Act 1944,

and any other savings bank for which the Commission was responsible
before the vesting date and which primarily served those employed by the
Commission on their railways;

“the appropriate Board” means—

- (a) in relation to the savings bank established under the ^{M9}Metropolitan
Railway Act 1873, [^{F34}the London Transport Executive]
- (b) in relation to any other railway savings bank, the Railways Board.

(2) Part II of this Act shall not apply to the property, rights and liabilities of the
Commission so far as held and subsisting for the purposes of any railway savings bank,
but all such property, rights and liabilities shall by virtue of this section be transferred
on the vesting date to the appropriate Board and held assumed by that Board subject
in all respects to the duties and obligations to which the Commission were subject
immediately before the vesting date.

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- (3) As from the vesting date, for references to the Commission in the enactments listed in subsection (1) of this section and in any other statutory provision, so far as that provision relates to a railway savings bank, there shall be substituted references to the appropriate Board, and for references in any such enactment to any officer or servant of, or person appointed by, the Commission there shall be substituted a reference to such person as the appropriate Board may appoint or, in default of appointment, in the case of references to any officer or servant of the Commission, to the officer or servant of that Board who corresponds as nearly as may be to the first mentioned officer or servant.
- (4) Subject to this section, the persons entitled to deposit money in the railway savings banks established under section forty-five of the ^{M10}Great Western Railway Act 1885, section sixty-one of the ^{M11}London Midland and Scottish Railway Act 1924, section ninety-nine of the ^{M12}Southern Railway Act 1924, and section three of the ^{M13}London and North Eastern Railway Act 1944, shall be—
- (a) existing depositors,
 - (b) persons employed by the Railways Board,
 - (c) persons who, owing to incapacity arising from ill health or on reaching retirement age, have retired from service with the Railways Board or the Commission or the railway company by which the savings bank was established,
 - (d) members of the families of persons of any of the foregoing descriptions,
 - (e) any group, society or association the members of which consist, or mainly consist, of persons of any of the foregoing descriptions.
- (5) The persons entitled to make deposits in any railway savings bank other than those to which the last foregoing subsection applies shall be the persons who are depositors in that bank on the vesting date, and, where any such depositor [^{F35}is a person who dies leaving a surviving spouse or surviving civil partner, that survivor for so long as that survivor does not subsequently marry, enter into a civil partnership or die.]
- (6) So much of the enactments listed in the definition of railway savings banks in subsection (1) of this section as relates to the charging of deposits on the undertaking or profits of any body shall cease to have effect.

Textual Amendments

- F34** Words substituted by virtue of [Transport \(London\) Act 1969 \(c. 35\), Sch. 3 para. 3](#)
- F35** Words in s. 65(5) substituted (E.W.) (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\), art. 1\(2\), Sch. 1 para. 9](#); words in s. 65(5) substituted (S.) (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\), art. 1\(2\), Sch. 5 para. 4](#)

Marginal Citations

- M3** 1873 c. clxxxi.
- M4** 1885 c. cxlvii.
- M5** 1895 c. cxxii.
- M6** 1924 c. liv.
- M7** 1924 c. lxvi.
- M8** 1944 c. x.
- M9** 1873 c. clxxxi.

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- M10 1885 c. cxlvii.
- M11 1924 c. liv.
- M12 1924 c. lxvi.
- M13 1944 c. x.

66 F36

Textual Amendments
F36 S. 66 repealed by (E.W.) [General Rate Act 1967 \(c. 9\), Sch. 14](#) and (S.) [S.I. 1978/1174, art. 9](#)

67 Byelaws for railways and railway shipping services. E+W

- (1) The Railways Board [^{F37}may] make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
 - (a) with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
 - (b) with respect to interference or obstruction of the working of the railways,
 - (c) with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;
 - (d) with respect to the receipt and delivery of goods, and
 - (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the [^{F38}Board] and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.

^{F39}[^{F40}(2A)]

- ^{F41}(3) Any bylaws made under this section [^{F41}may provide—
 - (a) in the case of bylaws made by virtue of subsection (1) above, that any person contravening them shall be liable on summary conviction to a penalty not exceeding [^{F42}level 3 on the standard scale] for each offence; and
 - (b) in the case of bylaws made by virtue of subsection (2) above, that any person contravening them shall be liable on summary conviction to a fine not exceeding [^{F42}level 2 on the standard scale] for each offence and, in the case of such a contravention which continues after conviction, to a fine not exceeding £10 for each day on which the offence so continues.]
- (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.
- (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.

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- (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.
- (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
- (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [^{F43}50p] as the Board shall determine.
- (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.
- [^{F44}(9A) The Minister may charge the Board such fees in respect of any bylaws submitted for confirmation under this section as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.]
- (10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [^{F43}50p] as the Board shall determine.
- (11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—
 - (a) that the bylaws were made by the Board or by the Commission,
 - (b) that the copy is a true copy of the bylaws,
 - (c) that on a specified date the bylaws were confirmed by the Minister, and
 - (d) the date when the bylaws come into operation,shall be prima facie evidence of the facts stated in the certificate.
- (12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.
- (13) Sections one hundred and eight and one hundred and nine of the ^{M14}Railways Clauses Consolidation Act 1845, sections one hundred and one and one hundred and two of the ^{M15}Railways Clauses Consolidation (Scotland) Act 1845, section thirty-two of the ^{M16}Railways Clauses Act 1863, and section seven of the ^{M17}Regulation of Railways Act 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.

^{F45}(14)

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- (15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of ^{F46}[London Regional Transport] which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven,—
- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and
- ^{F47}(b)
- (16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board ^{F48}... have power to make under this section in relation to their railways.
- (17) This section shall have effect as from the vesting date.

Extent Information

- E1** This version of this provision extends to England and Wales only; separate versions have been created for Scotland only and for Northern Ireland only

Textual Amendments

- F37** Word "may" substituted (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 67(2), **Sch. 4 para. 2(1)(a)**
- F38** Word "Board" substituted (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 67(2), **Sch. 4 para. 2(1)(a)**
- F39** S. 67(2A) omitted (E.W.) (15.7.2003) by virtue of The Transport for London (Consequential Provisions) Order 2003 (S.I. 2003/1615), art. 1(1), **Sch. 1 para. 2(4)**; Greater London Authority Act 1999 (c. 29), s. 425(2), **Sch. 34 Pt. II** (with Sch. 12 para. 9(1)); S.I. 2003/1920, art. 2(f)(h)
- F40** S. 67(2A) inserted (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 67(2), **Sch. 4 para. 2(1)(b)**
- F41** S. 67(3) substituted (E.W.S.) by Transport Act 1981 (c. 56, SIF 126), s. 37
- F42** Words substituted (E.W.) by Criminal Law Act 1982 (c. 48, SIF 39:1), s. 46
- F43** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)
- F44** S. 67(9A) inserted (1.4.1994) by 1993 c. 43, s. 129(3); S.I. 1994/571, art. 5.
- F45** S. 67(14) repealed (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), **Sch. 7**
- F46** S. 67(15): words "London Regional Transport" substituted (E.W.) for "the London Transport Executive" 1984 c. 32, s. 67(2)(3), **Sch. 4 para. 2(1)(c)**
- F47** S. 67(15)(b) repealed (E.W.S.N.I.) (15.7.2003) by Greater London Authority Act 1999 (c. 29), s. 425(2), **Sch. 34 Pt. II** (with Sch. 12 para. 9(1)); S.I. 2003/1920, art. 2(f)(h)
- F48** Words in s. 67(16) repealed (E.W.) (15.7.2003) by Greater London Authority Act 1999 (c. 29), s. 425(2), **Sch. 34 Pt. II** (with Sch. 12 para. 9(1)); S.I. 2003/1920, art. 2(f)(h)

Modifications etc. (not altering text)

- C14** S. 67 extended by Transport Act 1968 (c. 73), **Sch. 16 para. 4**
S. 67 restricted (prosp.) by 1999 c. 29, ss. 245, 425, **Sch. 17 para. 8(1)(2)(3)(b)(4)** (with Sch. 12 para. 9(1))
- C15** S. 67(2) extended by S.I. 1972/971, **Sch. 1**, Pt. A (as amended by S.I. 1979/1309, art. 2(a))
- C16** S. 67(5)-(12) modified (prosp.) by 1999 c. 29, ss. 156(8), 425(2), Sch. 11 para. 26(6) (with Sch. 12 para. 9(1))
- C17** S. 67(5)-(11) applied (21.7.1994) by 1994 c. xi, s. 46(6). S. 67(5)-(11) applied (with modifications) (21.7.1994) by 1994 c. xv, s. 62(6).

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Part IV. (See end of Document for details)

- C18** S. 67(5)-(12) applied (with modifications) (E.W.S.) (30.4.2002) by [The Heathrow Express Railway Extension Order 2002 \(S.I. 2002/1064\)](#), **art. 23(6)**
- C19** S. 67(5)-(12) applied by [Heathrow Express Railway Act 1991 \(c. vii\)](#), **s. 42(6)** (with s. 36(1)); s. 67(5)-(11) applied with modifications (27.7.1993) by [1993 c. xv](#), **s. 59(6)**

Marginal Citations

- M14** 1845 c. 20.
M15 1845 c. 33.
M16 1863 c. 92.
M17 1889 c. 57.

67 Byelaws for railways and railway shipping services. **S**

- (1) The Railways Board and [^{F106}the London Transport Executive] may each make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
- with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
 - with respect to interference or obstruction of the working of the railways,
 - with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;
 - with respect to the receipt and delivery of goods, and
 - for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the Boards and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.
- [^{F107}(3) Any byelaws made under this section may provide—
- in the case of byelaws made by virtue of subsection (1) above, that any person contravening them shall be liable on summary conviction to a penalty not exceeding [^{F108}level 3 on the standard scale] for each offence; and
 - in the case of byelaws made by virtue of subsection (2) above, that any person contravening them shall be liable on summary conviction to a fine not exceeding [^{F108}level 2 on the standard scale] for each offence and, in the case of such a contravention which continues after conviction, to a fine not exceeding £10 for each day on which the offence so continues.]
- (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.
- (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.
- (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and

*Changes to legislation: There are currently no known outstanding effects
for the Transport Act 1962, Part IV. (See end of Document for details)*

any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.

- (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
 - (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [^{F109}50p] as the Board shall determine.
 - (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.
- [^{F110}(9A) The Minister may charge the Board such fees in respect of any bylaws submitted for confirmation under this section as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.]
- (10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [^{F109}50p] as the Board shall determine.
 - (11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—
 - (a) that the bylaws were made by the Board or by the Commission,
 - (b) that the copy is a true copy of the bylaws,
 - (c) that on a specified date the bylaws were confirmed by the Minister, and
 - (d) the date when the bylaws come into operation,
shall be prima facie evidence of the facts stated in the certificate.
 - (12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.
 - (13) Sections one hundred and eight and one hundred and nine of the ^{M37}Railways Clauses Consolidation Act 1845, sections one hundred and one and one hundred and two of the ^{M38}Railways Clauses Consolidation (Scotland) Act 1845, section thirty-two of the ^{M39}Railways Clauses Act 1863, and section seven of the ^{M40}Regulation of Railways Act 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.
 - (14) In the bylaws made by the London Transport Executive under the ^{M41}Railways Clauses Consolidation Act 1845, which were confirmed by the Minister on the thirteenth day of December, nineteen hundred and fifty-seven—
 - (a) for references to the Commission or the London Transport Executive there shall be substituted references to the London Board, and

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Part IV. (See end of Document for details)

- (b) for references to the railways as there defined there shall be substituted references to the railways of the London Board.
- (15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of the London Transport Executive which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven,—
- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and
- ^{F47}(b)
- (16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board and the London Board have power to make under this section in relation to their railways.
- (17) This section shall have effect as from the vesting date.

Extent Information

- E2** This version of this provision extends to Scotland only; separate versions have been created for England and Wales only and for Northern Ireland only

Textual Amendments

- F47** S. 67(15)(b) repealed (E.W.S.N.I.) (15.7.2003) by [Greater London Authority Act 1999 \(c. 29\)](#), s. 425(2), [Sch. 34 Pt. II](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2003/1920, art. 2(f)(h)
- F106** Words substituted by virtue of [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 3 para. 5\(1\)](#)
- F107** S. 67(3) substituted (E.W.S.) by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 37
- F108** Words substituted (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G
- F109** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), s. 10(1)
- F110** S. 67(9A) inserted (1.4.1994) by [1993 c. 43, s. 129\(3\)](#); S.I. 1994/571, art. 5.

Modifications etc. (not altering text)

- C44** S. 67 extended by [Transport Act 1968 \(c. 73\)](#), [Sch. 16 para. 4](#)
- C45** S. 67 restricted (*prosp.*) by [1999 c. 29, ss. 245, 425](#), [Sch. 17 para. 8 \(1\)\(2\)\(3\)\(b\)\(4\)](#) (with [Sch. 12 para. 9\(1\)](#))
- C46** S. 67(2) extended by [S.I. 1972/971](#), [Sch. 1](#), Pt. A (as amended by [S.I. 1979/1309](#), art. 2(a))
- C47** S. 67(5)-(12) modified (*prosp.*) by [1999 c. 29, ss. 156\(8\), 425\(2\)](#), [Sch. 11 para. 26\(6\)](#) (with [Sch. 12 para. 9\(1\)](#))
- C48** S. 67(5)-(11) applied (21.7.1994) by [1994 c. xi, s. 46\(6\)](#).
S. 67(5)-(11) applied (with modifications) (21.7.1994) by [1994 c. xv, s. 62\(6\)](#).
- C49** S. 67(5)-(12) applied by [Heathrow Express Railway Act 1991 \(c. vii\)](#), s. 42(6) (with s. 36(1)); s. 67(5)-(11) applied (27.7.1993) with modifications by [1993 c. xv, s. 59\(6\)](#)
- C50** S. 67(5)-(12) applied (with modifications) (E.W.S.) (30.4.2002) by [The Heathrow Express Railway Extension Order 2002 \(S.I. 2002/1064\)](#), art. 23(6)

Marginal Citations

- M37** 1845 c. 20.
M38 1845 c. 33.
M39 1863 c. 92.
M40 1889 c. 57.

*Changes to legislation: There are currently no known outstanding effects
 for the Transport Act 1962, Part IV. (See end of Document for details)*

M41 1845 c. 20.

67 Byelaws for railways and railway shipping services. N.I.

- (1) The Railways Board and [^{F111}the London Transport Executive] may each make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
 - (a) with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
 - (b) with respect to interference or obstruction of the working of the railways,
 - (c) with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;
 - (d) with respect to the receipt and delivery of goods, and
 - (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the Boards and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.
- (3) Any bylaws made under this section may provide that any person contravening them shall be liable on summary conviction to a penalty not exceeding [^{F112}level 2 on the standard scale] for each offence.
- (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.
- (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.
- (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.
- (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
- (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [50p] as the Board shall determine.
- (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.

*Changes to legislation: There are currently no known outstanding effects
for the Transport Act 1962, Part IV. (See end of Document for details)*

- ^{F113}[(9A) The Minister may charge the Board such fees in respect of any bylaws submitted for confirmation under this section as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.]
- (10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [50p] as the Board shall determine.
- (11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—
- (a) that the bylaws were made by the Board or by the Commission,
 - (b) that the copy is a true copy of the bylaws,
 - (c) that on a specified date the bylaws were confirmed by the Minister, and
 - (d) the date when the bylaws come into operation,
- shall be prima facie evidence of the facts stated in the certificate.
- (12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.
- (13) Sections one hundred and eight and one hundred and nine of the ^{M42}Railways Clauses Consolidation Act 1845, sections one hundred and one and one hundred and two of the ^{M43}Railways Clauses Consolidation (Scotland) Act 1845, section thirty-two of the ^{M44}Railways Clauses Act 1863, and section seven of the ^{M45}Regulation of Railways Act 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.
- (14) In the bylaws made by the London Transport Executive under the ^{M46}Railways Clauses Consolidation Act 1845, which were confirmed by the Minister on the thirteenth day of December, nineteen hundred and fifty-seven—
- (a) for references to the Commission or the London Transport Executive there shall be substituted references to [^{F114}the London Transport Executive], and
 - (b) for references to the railways as there defined there shall be substituted references to the railways of [^{F114}the London Transport Executive].
- (15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of the London Transport Executive which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven,—
- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and
 - ^{F47}(b)
- (16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board and [^{F115}the London Transport Executive] have power to make under this section in relation to their railways.

*Changes to legislation: There are currently no known outstanding effects
for the Transport Act 1962, Part IV. (See end of Document for details)*

(17) This section shall have effect as from the vesting date.

Extent Information

E3 This version of this provision extends to Northern Ireland so far as indicated in Sch. 11 Pt. I only; separate versions have been created for England and Wales only and Scotland only

Textual Amendments

- F47** S. 67(15)(b) repealed (E.W.S.N.I.) (15.7.2003) by [Greater London Authority Act 1999 \(c. 29\)](#), s. 425(2), [Sch. 34 Pt. II](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2003/1920, art. 2(f)(h)
- F111** S. 67(1): words “the London Transport Executive” substituted for “the London Board” by [1969 c. 35](#), s. 17, [Sch. 3 para. 5\(1\)](#)
- F112** Words in s. 67(3) substituted (N.I.) by S.I. 1984/703 (N.I. 3), [arts. 5, 6](#)
- F113** S. 67(9A) inserted (1.4.1994) by [1993 c. 43](#), s. 129(3); S.I. 1994/571, [art. 5](#).
- F114** S. 67(14): words “the London Transport Executive” substituted (E.W.N.I.) for “the London Board” by [1969 c. 35](#), s. 17, [Sch. 3 para. 5\(1\)](#)
- F115** S. 67(16): words “the London Transport Executive” substituted (E.W.N.I.) for “the London Board” by [1969 c. 35](#), s. 17, [Sch. 3 para. 5\(1\)](#)

Modifications etc. (not altering text)

- C51** S. 67 extended by [Transport Act 1968 \(c. 73\)](#), [Sch. 16 para. 4](#)
- C52** S. 67(2) extended by S.I. 1972/971, [Sch. 1](#), Pt. A (as amended by S.I. 1979/1309, [art. 2\(a\)](#))
- C53** S. 67(5)-(11) applied (21.7.1994) by [1994 c. xi](#), s. 46(6).
S. 67(5)-(11) applied (with modifications) (21.7.1994) by [1994 c. xv](#), s. 62(6).
- C54** S. 67(5)-(12) applied by [Heathrow Express Railway Act 1991 \(c. vii\)](#), s. 42(6) (with s. 36(1)); S. 67(5)-(11) applied with modifications (27.7.1993) by [1993 c. xv](#), s. 59(6)

Marginal Citations

- M42** [1845 c. 20](#).
M43 [1845 c. 33](#).
M44 [1863 c. 92](#).
M45 [1889 c. 57](#).
M46 [1845 c. 20](#).

[^{F49}68 Custody of lost property on London Board’s transport system.

[As from the vesting date, for references to section one hundred and six of the London
^{F50}(1) Passenger Transport Act, 1933, to the London Passenger Transport Board there shall
be substituted references to the London Board.]]

- (2) The repeal by this Act of section one hundred and nineteen of the ^{M18}Transport Act 1947, shall not affect the ^{M19}London Transport (Lost Property) Regulations 1960 (which were made under that section), and as from the vesting date those regulations—
- (a) shall be treated for all purposes, and in particular for the purposes of section eighty-eight of the ^{M20}London Passenger Transport Act 1935 (which relates to offences against regulations under section one hundred and six of the said Act of 1933), as if they had been made under the said section one hundred and six, and
 - (b) shall have effect, subject to the necessary modifications, as if any reference therein to the Commission or the London Transport Executive were a reference to the London Board.

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Part IV. (See end of Document for details)

Textual Amendments

- F49** S. 68 repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)(b)**, Sch. 7
- F50** S. 68(1) repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)(b)**, Sch. 7

Modifications etc. (not altering text)

- C20** The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.
- C21** The “said Act of 1933” means [London Passenger Transport Act 1933 \(c. 14\)](#)

Marginal Citations

- M18** [1947 c. 49.](#)
- M19** [S.I. 1960/2396.](#)
- M20** [1935 c. cx.](#)

F51 69

Textual Amendments

- F51** S. 69 repealed (8.3.1994) by [1993 c. 43, ss. 132\(8\), 152\(3\), Sch. 10 para. 3\(1\), Sch.14; S.I. 1994/571, art. 2.](#)

70 Transport police constables.

[^{F52}(1) ^{F53}

(5) On and after the vesting date a Board may dismiss a constable who is employed by them (whether or not appointed after the vesting date) and, accordingly, in paragraph (c) of subsection (1) of the section for references to the Commission there shall, as regards such a constable employed by a Board (or two or more Boards jointly), be substituted a reference to that Board (or those Boards), and for the reference at the end of the said paragraph (c) to the authority by whom a constable was dismissed or by whom a constable’s resignation is accepted there shall, in the case of a constable dismissed by the Commission, or whose resignation was accepted by the Commission, be substituted—

- (a) during the interim period, a reference to the Railways Board, and
- (b) thereafter, a reference to any of the Boards acting jointly or separately in pursuance of a scheme under section sixty-nine of this Act.]

(6) On and after the vesting date references in any statutory provision or other document to a constable appointed or employed by the Commission shall be taken as a reference to a constable employed by any of the Boards and acting under the said section fifty-three.

[^{F54}(7) In this section “ the interim period ” means the period referred to in subsection (9) of section sixty-nine of this Act.]

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Part IV. (See end of Document for details)

Textual Amendments

- F52** S. 70(1)–(5) repealed (S.) by [British Railways Order Confirmation Act 1980 \(c. xxviii\)](#), [Sch. para. 4](#)
- F53** S. 70(1)–(4) repealed (E.W.) by [British Railways Act 1978 \(c. xxi\)](#), ss. 25(6), 30, [Sch. 4](#)
- F54** S. 70(7) repealed (S.) by [British Railways Order Confirmation Act 1980 \(c. xxviii\)](#), [Sch. para. 4](#)

Modifications etc. (not altering text)

- C22** Power to modify s. 70 conferred by [Transport Act 1978 \(c. 73\)](#), [Sch. 16 para. 5\(4\)](#)
- C23** S. 70(5)–(7) amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), [Sch. 4 paras. 9\(5\), 10\(3\)\(4\)](#)

^{F55}**71**

Textual Amendments

- F55** S. 71 repealed (8.3.1994) by [1993 c. 43, ss. 132\(8\), 152\(3\)](#), [Sch. 10 para. 3\(1\)](#), [Sch. 14](#); [S.I. 1994/571, art. 2](#)

72 General provisions as to terms and conditions of employment of staff.

- (1) It shall be the duty of each Board, except as far as they are satisfied that adequate machinery exists for achieving the purpose of this subsection, to seek consultation with any organisation appearing to the Board to be appropriate, with a view to the conclusion between the Board and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
 - (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Board, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements, and
 - (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Board and the discussion of other matters of mutual interest to the board and such persons, including efficiency in the operation of the Board’s services.
- (2) Where the Board conclude such an agreement as is mentioned in the foregoing subsection or any variation is made in such an agreement, the Board shall forthwith transmit particulars of the agreement or the variation to the Minister and [^{F56}the Secretary of State].
- (3) Nothing in this section shall be construed as prohibiting a Board from taking part together with other employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment, and the promotion and encouragement of measures affecting the health, safety and welfare of their workers, and the discussion of other matters of mutual interest to them and their workers.
- (4)

^{F57}

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Part IV. (See end of Document for details)

Textual Amendments

- F56** Words substituted by virtue of S. I. 1968/729, **arts. 2(1), 3(2)**
F57 S. 72(4) repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

Modifications etc. (not altering text)

- C24** S. 72 excluded by [Transport Act 1968 \(c. 73\)](#), **s. 137(8)**

73 The powers of the Boards and the Holding Company as regards pensions and pension schemes.

- (1) Subject to the next following section, each of the Boards and the Holding Company shall have power to pay pensions and enter into obligations under pension schemes.
- (2) Each of the Boards and the Holding Company shall have power to lend money to be applied for the purposes of a pension scheme under which any of those bodies, or a subsidiary of any of those bodies, pay employer's contributions or are subject to any other obligations, but shall not exercise that power without the consent of the Minister.
- [^{F58}(3) In the application of this section to the British Waterways Board, the reference to the Minister is to be read as a reference to the Scottish Ministers.]

Textual Amendments

- F58** S. 73(3) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 24** (with arts. 4-6)

Modifications etc. (not altering text)

- C25** S. 73 extended by [Transport Act 1968 \(c. 73\)](#), **s. 136**
C26 S. 73 amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 25(1)**

74 Minister's power to make orders about pensions.

[^{F59}(A1) In this section, references to the Boards do not include the British Waterways Board.]

- (1) The Minister may make orders—
- (a) with respect to the provision of pensions by the Boards and the Holding Company and by the subsidiaries of the Boards and of the Holding Company for or in respect of—
- (i) their employees, or persons who have been in their employment, or
- (ii) persons who have been in the employment of the Commission or of any subsidiary of the Commission or of any body whose undertaking or part of whose undertaking was transferred to the Commission under or by virtue of the ^{M21}Transport Act 1947, or
- (iii) persons who have been employed in connection with the Caledonian and Crinan Canals or Holyhead Harbour, or by or in connection with the Railway Clearing House;
- (b) for the establishment and administration of existing or future pension schemes and pension funds for any of the purposes of the foregoing paragraph;

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Part IV. (See end of Document for details)

and the Boards and the Holding Company shall exercise the powers conferred on them by the last foregoing section subject to any order under this section.

(2) Without prejudice to the powers conferred by the foregoing subsection, the Minister may make orders—

- (a) for enabling employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company to participate or continue to participate in any pension scheme in which employees of the Commission or a subsidiary of the Commission participated before the vesting date, or in any pension scheme established under this section, and requiring their employers to make payments under that scheme,
- (b) for modifying any pension scheme the participants in which include persons of any of the descriptions in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of the foregoing subsection, so as to ensure that changes cannot be effected in the pension scheme without the approval of the Minister,
- (c) for varying the rates of the contributions to be made under any pension scheme by employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company, as well as the rates of employers' contributions and the benefits under the scheme, and
- (d) for re-arranging, amalgamating, simplifying and assimilating pension schemes the participants in which include any such persons.

(3) An order under this section may in particular provide—

- (a) for altering or winding up any pension scheme,
- (b) for varying any trust or transferring any pension fund, or obligations or liabilities under a pension scheme,
- (c) for requiring a Board or the Holding Company to make payments to the persons administering a pension scheme so as to convert the pension scheme from an unfunded scheme into a funded scheme,
- (d) for establishing any body to administer or assist in administering a pension scheme,
- (e) for enabling all or any of the participants in a pension scheme to become instead participants in another pension scheme,
- (f) for empowering the persons responsible for administering any pension scheme established for the purposes of an undertaking carried on by persons other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, to carry out any arrangements for the participation in the scheme of a person who has been an employee of the Commission, or of the Boards or of the Holding Company, or of any subsidiary of any of those bodies,
- (g) as to the manner in which questions arising under the order are to be determined,

and may contain such supplemental, incidental and consequential provisions as appear to the Minister expedient.

(4) Without prejudice to the generality of the foregoing provisions of this section, an order under this section may contain provisions authorising any person who, having pension rights to which an order under this section relates, becomes a member of a Board, or the Holding Company, or a director of a subsidiary of a Board or of the Holding Company, to be treated for the purposes of a pension scheme as if his service as such a member or director were service in the employment of such a body, and as if, where

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that service immediately precedes or follows other service which is, or is to be treated as, service in that employment, the two periods of service were continuous.

- (5) An order under this section shall have effect notwithstanding anything in—
- (a) any local enactment, or
 - (b) any regulations or other instrument made under the ^{M22}Transport Act 1947, or the ^{M23}Transport Act 1953, and continued in force by this Act, or
 - (c) the Truck Acts, 1831 to 1940, or the ^{M24}Shop Clubs Act 1902, or
 - (d) section eighty of the ^{M25}London Passenger Transport Act 1933 (which contains transitional provisions concerning superannuation funds affected by that Act),
- and may amend or repeal any such enactment or instrument as is mentioned in paragraphs (a) and (b) of this subsection.
- (6) (a) Orders under this section shall be so framed as to secure that no person other than the Boards, the Holding Company and any subsidiary of any Board, or of the Holding Company, is placed in any worse position by reason of the order.
- (b) An order shall not be invalid by reason that in fact it does not have the result of securing that all such persons are not placed in any worse position by reason of the provisions of the order, but if the Minister is satisfied or it is determined as hereinafter mentioned that any such order has failed to secure that result, the Minister shall as soon as may be make the necessary amending order.
- (c) Any dispute arising between the Minister and any person as to whether or not the said result has been secured by any order under this section shall be referred to a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor [^{F60}and the Lord Chief Justice of England and Wales], or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State, for his or their determination thereof.
- (d) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—
- (i) to any referee or to the members of any board of referees appointed under this subsection such fees and allowances as he may with the consent of the Treasury determine, and
 - (ii) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.
- (e) For the purposes of this subsection no person shall be regarded as being placed in a worse position because an order provides that any changes in a pension scheme are not to be effected without the consent of the Minister.
- (f) Nothing in [^{F61}any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or]^{F62}Part I of the Arbitration Act 1996], shall be construed as applying to any proceedings before a referee or board of referees appointed under this section.
- (7) An order under this section may be made so as to have effect from a date prior to the making of the order, so, however, that so much of any order as provides that any provision thereof is to have effect from a date prior to the making of the order shall not place any person other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, in a worse position than he would have been in if the order had been made to have effect only from the date of its making.
- (8) The power of making orders under this section shall be exercised by statutory instrument which shall be subject to annulment in pursuance of a resolution of either

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House of Parliament, and the power of making orders under this section shall include power to vary or revoke a previous order.

- (9)^{F63} an order under this section shall have effect notwithstanding anything in regulations made under the said Act before the order was made.

[^{F64}(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F59** S. 74(A1) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012](#) (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 25** (with arts. 4-6)
- F60** Words in s. 74(6)(c) inserted (3.4.2006) by [Constitutional Reform Act 2005](#) (c. 4), s. 148(1), **Sch. 4 para. 54(2)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F61** Words in s. 74(6)(f) inserted (S.) (5.6.2010) by [Arbitration \(Scotland\) Act 2010](#) (Consequential Amendments) Order 2010 (S.S.I. 2010/220), art. 1, **Sch. para. 4(2)**
- F62** Words in s. 74(6)(f) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 16(2)** (with s. 81(2)); S.I. 1996/3146, art. 3 (subject to transitional provisions in Sch. 2, art. 4).
- F63** Words repealed by [Statute Law Revision \(Consequential Repeals\) Act 1965](#) (c. 55)
- F64** S. 74(10) inserted (3.4.2006) by [Constitutional Reform Act 2005](#) (c. 4), s. 148(1), **Sch. 4 para. 54(3)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

Modifications etc. (not altering text)

- C27** S. 74 extended by [Transport Act 1968](#) (c. 73), s. 136 and [Transport Act 1980](#) (c. 34), s. 45, **Sch. 6 para. 7**
- C28** S. 74 extended by [Transport Act 1981](#) (c. 56, SIF 126), **Sch. 1 para. 1(1)** and by [Transport Act 1982](#) (c. 49, SIF 126), s. 5, [Transport Act 1985](#) (c. 67, SIF 126), s. 52(1) and [Transport \(Scotland\) Act 1989](#) (c. 23, SIF 126), s. 12(1)
- C29** S. 74 amended (E.W.) by [London Regional Transport Act 1984](#) (c. 32, SIF 126), ss. 25, 71(2), **Sch. 5 para. 7**
- C30** S. 74 extended (E.W.) by [London Regional Transport Act 1984](#) (c. 32, SIF 126), ss. 26(1), 71(2), **Sch. 5 para. 7**
- C31** S. 74(2)(a) modified (E.W.) by [London Regional Transport Act 1984](#) (c. 32, SIF 126), s. 25(2)–(4)
- C32** S. 74(6) amended by [Employment Protection \(Consolidation\) Act 1978](#) (c. 44), s. 130, **Sch. 10 para. 21**

Marginal Citations

- M21** 1947 c. 49.
M22 1947 c. 49.
M23 1953 c. 13.
M24 1902 c. 21.
M25 1933 c. 14.

75 Transitional provisions relating to pensions.

Part IV of the Seventh Schedule to this Act (which contains transitional provisions relating to pensions) shall have effect for the purposes of this Act.

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Transitory provisions concerning the Commission

76— F65
78.

Textual Amendments

F65 Ss. 76–78, 80 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

79 Power to make special payments on the termination of the appointment of members of the Commission or Executive.

- (1) If a person ceases to be a member of the Commission, or of the London Transport Executive, otherwise than on the expiration of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may with the approval of [^{F66}the Minister for the Civil Service] require the Commission to make to him a payment of such amount as may be determined by the Minister with the approval of [^{F66}the Minister for the Civil Service].
- (2) This section shall apply whether or not any pension is payable under paragraph (b) of subsection (7) of section one of the ^{M26}Transport Act 1947, or sub-paragraph (1) of paragraph 2 of the Second Schedule to that Act, and shall apply to persons who cease to be members of the Commission or Executive before the passing of this Act, as well as to persons who cease to be members at a later time.
- (3) Any requirement imposed by the Minister as regards a member of the Commission under subsection (1) of this section after the vesting date shall be imposed on the Railways Board instead of on the Commission, and any requirement so imposed as regards a member of the London Transport Executive shall be imposed on the London Board instead of on the Commission.

Textual Amendments

F66 Words substituted by virtue of [S.I. 1968/1656](#), [arts. 2\(1\)\(c\), 3\(2\)](#)

Marginal Citations

M26 [1947 c. 49](#).

80 F67

Textual Amendments

F67 Ss. 76–78, 80 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

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Compensation to officers and servants of the Commission

81 Compensation to officers and servants of the Commission.

- (1) The Minister shall by regulations contained in a statutory instrument require the appropriate body as defined in this section to pay, in such cases and to such extent as may be specified in the regulations, compensation to persons who are at the passing of this Act officers or servants of the Commission and who suffer loss of employment or loss or diminution of emoluments or pension rights, or whose position is worsened, in consequence of the reorganisation effected by this Act.
- (2) The regulations may apply to any such person whether or not he continues in the employment of the Commission until the vesting date and whether or not he is a party to an agreement for the rendering of personal services to the Commission which is modified by section thirty-four of this Act.
- (3) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person (other than the body paying compensation) in a worse position than he would have been in if the regulations had been made to have effect only as from the making thereof.
- (4) Regulations under this section—
 - (a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined, and
 - (b) may in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, to a referee or board of referees appointed by [^{F68}the Secretary of State], after consultation with the Lord Chancellor [^{F69}and the Lord Chief Justice of England and Wales], or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State.
- (5) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by a resolution of each House of Parliament.
- (6) [^{F68}The Secretary of State] may, with the consent of the Treasury, pay out of money provided by Parliament—
 - (a) to any referee or to the members of any board of referees appointed by him in pursuance of regulations under this section such fees and allowances as he may with the consent of the Treasury determine, and
 - (b) to persons giving evidence before any such referee or board such allowances as he may with the consent of the Treasury determine.
- (7) Nothing in [^{F70}any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or][^{F71}Part I of the Arbitration Act 1996], shall be construed as applying to any proceedings before a referee or board of referees appointed in pursuance of regulations under this section.
- (8) In this section “the appropriate body” means—

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- (a) in relation to a person who on the vesting date ceases to be an officer or servant of the Commission and becomes an officer or servant of a Board, that Board,
 - (b) in relation to a person who on the vesting date ceases to be an officer or servant of the Commission and becomes an officer or servant of the Holding Company, the Holding Company,
 - (c) in relation to a person who at any time in the period beginning with the passing of this Act and ending with the vesting date becomes an officer or servant of one of the bodies which on the vesting date becomes a subsidiary of the Railways Board, the Docks Board, the British Waterways Board or the Holding Company, that Board or the Holding Company as the case may be,
 - (d) in the case of any other person, the Board which would have become his employer under section thirty-four of this Act if an agreement had subsisted at the vesting date for the rendering by him to the Commission of personal services of the kind which he was rendering to the Commission when he left the service of the Commission.
- (9) The London Board, the Docks Board, the British Waterways Board and the Holding Company may arrange to make payments to the Railways Board by way of contributions towards the liability of the Railways Board under this section in respect of officers and servants of the Commission, and if the Railways Board satisfy the Minister that any of the other Boards or the Holding Company have not made an appropriate contribution towards that liability, whether by the payment of money or by finding employment for any such officers or servants or otherwise, the Minister may require that other Board or, as the case may be, the Holding Company to make such payment to the Railways Board as appears to the Minister to be just.
- (10) Nothing in this section shall be construed as enabling regulations to be made prejudicing the rights of any person under Part VII of the ^{M27}Transport Act 1947, or any other enactment passed before this Act.

[^{F72}(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F68** Words substituted by virtue of S. I. 1968/729, **arts. 2(1), 3(2)**
- F69** Words in s. 81(4)(b) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 55\(2\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F70** Words in s. 81(7) inserted (S.) (5.6.2010) by [Arbitration \(Scotland\) Act 2010 \(Consequential Amendments\) Order 2010 \(S.S.I. 2010/220\), art. 1, Sch. para. 4\(3\)](#)
- F71** Words in s. 81(7) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 16(3)** (with s. 81(2)); S.I. 1996/3146, **art. 3** (subject to transitional provisions in Sch. 2, art. 4).
- F72** S. 81(11) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), s. 148\(1\), Sch. 4 para. 55\(3\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

Marginal Citations

- M27** 1947 c. 49.

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Miscellaneous provisions

82^{F73}

Textual Amendments

F73 S. 82 repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. IV**

83 Abandonment of independent railways.

[^{F74}(1) The minister may make an abandonment order in respect of any railway comprised in an independent railway undertaking if an application is made to him for that purpose by the undertakers in question or by any creditor of those undertakers.]

[^{F74}(2) Notice of any application under this section shall be published by the applicant in such manner and form as the Minister may direct, and the Minister shall before making an order under this section consider any objections which have been lodged in respect to the application.]

[^{F74}(3) An order under this section shall have effect to release the undertakers from any statutory obligation to construct, maintain or operate the railway which is the subject of the order, and the order may contain provisions for abrogating, on such terms as to compensation or otherwise as the Minister may think just, any obligations (whether statutory or otherwise) to provide or maintain works, services or facilities in connection with the railway.]

[^{F74}(4) An order under this section may contain such consequential and supplementary provisions, including provisions for the assessment of compensation, as the Minister may think fit, and notice of the order shall be published in such a manner and form as the Minister may direct.]

[^{F74}(5) Where an application is made under this section by a creditor, the undertakers in question shall furnish the Minister with all such information, and permit such inspection of their railways, as the Minister may reasonably require for the purposes of the application, and any person who fails to comply with a requirement under this subsection shall be liable on summary conviction to a fine not exceeding [^{F75}level 1 on the standard scale]]

^{F76}(6)

(7) In this section “independent railway undertaking” means a railway undertaking carried on in Great Britain and not forming part of the undertaking of the Commission or 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.

Textual Amendments

F74 S. 83(1)-(5) repealed (E.W.) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), **Sch. 4 Pt. I**; [S.I. 1992/2784](#), art. 2, **Sch. 2 Pt. II** (with art. 3(2)).

F75 Words substituted by (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**.

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F76 S. 83(6) repealed (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), **Sch. 4 Pt. I**; S.I. 1992/2784, art. 2, **Sch. 2 Pt. I**

Modifications etc. (not altering text)

C33 S. 83(7) amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), **Sch. 4 para. 6(2)(a)(5)**

84 Minor amendments relating to railways.

- (1) ^{F77}
- (2) Section five of the Regulation of Railways Act, 1889 (which imposes penalties for offences in connection with railway fares and tickets), shall apply as respects any offence committed after the coming into force of this section as if in subsection (1) for the words “forty shillings” there were substituted the words “ten pounds”, and as if in subsection (3) for the words “forty shillings” there were substituted the words “twenty-five pounds”, for the words “twenty pounds” there were substituted the words “twenty-five pounds” and for the words “one month” there were substituted the words “three months”.
- (3) Subsection (1) and subsections (3) to (12) of section sixty-seven of this Act shall apply in relation to the person carrying on any independent railway undertaking as defined in the last foregoing section, and in relation to the railways comprised in the undertaking, as they apply in relation to the Railways Board and their railways, and as from the vesting date any bylaws under sections one hundred and eight and one hundred and nine of the ^{M28}Railways Clauses Consolidation Act 1845, or sections one hundred and one and one hundred and two of the ^{M29}Railways Clauses Consolidation (Scotland) Act 1845, which immediately before the vesting date apply to any such undertaking shall have effect as if made under the said section sixty-seven.
- (4) In section one hundred and forty-four of the Railways Clauses Consolidation Act, 1845, and section one hundred and thirty-six of the Railways Clauses Consolidation (Scotland) Act, 1845 (which relate to the defacement of notice boards), for the words from “as required” to “or penalty” there shall be substituted the words “for the purpose of publishing any bylaw of the company or any penalty imposed by this or the special Act.”

Textual Amendments

F77 S. 84(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. VI**

Modifications etc. (not altering text)

C34 The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M28 1845 c. 20.

M29 1845 c. 33.

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85 F78

Textual Amendments

F78 S. 85 repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#) and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), [Sch. 3 Pt. I](#)

86 Application of Town and Country Planning Acts.

- (1) It is hereby declared that for the purposes of the Town and Country Planning Acts anything done by any of the Boards—
- (a) in the exercise of the powers conferred by section eleven of this Act so far as that section relates to development of land for use otherwise than for the purposes of the business of the Board; or
 - (b) in the exercise of the powers conferred by section twelve of this Act so far as that section relates to pipe-lines which are not required for the purposes of the business of the Board other than the operation of pipe-lines,
- does not constitute the carrying on by the Board of their statutory undertaking and, in particular, that land which is used, or in which an interest is held, by a Board exclusively for the purpose of exercising those powers does not constitute operational land.
- (2) Without prejudice to the foregoing subsection and subject to the next following subsection, any development of operational land by a Board in the exercise of the said powers shall not for the purposes of the said Acts constitute development of operational land.
- (3) The last foregoing subsection shall not apply to development if—
- (a) the development comprises development by the Board for the purpose of carrying on their statutory undertaking or is development for a purpose which includes that purpose; and
 - (b) the development is such that so much of it as is exclusively referable to the exercise by the Board of the said powers cannot fairly be treated for the purposes of the said Acts as separate development.
- (4) Any question under the last foregoing subsection whether part of any development can fairly be treated as separate development shall be determined by the local planning authority to whom application is made for permission for the development in question, or, where an application for permission for the development in question is referred to the Minister [^{F79}or, in the case of the British Waterways Board ^{F80}..., the Scottish Ministers], by the Minister [^{F81}or, as the case may be, by the Scottish Ministers] . . . ^{F82}; and where part of any development is so treated this section and the said Acts shall apply to the parts of the development in all respects as if they were separate development.
- (5) If an applicant is aggrieved by a determination of a local planning authority under the last foregoing subsection, he may appeal to the Minister [^{F83}or, in the case of the British Waterways Board ^{F80}..., to the Scottish Ministers], . . . ^{F82}

The provisions of the said Acts and of any development order as to the time and manner for appealing to the Minister [^{F83}or, in the case of the British Waterways Board ^{F80}..., to

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the Scottish Ministers] against planning decisions of local planning authorities shall apply, subject to any necessary modifications, to an appeal under this subsection.

- (6) The provisions of the said Acts as to the validity, and proceedings for challenging the validity, of decisions of the Minister [or, in the case of the British Waterways Board in respect of any development in Scotland, to the Scottish Ministers] on applications for planning permission referred to him under those Acts or on appeals to him under those Acts against planning decisions of local planning authorities shall apply to any determination of the Minister [or, in the case of the British Waterways Board in respect of any development in Scotland, to the Scottish Ministers] . . . ^{F82} under this section as if a reference to this section were included in those provisions.

^{F84}(6A) In Scotland any question to be determined by the Minister under subsection (4) above and any appeal under subsection (5) shall be determined by ^{F85}the Secretary of State for Scotland acting jointly with the Secretary of State for ^{F86}Levelling Up, Housing and Communities]]].

^{F87}(6B) Subsection (6A) above does not apply to the British Waterways Board.]

^{F88}(7)

- (8) In this section . . . ^{F82}“the Town and Country Planning Acts” mean . . . ^{F82} the Town and Country Planning Acts, 1947 to 1959, or, in relation to Scotland, . . . ^{F82} the Town and Country Planning (Scotland) Acts, 1947 to 1959; and, subject to this section, any other expression in this section which is used in those Acts has the same meaning as in those Acts.

Textual Amendments

- F79** Words in s. 86(4) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(22)(a)** (with transitional provisions and savings in art. 4)
- F80** Words in s. 86(4)(5) omitted (2.7.2012) by virtue of [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 26** (with arts. 4-6)
- F81** Words in s. 86(4) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(22)(b)** (with transitional provisions and savings in art. 4)
- F82** Words repealed by S.I. 1970/1681, **Sch. 4**
- F83** Words in s. 86(5) inserted (1.4.2001) by S.I. 2000/3251, art. 1(2)(b), 2, **Sch. 2 para. 2(23)** (with transitional provisions and savings in art. 4)
- F84** S. 86(6A) inserted by S.I. 1970/1681, **Sch. 3 para. 20(2)**
- F85** Words in s. 86(6A) substituted by S.I. 1976/1775, art. 6(1), **Sch. 3 para. 6(1)**
- F86** Words in s. 86(6A) substituted (8.12.2021) by [The Transfer of Functions \(Secretary of State for Levelling Up, Housing and Communities\) Order 2021 \(S.I. 2021/1265\)](#), art. 1(2), **Sch. 2 para. 1** (with art. 12)
- F87** S. 86(6B) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(24)** (with transitional provisions and savings in art. 4)
- F88** S. 86(7) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. VI**

Modifications etc. (not altering text)

- C35** S. 86 extended by [Transport Act 1968 \(c. 73\)](#), s. 141
- C36** “The Minister” means The Secretary of State: S.I. 1970/1681, **art. 2(1)**
- C37** References to Town and Country Planning Acts to be construed as references to (E.W.) [Town and Country Planning Act 1971 \(c. 78\)](#): *ibid.*, Sch. 24, para. 2 and (S.) [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#): *ibid.*, Sch. 22 para. 2

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- C38** S. 86 amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), **Sch. 4 para. 7(1)**
- C39** S. 86 modified (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), **Sch. 4 para. 7(2)**
- C40** Functions of Secretary of State for the Environment under s. 86(6A), except so far as relates to functions exercisable in relation to British Waterways Board, now exercisable by Secretary of State for Transport: [S.I. 1976/1775](#), art. 2(1), **Sch. 1, 1979/571** art. 2 and 1981/238, art. 2(1)(a)
- C41** S. 86(6A) transfer of functions (21.8.2006) by [Secretary of State for Communities and Local Government Order 2006 \(S.I. 2006/1926\)](#), arts. 1(2), **4(1)(a)**

87 ^{F89}

Textual Amendments
F89 S. 87 repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

88 ^{F90}

Textual Amendments
F90 S. 88 repealed by [Tribunals and Inquiries Act 1971 \(c. 62\)](#), **Sch. 4 Pt. I**

Supplemental

89 Duty to give effect to Minister’s directions.

- (1) It shall be the duty of the Boards or of any other person to whom the Minister [^{F91}or, as the case may be, the Scottish Ministers]or any other authority gives directions under this Act to give effect to those directions.
- (2) Any direction given by the Minister [^{F92}or, as the case may be, the Scottish Ministers]under this Act shall be in writing.

Textual Amendments
F91 Words in s. 89(1) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, **Sch. 2 para. 2(25)** (with transitional provisions and savings in art. 4)
F92 Words in s. 89(2) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, **Sch. 2 para. 2(26)** (with transitional provisions and savings in art. 4)

Modifications etc. (not altering text)
C42 S. 89 extended by [Transport Act 1968 \(c. 73\)](#), s. 52(3)

^{F93}**90 Inquiries.**

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Textual Amendments

- F93** S. 90 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), Sch. 2 para. 6, [Sch. 3](#) (with ss. 44, 50); [S.I. 2005/1432](#), art. 2

91 Repeal of local enactments.

- (1) The Minister [^{F94}or, in the case of the British Waterways Board in respect of any local enactment in Scotland, the Scottish Ministers] may by order repeal any local enactment which in his [^{F95}or, as the case may be, their] opinion has ceased to have effect in consequence of the provisions of the ^{M30}Transport Act 1947, or this Act.
- (2) An order under this section shall be made by statutory instrument which shall be subject to annulment [^{F96}in the case of an order made by the Minister,] in pursuance of a resolution of either House of Parliament [^{F97}and in the case of an order made by the Scottish Ministers, in pursuance of a resolution of the Scottish Parliament.].

Textual Amendments

- F94** Words in s. 91(1) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(30\)\(a\)](#) (with transitional provisions and savings in art. 4)
- F95** Words in s. 91(1) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(30\)\(b\)](#) (with transitional provisions and savings in art. 4)
- F96** Words in s. 91(2) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(31\)\(a\)](#) (with transitional provisions and savings in art. 4)
- F97** Words in s. 91(2) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(32\)\(b\)](#) (with transitional provisions and savings in art. 4)

Marginal Citations

- M30** 1947 c. 49.

92 Interpretation.

- (1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings herein respectively assigned to them,—

“charges” includes fares, rates, tolls and dues of every description;

“coastal shipping” means the carrying of goods or passengers in ships by sea to or from any point in Great Britain from or to any point in the United Kingdom, the Isle of Man, the Channel Islands or the Republic of Ireland, but does not include the carrying of goods or passengers in the exercise of a right of ferry legally established whether by Act of Parliament or otherwise;

.....
^{F98}

“final accounts of the Commission” has the meaning assigned to it by subparagraph (5) of paragraph 18 of the Seventh Schedule to this Act;

“function” includes powers, duties and obligations;

“goods” includes animals;

“harbour” means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and any dock, including any pier, jetty or other place at which ships can ship or unship goods or passengers;

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“the Holding Company” has the meaning assigned to it by section twenty-nine of this Act;

“the Hotel Company” has the meaning assigned to it by section thirty-three of this Act;

“inland waterway” includes every such waterway whether natural or artificial;

“land” includes any interest in land and any right over land;

“lease” includes an agreement for a lease;

“liability” includes an obligation;

“local enactment” means any provision—

- (a) in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, and
- (b) in any order or other instrument made under such an Act, and
- (c) in any order made under the ^{M31}Light Railways Act 1896,

and includes any provision of the ^{M32}Railways Clauses Consolidation Act 1845, or any other public Act as it is incorporated in an Act or instrument falling under paragraph (a), (b) or (c) of this definition;

F99

.....

“the Lower Ouse Improvement” means so much of the River Ouse as is within the limits of improvement as defined by section three of the ^{M33}Ouse (Lower) Improvement Act 1884;

“the Minister” means [^{F100}the Secretary of State];

“officer”, in relation to the Commission or any other body, does not include a member of that body;

“participant” means, in relation to a pension scheme, a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise) contributes or has contributed under the scheme and has pension rights thereunder and “participate” shall be construed accordingly;

“pension”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto and any sums payable on or in respect of the death of that person;

“pension fund” means a fund established for the purposes of paying pensions;

“pension rights” includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension, and any expectation of the accruer of a pension under any customary practice, and includes a right of allocation in respect of the present or future payment of a pension;

“pension scheme” includes any form of arrangement for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise;

“port facilities” means the constructing, improving, maintaining, regulating, managing, marking or lighting of a harbour or any part thereof, the berthing, towing, moving or dry-docking of a ship which is in, or is about to enter, or has recently left, a harbour, the loading or unloading of goods, or embarking or disembarking of passengers, in or from any such ship, the lighterage or the sorting, weighing, warehousing or handling of goods in a harbour, and the movement of goods within a harbour;

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“public service vehicle” shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the ^{M34}Road Traffic Act 1960;

“the re-organisation effected by this Act” includes any re-organisation effected by a scheme under section sixty-nine of this Act, including any amendments of the scheme made not later than six months after the date on which the scheme comes into effect:

“securities”, in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature, of the body corporate;

“ship” includes every description of vessel used in navigation;

F98

“statutory provision” means a provision whether of a general or of a special nature contained in, or in any document made or issued under, any Act, whether of a general or a special nature;

“subsidiary”, in relation to any body corporate, means a body corporate which is a subsidiary of the first mentioned body corporate as defined by [^{F101}section 1159 of the Companies Act 2006] . . . ^{F102};

“vesting date” has the meaning assigned to it by section thirty-one of this Act;

“wholly-owned subsidiary” means a subsidiary all the securities of which are owned by the body of which it is a subsidiary, or by one or more other wholly-owned subsidiaries of that body, or partly by that body and partly by any wholly-owned subsidiary of that body.

- (2) Any reference in this Act to any provision of the ^{M35}Railways Clauses Consolidation Act 1845, or of any other Act which is expressed only to have effect as incorporated in another enactment, shall include a reference to that provision as incorporated in any statutory provision passed or made whether before or after the passing of this Act.
- (3) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by any other enactment including this Act.

Textual Amendments

- F98** Definitions of “contract carriage”, “express carriage” and “stage carriage” repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F99** Definitions repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), **Sch. 6**
- F100** Words substituted by virtue of S.I. 1981/238, **arts. 2(2), 3(2)(3)**
- F101** Words in s. 92(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 9** (with art. 10)
- F102** Words repealed by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 144(4), **Sch. 18 para. 4** and expressed to be repealed (1.4.1994) by [1993 c. 43, s. 152\(3\)](#), **Sch.14**; S.I. 1994/571, **art. 5**.

Marginal Citations

- M31** 1896 c. 48.
- M32** 1845 c. 20.
- M33** 1884 c. clxi.
- M34** 1960 c. 16.

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M35 1845 c. 20.

93 Application to Northern Ireland.

(1) The provisions of this Act set out in Part I of the Eleventh Schedule to this Act shall extend to Northern Ireland subject to the modifications set out in Part II of that Schedule, and save as aforesaid this Act shall not extend to Northern Ireland.

(2) **F103**

Textual Amendments

F103 S. 93(2) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), **Sch. 6 Pt. I**

94 Minister's expenses.

Any expenses incurred by the Minister under or in consequence of the provisions of this Act shall be paid out of money provided by Parliament.

95 Repeal and savings.

(1) **F104**

(3) Nothing in the repeals in Part I of the Twelfth Schedule to this Act which relate to the Transport Tribunal shall affect any appointment made, any judgment or order given, any document issued or any other thing done before the date on which the repeals take effect; and the provision of this Act corresponding to the enactment under which it was done shall have effect as if it had been done under that provision.

Any reference in any instrument or other document to such an enactment shall be taken as regards anything done after that date as a reference to the corresponding provision of this Act.

(4) The foregoing provisions of this section shall be without prejudice to so much of [^{F105}the ^{M36}Interpretation Act 1978], as relates to the effect of repeals.

(5) **F104**

Textual Amendments

F104 S. 95(1)(2)(5) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. VI**

F105 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), **s. 25(2)**

Marginal Citations

M36 1978 c. 30.

96 Short title and commencement.

(1) This Act may be cited as the Transport Act 1962.

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- (2) Subject to any other provision of this Act, this Act shall come into force on such date as the Minister may by order contained in a statutory instrument appoint, and the Minister may under this subsection appoint different dates for different provisions of this Act.

Modifications etc. (not altering text)

C43 Power of appointment conferred by s. 96(2) fully exercised see S.I. 1962/1788, 2634, 1964/2025

Changes to legislation:

There are currently no known outstanding effects for the Transport Act 1962, Part IV.