

*Status: Point in time view as at 02/07/2012.*

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

## SCHEDULES

### FIRST SCHEDULE

Sections 1, 2 and 29.

#### THE BOARDS . . . <sup>F1</sup> AND THE HOLDING COMPANY

##### Textual Amendments

**F1** Words repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

### PART I

#### THE FOUR BOARDS

##### Modifications etc. (not altering text)

**C1** Pt. I extended by [Transport Act 1968 \(c. 73\)](#), [Sch. 1 para. 6](#)

- 1 Each Board shall be a body corporate with perpetual succession and a common seal.
- 2 Each Board may act notwithstanding a vacancy among its members.
- 3 The quorum of the Railways Board shall be five, and the quorum of each of the other Boards shall be three and, subject as aforesaid, the Boards may regulate their own procedure.
- [<sup>F2</sup>4 The application of the seal of any Board shall be authenticated by the signature of the secretary of the Board or some other person authorised by the Board, either generally or specially, to act for that purpose.]

##### Textual Amendments

**F2** Para. 4 substituted by [Transport Act 1968 \(c. 73\)](#), [s. 52\(4\)](#)

- 5 Every document purporting to be an instrument issued by any of the Boards and to be sealed as aforesaid, or to be signed on behalf of any Board, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.
- 6 (1) A member of any Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.  
[<sup>F3</sup>(2) [<sup>F4</sup>A member of any Board other than the British Waterways Board] may at any time by notice in writing to the Minister resign that member's office.  
[<sup>F5</sup>(3) Any member of the British Waterways Board may at any time by notice in writing to the Scottish Ministers resign that member's office.]]

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#### Textual Amendments

- F3** Sch. 1 para. 6(2)(3) substituted for Sch. 1 para. 6(2) (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(32\)\(a\)](#) (with transitional provisions and savings in art. 4)
- F4** Words in Sch. 1 para. 6(2) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), [Sch. 2 para. 27\(2\)\(a\)](#) (with arts. 4-6)
- F5** Sch. 1 para. 6(3) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), [Sch. 2 para. 27\(2\)\(b\)](#) (with arts. 4-6)

- 7 (1) Before appointing a person to be a member of any Board, the Minister shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of a Board, and the Minister shall also satisfy himself from time to time with respect to every member of any of the Boards that he has no such interest; and any person who is, or whom the Minister proposes to appoint to be, a member of a Board shall, whenever requested by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this paragraph.

[<sup>F6</sup>(1A) Sub-paragraph (1) above applies to any appointment <sup>F7</sup> ... of a member of the British Waterways Board as if any reference (however expressed) to the Minister is read as a reference to the Scottish Ministers. ]

- (2) A member of any Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the Board, and the member shall not take any part in any deliberation or decision of the Board with respect to that contract.
- (3) For the purposes of the last foregoing sub-paragraph a general notice given at a meeting of a Board by a member of the Board to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm, shall be regarded as a sufficient disclosure of his interest in relation to any contract so made.

A member of a Board need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

#### Textual Amendments

- F6** Sch. 1 para. 7(1A) 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)
- F7** Words in Sch. 1 para. 7(1A) 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. 27\(3\)](#) (with arts. 4-6)

- 8 (1) Each Board—
- (a) shall pay to the members thereof such salaries or fees, and such allowances, as the Minister may, with the approval of [<sup>F8</sup>the Minister for the Civil Service], determine, and
- [<sup>F9</sup>(b) the references to the approval of the Treasury (which, by virtue of Articles 2(1)(c) and 3(2) of the Minister for the Civil Service Order 1968 <sup>F10</sup> are to

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have effect as if they were references to the Minister for the Civil Service) are omitted. ]

and if a person ceases to be a member of a Board, 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 [<sup>F8</sup>the Minister for the Civil Service], require the Board to pay to that person a sum of such amount as the Minister may with the approval of [<sup>F8</sup>the Minister for the Civil Service] determine.

[<sup>F11</sup>(1A) Sub-paragraph (1) above applies to any member of the British Waterways Board <sup>F12</sup>... as if–

- (a) any reference (however expressed) to the Minister is read as a reference to the Scottish Ministers; and
- (b) the references to the approval of the Treasury are omitted.]

(2) The Minister shall, as soon as possible after the first appointment [<sup>F13</sup>by the Minister]of any person as a member of a Board, lay before each House of Parliament a statement of the salary or fees and of the allowances that are or will be payable under this paragraph; and, if any subsequent determination by him under this paragraph involves a departure from the terms of that statement, or if a determination by him under this paragraph relates to the payment of, or of payment towards the provision of, a pension to or in respect of, a member of the Board, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

[<sup>F14</sup>(2A) The Scottish Ministers shall, as soon as possible after the first appointment by the Scottish Ministers of any person as a member of the British Waterways Board, lay before the Scottish Parliament a statement of the salary or fees and of the allowances that are or will be payable under this paragraph; and, if any subsequent determination by them under this paragraph involves a departure from the terms of that statement, or if a determination by them under this paragraph relates to the payment of, or of payment towards the provision of, a pension to or in respect of, a member of the British Waterways Board, the Scottish Ministers shall, as soon as possible after the determination, lay a statement thereof before the Scottish Parliament.]

(3) So much of sub-paragraph (1) of this paragraph as requires that the pensions, if any, which are to be paid in the case of members of a Board are to be determined by the Minister with the approval of [<sup>F8</sup>the Minister for the Civil Service][<sup>F15</sup>or, in the case where sub-paragraph (1) above is applied by sub-paragraph (1A), by the Scottish Ministers]shall not apply in relation to any pension payable apart from the provisions of this paragraph.

#### Textual Amendments

- F8** Words substituted by virtue of S.I. 1968/1656, arts. 2(1)(c), 3(2)
- F9** Sch. 1 para. 8(1)(b) substituted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(32)(c)(i) (with transitional provisions and savings in art. 4)
- F10** S.I. 1968/1656.
- F11** Sch. 1 para. 8(1A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(32)(c)(ii) (with transitional provisions and savings in art. 4)
- F12** Words in Sch. 1 para. 8(1A) 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. 27(4) (with arts. 4-6)

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- F13** Words in Sch. 1 para. 8(2) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(32)(d)** (with transitional provisions and savings in art. 4)
- F14** Sch. 1 para. 8(2A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(32)(e)** (with transitional provisions and savings in art. 4)
- F15** Words in Sch. 1 para. 8(3) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(32)(f)** (with transitional provisions and savings in art. 4)

## PART II

. . . F16

### Textual Amendments

- F16** Sch. 1 Pt. II repealed by Transport Act 1968 (c. 73), **Sch. 18 Pt. I**

## PART III

. . . F17

### Textual Amendments

- F17** Sch. 1 Pt. III repealed by S.I. 1973/338, **Sch. 2**

## SECOND SCHEDULE

### TRANSFER OF COMMISSION’S STATUTORY FUNCTIONS

#### Modifications etc. (not altering text)

- C2** Sch. 2 specified provisions modified (15.7.2003) by The Transport for London (Consequential Provisions) Order 2003 (S.I. 2003/1615), art. 1(1), Sch. 1 para. 2(2)(b)(3)

## PART I

### PUBLIC ACTS

#### Modifications etc. (not altering text)

- C3** Sch. 2 Pt. I amended (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 67(2), **Sch. 4 paras. 1(1)(2)(b), 6(2)(b)(3)(5)**

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*The Railway Fires Act, 1905*

*5 Edw. 7. c. 11*

Section 2 (Powers of entry on land). The reference to a railway company shall include a reference to any of the Boards.

<sup>F18</sup> *The London Passenger Transport Act, 1933*

*23 & 24 Geo. 5. c. 14*

**Textual Amendments**

**F18** Entry relating to the London Passenger Transport Act 1933 repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(b), [Sch. 7](#)

**Modifications etc. (not altering text)**

**C4** 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.

In the London Passenger Act, 1933 (so far as not repealed by this Act), for references to the London Passenger Transport Bureau there shall be substituted references to the London Board.]

F19

**Textual Amendments**

**F19** Entry relating to [Public Health \(London\) Act 1936 \(c. 50\)](#) repealed by S.I. 1966/1305, [art. 2 Sch. 1](#)

**Textual Amendments**

**F19** Entry relating to [Public Health \(London\) Act 1936 \(c. 50\)](#) repealed by S.I. 1966/1305, [art. 2 Sch. 1](#)

F20

**Textual Amendments**

**F20** Entry relating to [Criminal Justice Act 1950 \(c. 58\)](#) repealed by [Theft Act 1968 \(c. 60\)](#), s. 33(3), [Sch. 3 Pt. IV](#)

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### Textual Amendments

- F20** Entry relating to [Criminal Justice Act 1950 \(c. 58\)](#) repealed by [Theft Act 1968 \(c. 60\)](#), s. 33(3), [Sch. 3 Pt. IV](#)

### *The Coast Protection Act, 1949*

*12, 13 & 14 Geo. 6. c. 74*

- 1 (1) In paragraph (d) of subsection (2) and subsection (8) of section two, in paragraph (c) of subsection (6) of section three and in paragraphs 1 and 8 of the First Schedule (which relate to the appointment of coast protection boards and joint committees) for references to the Commission there shall be substituted references to the Railways Board and the British Waterways Board.
- (2) This paragraph shall not affect any order under the said section two, or any appointment made under either of those sections before the vesting date, but the power under an order under the said section two or under the said section three to appoint a person to take the place of a representative of the Commission shall be exercisable either by the Railways Board or the British Waterways Board, or both those Boards jointly, as those Boards may agree.
- 2 In paragraph (c) of the proviso to subsection (4) of section five and in paragraph (c) of the proviso to subsection (4) of section eight (which relate to objections to proposals to carry out coast protection work) for the reference to the Commission there shall be substituted a reference to any of the Boards.

... **F21**

... **F22**

... **F23**

### Textual Amendments

- F21** Entry relating to the Diseases of Animals Act 1950 repealed by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 96(2), [Sch. 6](#)
- F22** Entry repealed by [Transport Act 1980 \(c. 34\)](#), [Sch. 9 Pt. I](#)
- F23** Entry amends [Post Office Act 1953 \(c. 36\)](#), s. 44(1)(b)

### *The Transport Charges &c. (Miscellaneous Provisions) Act, 1954*

*2 & 3 Eliz. 2. c. 64*

Section 13(1)(Interpretation of Act).

In the definition of “independent” for the reference to the Commission there shall be substituted a reference to any of the Boards.

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<sup>F24</sup> *The Food and Drugs Act, 1955*

*4 Eliz. 2. c. 16*

**Textual Amendments**

**F24** Entry relating to the Food and Drugs Act 1955 repealed (E.W.) by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 11](#)

Section 11(2)(Power to examine food in transit).

For the reference to the Commission and the Commission’s railway undertaking there shall be substituted a reference to any of the Boards and to any railway operated by that Board.]

*The Food and Drugs (Scotland) Act, 1956*

*4 & 5 Eliz. 2. c. 30*

Section 11(2)(Power to examine food in transit).

For the reference to the Commission and the Commission’s railway undertaking there shall be substituted a reference to any of the Boards and to any railway operated by that Board.

F25  
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**Textual Amendments**

**F25** Entry repealed by [Transport Act 1980 \(c. 34\)](#), [Sch. 9 Pt. I](#)

**F26** Entries repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 6](#)

**F27** Entry relating to section 157 of the Road Traffic Act 1960 (c. 16) repealed by [Public Passenger Vehicles Act 1981 \(c. 14, SIF 107:1\)](#), [Sch. 8](#)

**F28** Entry repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. IV](#)

**F29** Entry repealed by [Theft Act \(Northern Ireland\) 1969 \(c. 16\)](#), [Sch. 3 Pt. II](#)

<sup>F30</sup> **PART II**

**Textual Amendments**

**F30** Sch. 2 Pt. II repealed (1.4.1994) by 1993 c. 43, s. 152(3), [Sch.14](#); S.I. 1994/571, [art. 5](#).

*Status: Point in time view as at 02/07/2012.*

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### PART III

#### OTHER FUNCTIONS UNDER LOCAL ENACTMENTS

##### **Modifications etc. (not altering text)**

- C5** Pt. III extended by [Transport Act 1968 \(c. 73\)](#), [Sch. 16 para. 7](#)
- C6** Sch. 2 Pt. III amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#) s. 67(2), Sch. 4 para. 1(1)(2)(b), 6(2)(b)(3)(5)

#### *[<sup>F31</sup>The London Passenger Transport Acts of 1934 to 1947]*

##### **Textual Amendments**

- F31** Entry relating to the London Passenger Transport Acts of 1934 to 1947 is expressed to be repealed (E.W.) in Pt. II of Sch. 2, by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), [s. 71\(3\)\(b\)](#), Sch. 7 [*Editorial Note: there is no such entry in Pt. II of Sch. 2 but there is such an entry in Pt. III of Sch. 2*]

*[<sup>F31</sup>In the local Acts cited as the London Passenger Transport Acts, 1933 to 1947, for references to the London Passenger Transport Board there shall be substituted references to the London Board.]*

#### *The British Transport Commission Act 1949*

#### *12 & 13 Geo. 6. c. xxix*

Section 54(Powers of search and arrest on Commission’s property).	For references to the Commission there shall be substituted references to any of the Boards and the Hotel Company.
Section 55(Trespass on railways).	For references to the Commission there shall be substituted references to any of the Boards.
Section 56(Stone throwing on railways).	For references to the Commission there shall be substituted references to any of the Boards.
Section 57(Rights of way over Commission’s property).	For references to the Commission there shall be substituted references to any of the Boards.
Section 59(Rights of pre-emption under Lands Clauses Acts).	For references to the Commission there shall be substituted references to any of the Boards.

#### *The British Transport Commission Order Confirmation Act 1953*



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*1 & 2 Eliz. 2. c. xx*

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Section 18 in the Schedule (Service of notices to treat).	For references to the Commission there shall be substituted references to any of the Boards.
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*The British Transport Commission Act 1953*

*1 & 2 Eliz. 2. c. xlii*

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Section 52(Service of notices to treat).	For references to the Commission there shall be substituted references to any of the Boards.
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*The British Transport Commission Act 1954*

*2 & 3 Eliz. 2. c. lv*

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Section 24(Private street expenses).	For references to the Commission there shall be substituted references to any of the Boards.
Section 40(Barriers at level-crossings).	For references to the Commission there shall be substituted references to any of the following, that is to say, the Railways Board, the London Board and the Docks Board.

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*The British Transport Commission Act 1957*

*5 & 6 Eliz. 2. c. xxxiii*

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Section 66(Special safety arrangements at level crossings).	For references to the Commission there shall be substituted references to any of the following, that is to say, the Railways Board, the London Board and the Docks Board.
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*The British Transport Commission Act 1958*

*6 & 7 Eliz. 2. c. xliv*

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Section 19(Raising of stranded or abandoned vessels).	For references to the Commission there shall be substituted references to the British Waterways Board and, as regards the Lower Ouse Improvement, the Docks Board.
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*The British Transport Commission Order Confirmation Act 1959*

*7 & 8 Eliz. 2. c. xxxvi*

Section 15 in the Schedule (Execution of deeds).	For references to the Commission there shall be substituted references to any of the Boards.
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*The British Transport Commission Act 1959*

*7 & 8 Eliz. 2. c. xliv*

Section 26(Powers as regards canal basins).	For references to the Commission there shall be substituted references to the British Waterways Board.
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*The British Transport Commission Act 1961*

*9 & 10 Eliz. 2. c. xxxvi*

Section 26(Traffic offences on dock roads).	For references to the Commission there shall be substituted references to any of the following, that is to say, the Railways Board, the Docks Board and the British Waterways Board.
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**PART IV**

THE RAILWAYS CLAUSES ACTS

**Modifications etc. (not altering text)**

**C7** Sch. 2 Pt. IV amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), [Sch. 4 para. 6\(2\)\(c\)\(5\)](#)

The following enactments in the <sup>M5</sup>Railways Clauses Consolidation Act 1845, and the <sup>M6</sup>Railways Clauses Consolidation (Scotland) Act 1845, shall apply to all the railways of each of the Boards and shall so apply as if references in those enactments to the company were references to those Boards respectively.

**Marginal Citations**

**M5** 1845 c. 20.

**M6** 1845 c. 33.

*Status: Point in time view as at 02/07/2012.*

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<i>Subject matter</i>	<i>Section of Railways Clauses Consolidation Act 1845</i>	<i>Section of Railways Clauses Consolidation (Scotland) Act 18 45</i>
Lien for non-payment of tolls	97	90
Passengers avoiding payment of fares	103 and 104	96 and 97
Carriage of dangerous goods	105	98
Defacement of notice boards	144	1 36
F32	F32	F32
...	...	...

#### Textual Amendments

- F32** Sch. 2 Pt. IV: entry relating to s. 152 of the Railway Clauses Consolidation Act 1845 and s. 144 of the Railway Clauses Consolidation (Scotland) Act 1845 repealed (5.11.1993) by [1993 c. 50, s. 1\(1\)](#), [Sch. 1 Pt. XIV](#) Group 1.

### F33F33– THIRD– FIFTH SCHEDULES

#### Textual Amendments

- F33** [Schs. 3–5](#), [6 para. 1\(2\)\(4\)](#) [Sch. 7 Pt. I paras. 3, 4](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

F33

### SIXTH SCHEDULE

Section 35.

#### DISTRIBUTION OF COMMISSION’S UNDERTAKING

#### Modifications etc. (not altering text)

- C8** Sch. 6, except para. 2(3), amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. [67\(2\)](#), [Sch. 4 para. 6\(2\)\(d\)\(5\)](#)
- C9** Sch. 6 modified in part (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. [1\(1\)](#), [Sch. 1 para. 2\(2\)\(c\)](#)

#### *Distribution of property among the Boards*

- 1 (1) It shall be the duty of the Boards [<sup>F34</sup>and Canal & River Trust] so far as practicable to arrive at such written agreements, and to execute such other instruments, as will

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effect the demarcations of boundaries and divisions and apportionments of property, rights and liabilities required under the principal sections and as will—

- (a) afford to each Board as against the other Boards [<sup>F35</sup>or, as the case may be, Canal & River Trust] such rights and safeguards as they may require for the proper discharge of their functions, and
- [<sup>F36</sup>(aa) afford to Canal & River Trust as against the Boards such rights and safeguards as they may require for the proper discharge of their functions, and]
- (b) make such clarifications and modifications of the division of the Commission’s undertaking effected by the principal sections as will best serve the proper discharge of the functions of the Boards [<sup>F37</sup>or, as the case may be, Canal & River Trust],

and any such agreement shall provide so far as expedient—

- (i) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not,
- (ii) for the granting of indemnities in connection with the severance of leases and other matters,
- (iii) for the joint holding of assets,
- (iv) for responsibility for registration of any matter in any description of statutory register.

An agreement made in pursuance of this sub-paragraph after the vesting date shall not be invalid on that account.

(2) ..... <sup>F38</sup>

(3) Where under the principal sections a Board is entitled to possession of any documents relating in part to the title to, or to the management of, any land or other property transferred under the principal sections to another Board, the first-mentioned Board shall be deemed to have given to the second-mentioned Board an acknowledgment in writing of the right of the second-mentioned Board to production of that document and to delivery of copies thereof, and section sixty-four of the <sup>M7</sup>Law of Property Act 1925, shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

(4) ..... <sup>F38</sup>

(5) The Railways Board shall, not later than one year after the vesting date, and after consulting the other Boards and the Holding Company, prepare and submit to the Minister schemes for sharing among the Boards and the Holding Company the control and use of the Historical Records vested in the Railways Board by paragraph (f) of subsection (2) of section thirty-one of this Act and dealing with the other assets so vested by that paragraph.

The Minister may approve a scheme so submitted to him with or without modifications, and it shall be the duty of the Boards and the Holding Company to give effect to any scheme as so approved.

..... <sup>F39</sup>

*Status: Point in time view as at 02/07/2012.*

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- (6) In the application of this paragraph to Scotland there shall be omitted, . . . <sup>F39</sup> in sub-paragraph (3), the words from “and section sixty-four” to the end of the sub-paragraph.

#### Textual Amendments

- F34** Words in Sch. 6 para. 1(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. 28(2)(a)** (with arts. 4-6)
- F35** Words in Sch. 6 para. 1(1)(a) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 28(2)(b)** (with arts. 4-6)
- F36** Sch. 6 para. 1(1)(aa) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 28(2)(c)** (with arts. 4-6)
- F37** Words in Sch. 6 para. 1(1)(b) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 28(2)(d)** (with arts. 4-6)
- F38** Schs. 3–5, 6 para. 1(2)(4) Sch. 7 Pt. I paras. 3, 4 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**
- F39** Words repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

#### Marginal Citations

- M7** 1925 c. 20.

#### *Construction of Agreements, Statutory Provisions and Documents*

- 2 (1) On and after the vesting date any agreement to which the Commission were a party immediately before the vesting date, whether in writing or not, and whether or not of such nature that rights and liabilities thereunder could be assigned by the Commission, shall have effect as if—
- the successor Board had been a party to the agreement, and
  - for any reference (however worded and whether express or implied) to the Commission there were substituted, as respects anything falling to be done on or after the vesting date, a reference to the successor Board, and
  - any reference (however worded and whether express or implied) to any officer or any servant of the Commission were, as respects anything falling to be done on or after the vesting date, a reference to such person as the successor Board may appoint or, in default of appointment, to the officer or servant of the successor Board who corresponds as nearly as may be to the first-mentioned officer or servant, and
  - where the agreement relates to property, rights or liabilities which under the principal sections fall to be apportioned or divided or distributed between two or more Boards, as if the agreement constituted two or more separate agreements separately enforceable by and against each of the respective Boards as regards the part of the property, rights and liabilities vesting in that Board and not as regards the other part,
- and paragraph (d) of this sub-paragraph shall apply in particular to the covenants, stipulations and conditions of any lease by or to the Commission.
- (2) Save as otherwise provided by any provision in this Act (whether expressly or by necessary implication), the foregoing sub-paragraph (except paragraph (a)) shall apply in relation to any statutory provision, any provision of any agreement to which the Commission were not a party, and any provision of any other document not being an agreement, as it applies in relation to an agreement to which the Commission

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were a party, and, in relation to any such statutory or other provision as aforesaid, references in paragraphs (b) and (c) of that sub-paragraph to the Commission and to any officers or servants of the Commission include references made by means of a general reference to a class of persons of which the Commission are one, without the Commission themselves being specifically referred to.

- (3) On and after the vesting date any statutory provision passed or made, and any agreement or other instrument executed, before the date of transfer under Part II of the <sup>M8</sup>Transport Act 1947, which by virtue of that Act contains a reference to the Commission instead of a reference to some other body shall have effect as if—
- (a) for any reference (however worded and whether express or implied) which before the said date of transfer was a reference to the directors or any director of the body were, as respects anything falling to be done on or after the vesting date, a reference to such person as the successor Board may appoint, and
  - (b) subject to the foregoing provisions of this paragraph, any reference (however worded and whether express or implied) which before the said date of transfer was a reference to the undertaking of the body were, as respects a period beginning with the vesting date, a reference to so much of the undertaking of the successor Board as corresponds to the undertaking of the first-mentioned body.
- (4) Without prejudice to the generality of the foregoing provisions of this paragraph, where by the operation of this Act any right or liability becomes a right or liability of a Board, the Board and all other persons shall, as from the date when the right or liability is transferred, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any Authority) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Board, and any legal proceedings or applications to any Authority pending on the said date by or against the Commission, in so far as they relate to any property, right or liability transferred to the Board under or in pursuance of this Act, or to any agreement or enactment to which this Act applies, shall be continued by or against the Board to the exclusion of the Commission.
- (5) If the effect of any agreement, and in particular any agreement under the Railway Road Transport Acts of 1928 mentioned in paragraph 1 of Part II of the Second Schedule to this Act, which was executed before the passing of this Act and to which any Board is by virtue of this Act a party depends on whether that Board has power to carry on any activity, it shall be assumed for the purposes of the agreement that any activity which requires the consent of the Minister under this Act has been authorised by such a consent.
- (6) In this paragraph “the successor Board” means—
- (a) so far as the relevant agreement, statutory provision or other document relates to property, rights or liabilities or functions transferred under or in pursuance of this Act to one of the Boards, that Board,
  - (b) so far as the agreement, statutory provision or other document relates to property, rights or liabilities or statutory functions transferred under or in pursuance of this Act to two or more of the Boards, those Boards, but taken as a reference to both or all of those bodies, or to either or any of them separately, as the context may require, and
  - (c) in any other case, such Board as the Minister may direct,

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and in this paragraph references to agreements to which the Commission were a party and to statutory provisions, include in particular references to agreements to which the Commission became a party by virtue of the <sup>M9</sup>Transport Act 1947, and statutory provisions which applied to the Commission by virtue of that Act.

- (7) In this paragraph references to the Boards include references to the Holding Company.
- (8) The provisions of this paragraph shall have effect for the interpretation of agreements, statutory provisions and other instruments subject to the context, and shall not apply where the context otherwise requires.
- (9) In this paragraph references to the Commission include references to any Executive of the Commission.

**Modifications etc. (not altering text)**

**C10** Para. 2(3) amended by [Transport Act 1968 \(c. 73\)](#), [Sch. 4 para. 9](#)

**Marginal Citations**

**M8** 1947 c. 49.

**M9** 1947 c. 49.

*Third parties affected by vesting provisions*

- 3 (1) Without prejudice to the provisions of the last foregoing paragraph, any transaction effected between the Boards in pursuance of paragraph 1 of this Schedule not more than five years after the vesting date shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.
- (2) It shall be the duty of the Boards who effect any transaction in pursuance of paragraph 1 of this Schedule to notify any person who has rights or liabilities which thereby become enforceable as to part by or against one Board and as to part by or against another Board, and if such a person applies to the Minister and satisfies him that the division or apportionment operated unfairly against him, the Minister may give such directions to the Boards as appear to him appropriate for varying the division or apportionment.
- (3) It shall also be the duty of the Boards to notify any person who has rights or liabilities which become enforceable as to part by or against one Board and as to part by or against another Board in consequence of a direction given by the Minister under sub-paragraph (2) of paragraph 1 of this Schedule.
- (4) If in consequence of the provisions of the principal sections and this Schedule, or of anything done in pursuance of those provisions, the rights or liabilities of any person other than a Board or the Holding Company or any subsidiary of a Board or of the Holding Company which were enforceable against or by the Commission become enforceable as to part against or by one Board and as to part against or by another Board, and the value of any property or interest of that person is thereby diminished, the Boards shall pay to that person such compensation as may be just, and any dispute as to whether and if so how much compensation is so payable, or as to the person to whom it shall be paid, shall be referred to and determined by an arbitrator appointed

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

by the Lord Chancellor or, where the proceedings are to be held in Scotland, by an arbiter appointed by the Lord President of the Court of Session.

- (5) A conveyance or transfer whereby a Board purport to transfer to some person other than a Board or the Holding Company for consideration any land or any other property which belonged to the Commission, or which is an interest in property which belonged to the Commission, shall be as effective as if all the other Boards had been parties to the conveyance or transfer and had thereby conveyed or transferred all their interest in the property conveyed or transferred.
- (6) If at any stage of any court proceedings which have been instituted before the vesting date or later, but not more than five years after the vesting date, and which are proceedings to which a Board and a person other than a Board are parties, it appears to the court that the issues in the proceedings depend on any demarcation of boundaries or division or apportionment under the principal sections or this Schedule which the Boards have not yet effected, or raise a question of construction on those provisions which would not arise if all the Boards constituted a single person, the court may if it thinks fit on the application of a party to the proceedings other than a Board hear and determine the proceedings on the footing that the Board or Boards who are parties to the proceedings represent and are answerable for all the Boards, and that the Boards constitute a single person, and any judgment or order given by the court shall bind all the Boards accordingly.
- (7) It shall be the duty of each Board to keep any other of the Boards informed of any case where that other Board may be prejudiced by sub-paragraph (5) or sub-paragraph (6) of this paragraph, and if a Board claim that they have been so prejudiced and that some other Board ought to indemnify or make a payment to them on that account, and that the other Board have unreasonably failed to meet that claim, they may refer the matter to the Minister for determination by him.

*Minister's power to alter distribution of property and functions*

- 4 (1) The Minister shall have power—
  - (a) for the purpose of removing any difficulties or uncertainties in the application of sections thirty-one and thirty-two of this Act, or of reconciling the operation of those sections, or
  - (b) for the purpose of facilitating the discharge of the Boards' functions [<sup>F40</sup>or Canal & River Trust's functions],
 by order to direct that notwithstanding those sections any property, rights or liabilities of the Commission, and any functions of the Commission under any local enactments, shall be transferred to such Board or Boards [<sup>F41</sup>or, as the case may be, Canal & River Trust] as may be specified in the order.
- (2) An order under this paragraph may adapt or modify any local enactment so far as appears to the Minister expedient for the purpose of regulating the manner in which functions of the Commission thereunder are distributed and may contain such other transitional and supplemental provisions as appear to the Minister expedient, including provisions which might be included in an agreement between the Boards [<sup>F42</sup>, or between a Board and Canal & River Trust,] under paragraph 1 of this Schedule and provisions having retrospective effect.
- (3) An order under this paragraph shall by virtue of this Act have effect to vest any property, rights or liabilities transferred by the order without further assurance.



*Status: Point in time view as at 02/07/2012.*

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- (4) An order under this paragraph shall not be made more than five years after the vesting date unless it is one which relates, and is expressed to relate, only to a local enactment which authorises the carrying out of works.
- (5) An order made under this paragraph may be varied or revoked by a subsequent order so made, and unless the order relates, and is expressed to relate, only to a local enactment which authorises the carrying out of works, shall be made by statutory instrument.
- (6) In the application of sub-paragraph (3) of this paragraph to Scotland, the words “without further assurance” shall be omitted.

#### Textual Amendments

- F40** Words in Sch. 6 para. 4(1)(b) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 28(3)(a)** (with arts. 4-6)
- F41** Words in Sch. 6 para. 4(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. 28(3)(b)** (with arts. 4-6)
- F42** Words in Sch. 6 para. 4(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. 28(4)** (with arts. 4-6)

#### *Special provisions relating to transferred heritage in Scotland*

- 5 (1) This paragraph applies to any heritable property or right in Scotland which is transferred to any of the Boards by or under the principal sections or this Schedule; and in this paragraph “transferred heritage” means any property or right to which this paragraph applies, and “vesting provision”, in relation to any transferred heritage, includes such of the provisions of the principal sections or of this Schedule, and such of the directions given and orders made thereunder and the agreements made in pursuance thereof as effect the transfer.
- (2) In relation to any transferred heritage the vesting provision shall have effect for the purposes of any enactment relating to the completion of title to land or heritable rights as if it were a general disposition or assignation of the transferred heritage granted by the Commission in favour of the Board in question on the vesting date or, if the vesting provision takes effect on a subsequent date, on that subsequent date.
- (3) Where any transferred heritage is immediately before the vesting date, or becomes at any time thereafter, the subject of a lease granted by the Commission, or, as the case may be, the Board to whom the heritage is transferred, the lease shall not be challengeable (notwithstanding any rule of law to the contrary effect) on the ground that the Commission, or, as the case may be, the Board, were not at the time of the granting of the lease infest in the transferred heritage.
- (4) This paragraph shall apply to any heritable property or right in Scotland transferred to two or more of the Boards jointly or to the Holding Company as it applies to any such property or right transferred to a Board, and references therein to a Board shall be construed accordingly.

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*Status: Point in time view as at 02/07/2012.*

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

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*Transitory protection for Boards affected by works carried out by another Board*

- 6 (1) This paragraph applies in relation to works which a Board are authorised to carry out by a local enactment passed or made before the vesting date, including works begun but not completed by the Commission.
- (2) It shall be the duty of a Board who at any time begin or continue with works to which this paragraph applies to afford to any other Board such rights and safeguards in relation to the works and, where necessary, in relation to the carrying out of those works, as may be required in order to facilitate the proper discharge of their functions by that other Board; and it shall be the duty of any other Board to afford to the Board beginning or continuing with the works such rights and safeguards as may be required for the proper carrying out and operation of the works.
- (3) A Board who claim that another Board should in pursuance of their duty under the last foregoing sub-paragraph afford to the claimant Board any rights or safeguards shall give particulars of their claim by notice in writing to the other Board, and if within three months the Boards fail to agree on the claim, the claim shall be referred to an arbitrator appointed by the Boards or, in default of appointment by them, appointed by the Minister.
- (4) If it appears to a Board who are proposing to begin or continue with works to which this paragraph applies that another Board may wish to consider whether to make a claim under this paragraph regarding the works, they shall not without the consent of that other Board begin or continue with the works—
- (a) until one month after they have served a notice on that other Board of their proposal with sufficient particulars of the works, and any necessary plans and specifications, and
  - (b) if within one month of the service of the notice the other Board make a claim under this paragraph regarding the works, until the two Boards have agreed on the claim or the claim has been referred to an arbitrator appointed under sub-paragraph (3) of this paragraph and been finally determined:
- Provided that the Minister may authorise a Board without compliance with paragraph (b) of this sub-paragraph to continue works begun by the Commission.
- (5) Any agreement concluded between any of the Boards under this paragraph, and any award of an arbitrator under this paragraph, may itself provide for the reference of any issue to arbitration.
- (6) In this paragraph references to affording rights and safeguards to a Board include references to granting to the Board interests in and rights over land, and undertaking to give to the Board appropriate notices.

*Status: Point in time view as at 02/07/2012.*

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

## SEVENTH SCHEDULE

Sections 36, 49, 56, 75 and 80.

### TRANSITIONAL PROVISIONS

#### PART I

##### TRANSPORT STOCK

- 1 Any certificate issued or other thing done before the vesting date under or for the purposes of any provision in the British Transport Stock Regulations, 1947<sup>M10</sup>, shall continue to have effect on and after the vesting date in relation to the Stock, and shall be deemed to be issued or done under or for the purposes of the corresponding enactment, regulation or rule which for the time being applies to the Stock.

#### Marginal Citations

**M10** S.R. & O. 1947/2686.

- 2 (1) Any direction relating to the payment of interest to any particular person which, by virtue of paragraph (1) of regulation 19, paragraph (3) of regulation 25 and paragraph (2) of regulation 29 of the said Regulations of 1947 applied to Stock immediately before the vesting date shall continue to apply on and after the vesting date to that Stock and shall be taken to have effect under the regulations made under section four of the<sup>M11</sup>National Debt Act 1889.
- (2) Any stock or share certificate or similar document which by virtue of regulation 26 of the said Regulations of 1947 was treated as applicable to any Stock shall continue on and after the vesting date to be treated as so applicable and as equivalent to a stock certificate under the Government Stock Regulations, 1943,<sup>M12</sup> or any regulations replacing those regulations, until such time as a stock certificate is issued under such regulations.
- (3) A stockholder in respect of whose holding any such stock or share certificate or similar document is outstanding shall be entitled under the said Regulations of 1943, or any regulations replacing those regulations, to a stock certificate, but that document shall be surrendered to the Bank of England before the issue of the stock certificate:

Provided that where the said document has been lost or for any other reason cannot be surrendered, the Bank may issue the stock certificate on such terms as to evidence and indemnity as the Bank may require.

#### Marginal Citations

**M11** 1889 c. 6.

**M12** S.R. & O. 1943/1.

- 3, 4. .... F43

*Status: Point in time view as at 02/07/2012.*  
*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962. (See end of Document for details)*

**Textual Amendments**  
**F43** Schs. 3–5, 6 para. 1(2)(4) Sch. 7 Pt. I paras. 3, 4 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

**PART II**

5—7. . . . . **F44**

**Textual Amendments**  
**F44** Sch. 7 Pt. II paras. 5–7 repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 6](#)

**PART III**

CONSULTATIVE COMMITTEES

*Areas and members of existing Consultative Committees*

8 The areas for which under section six of the <sup>M13</sup>Transport Act 1947, there were Transport Users Consultative Committees immediately before the date on which section fifty-six of this Act (hereafter in this Part of this Schedule referred to as the principal section) comes into force shall, until the Minister otherwise directs, be the areas for which Area Committees are to be established under the principal section, and the persons who were immediately before that date chairmen and members of a Transport Users Consultative Committee for any such area shall, unless—

- (a) they were appointed under paragraph (c) of subsection (4) of the said section six (which relates to persons nominated by the Commission), or
- (b) the Minister otherwise directs,

constitute the Area Committee for that area under the principal section until the expiration of their appointments.

**Marginal Citations**  
**M13** 1947 c. 49.

9, 10. . . . . **F45**

**Textual Amendments**  
**F45** Sch. 7 Pt. III paras. 9, 10 repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

*Directions*

11 (1) If when the principal section comes into force there is before the Minister a recommendation of the Central Transport Consultative Committee or the Transport Users Consultative Committee for Scotland or for Wales and Monmouthshire—

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*Status: Point in time view as at 02/07/2012.*

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

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- (a) with respect to any proposed closure, or
  - (b) with respect to any other matter,
- the Minister may in connection with the closure, or with respect to the other matter dealt with in the recommendation, as the case may be, from time to time give to the Commission or to any Board such directions as he thinks fit.
- (2) The principal section shall not apply to a closure in connection with which directions can be given under the foregoing sub-paragraph.
  - (3) If when the principal section comes into force the Commission are providing, or assisting in the provision of, alternative services in connection with a closure which has taken place before that date, the Minister may from time to time give to the Commission or the Board concerned such directions with respect to those services, or any other services in substitution for, or in addition to, those services, as he thinks fit.
  - (4) The Minister may refer to an Area Committee any matter relating to alternative services provided by or with the assistance of the Commission or a Board—
    - (a) in pursuance of a direction under this paragraph, or
    - (b) otherwise than in pursuance of such a direction, if a direction with respect to those services could have been given under this paragraph, or
    - (c) in connection with a closure which has taken place before the principal section comes into force,and the Committee shall consider and report to the Minister on that matter.

#### **PART IV**

##### **PENSIONS**

###### *Employees' rights to continue to participate in pension schemes after transfer*

- 12 (1) A person who at any time after the passing of this Act and before the vesting date ceases to be in the employment of the Commission and thereupon becomes an employee of a subsidiary of the Commission or an employee of a Board or of the Holding Company shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the Commission.
- (2) A person who at any time after the passing of this Act and before the vesting date ceases to be in the employment of a subsidiary of the Commission and thereupon becomes an employee of the Commission or of another subsidiary of the Commission, or an employee of a Board or of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the first-mentioned subsidiary of the Commission.
- (3) A person who on the vesting date ceases to be in the employment of the Commission and thereupon becomes an employee of a Board or a subsidiary of a Board, or of the Holding Company or of a subsidiary of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the Commission.

*Status: Point in time view as at 02/07/2012.*

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

- (4) A person who on the vesting date ceases to be in the employment of a subsidiary of the Commission and thereupon becomes an employee of a Board or a subsidiary of a Board, or of the Holding Company or of a subsidiary of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the subsidiary of the Commission.
- (5) In the application of this paragraph to a pension scheme the benefits under which are or will be receivable as of right, persons who have obtained pension rights under the scheme without having contributed under the scheme shall be regarded as participants in the scheme; and references to being eligible to participate in a pension scheme shall be construed accordingly.
- 13 (1) The Minister may make orders with respect to the provision of pensions by a subsidiary of the Commission, or by a Board or the Holding Company, in the period before the vesting date, and shall in exercise of his power under this paragraph make such provision as appears to him expedient for ensuring that persons who become employees of the Hotel Company before the vesting date, whether previously in the employment of the Commission or not, are afforded such pension rights as they would have had if the Hotel Company's undertaking had formed part of the Commission's undertaking until the vesting date.
- (2) Subsections (3) to (9) of section seventy-four of this Act shall apply to orders under this paragraph with any necessary modifications.
- (3) An order under the said section seventy-four may amend or revoke an order under this paragraph.

*Provisions to be included in orders about pensions*

- 14 (1) The Minister shall in exercise of the powers conferred on him by section seventy-four of this Act provide for the transfer on the vesting date of the rights, liabilities and functions of the Commission relating to pensions or pension schemes, and any securities held by the Commission on trust for a pension scheme, to the Boards and the Holding Company or, in such cases as appear to the Minister appropriate, to a subsidiary of a Board or a subsidiary of the Holding Company, or to trustees or to the persons administering a pension scheme, and, except so far as is provided by an order under the said section seventy-four, Part II of this Act shall not apply to any such rights, liabilities, functions or property.
- (2) The Minister shall, in exercise of the powers conferred on him by section seventy-four of this Act, make such provision as appears to him expedient—
- (a) with respect to persons who in consequence of the reorganisation effected by this Act leave the employment of the Commission at any time after the passing of this Act—
- (i) so as to enable those who become employees of any of the Boards or the Holding Company, or of a subsidiary of any of the Boards or of the Holding Company, and who suffer any diminution of their emoluments or change in the nature or terms of their employment in consequence of the re-organisation effected by this Act, to avoid any corresponding diminution in, or consequent loss of, any pension, and
- (ii) so as to preserve the rights under any pension scheme of those who do not become employees of any such body; and

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*Status: Point in time view as at 02/07/2012.*

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

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- (b) for modifying contributory pension schemes so as to afford to persons who become employees of any such body after the vesting date opportunities for participation similar to those afforded to persons who are in comparable service with the body and who entered the employment of the body on or before the vesting date.
- (3) Paragraph 12 of this Schedule shall have effect subject to any order under section seventy-four of this Act taking effect at any time after the vesting date.

*Existing pensions payable by Commission as of grace*

- 15 (1) This paragraph applies to annual and other periodical payments which the Commission have been making in the period before the vesting date, but which the Commission are not by law obliged to make.
- (2) The Commission shall as soon as practicable after the passing of this Act prepare a scheme for the distribution among the Boards and the Holding Company of responsibility for continuing to make the annual or other periodical payments to which this paragraph applies in accordance with the arrangements under which the Commission were making those payments.
- (3) A scheme under this paragraph—
- (a) may require the Boards and the Holding Company to give to the persons by whom payments will be receivable in accordance with the scheme information as to the effect of the scheme, and
  - (b) may provide for any of those bodies contributing to the expenses incurred by any other of them, and
  - (c) may contain such other supplementary, incidental and consequential provisions as appear to the Commission expedient.
- (4) The Commission shall submit any such scheme to the Minister and, if the Minister is satisfied that responsibility for the payments is distributed among the said bodies in an appropriate manner and that the scheme contains sufficient particulars to enable them to discharge their duties under the scheme, he shall approve the scheme.
- (5) Notice that the scheme has been so approved shall be published by the Commission in the London and Edinburgh Gazettes.
- (6) The payments which the Boards and the Holding Company are respectively to make in accordance with a scheme approved under this paragraph shall be recoverable by proceedings in any court of competent jurisdiction.
- (7) An order under section seventy-four of this Act may vary the provisions of a scheme under this paragraph.
- 16 (1) If it appears to the Minister, upon representations made to him by, or on behalf of, any person, or class of persons, affected, that any pensions for persons employed before, but retiring after, the vesting date, or any other pensions payable after the vesting date (other than by way of continuing periodical payments which the Commission have been making in the period before the vesting date) would be receivable, although not as of right, under arrangements made by or with the Commission before the vesting date and that they ought to be receivable as of right, he shall by order direct the Commission by a scheme under the last foregoing paragraph to distribute among the Boards and the Holding Company responsibility for making payments under the

*Status: Point in time view as at 02/07/2012.*

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

arrangements specified in the order as if those payments were payments which the Commission were making in the period before the vesting date.

- (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Continuation of existing pension regulations, etc.*

- 17 (1) Sections ninety-eight to one hundred of the <sup>M14</sup>Transport Act 1947, and section twenty-seven of the <sup>M15</sup>Transport Act 1953 (which relate to pensions), shall cease to have effect on the vesting date, but that shall not affect—
- (a) regulations made under the said section ninety-eight or the said section twenty-seven, or
  - (b) any liability in relation to customary obligations arising by virtue of subsection (2) of the said section ninety-nine and transferred under this Part of this Schedule, or
  - (c) the participation in any pension scheme of a person who became such a participant before the vesting date by virtue of subsection (3) of the said section ninety-nine, or
  - (d) the provisions of subsections (3) and (4) of the said section ninety-nine and the said section one hundred as they apply to service before the vesting date.
- (2) If at any time after the vesting date the Minister is satisfied, or it is determined under the next following sub-paragraph, that regulations under the said section ninety-eight have failed to secure the result mentioned in subsection (3) of that section (that is to say that certain persons having pension rights are not placed in any worse position by reason of provisions of the regulations), the Minister shall as soon as possible exercise the power conferred on him by section seventy-four of this Act to make the necessary amendments.
- (3) If—
- (a) any dispute arises between the Minister and any persons as to whether the said result has been secured by any regulations under the said section ninety-eight or
  - (b) any question arises as to the existence or extent of any customary obligation arising by virtue of subsection (2) of the said section ninety-nine and transferred under this Part of this Schedule,
- the dispute or question shall, in default of agreement, be referred for determination to a referee or board of referees appointed by the Minister of Labour, after consultation with the Lord Chancellor [<sup>F46</sup>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; and the Boards shall give effect to any determination under paragraph (b) of this sub-paragraph.
- (4) The Minister of Labour 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 under the last foregoing sub-paragraph such fees and allowances as he may with the consent of the Treasury determine, and
  - (b) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.



*Status: Point in time view as at 02/07/2012.*

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

- (5) Nothing in [<sup>F47</sup>any of sections 1 to 15 of and schedule 1 to the Arbitration (Scotland) Act 2010 or]<sup>F48</sup>[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 paragraph.
- (6) It is hereby declared that where actual service in the employment of the Commission immediately precedes or follows service which is treated as such by virtue of subsection (4) of section ninety-nine of the <sup>M16</sup>Transport Act 1947, for the purposes of a pension scheme, the two periods of service shall be treated for those purposes as continuous.
- <sup>F49</sup>(7) 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 paragraph.]

#### Textual Amendments

- F46** Words in Sch. 7 para. 17(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 56(2)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F47** Words in Sch. 7 para. 17(5) inserted (S.) (5.6.2010) by Arbitration (Scotland) Act 2010 (Consequential Amendments) Order 2010 (S.S.I. 2010/220), art. 1, **Sch. para. 4(4)**
- F48** Words in Sch 7 Pt. IV para. 17(5) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 16(4)** (with s. 81(2)); S.I. 1996/3146, **art. 3** (subject to transitional provisions in Sch. 2, art. 4).
- F49** Sch. 7 para. 17(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 56(3)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

#### Modifications etc. (not altering text)

- C11** Para. 17(3) amended by Employment Protection (Consolidation) Act 1978 (c. 44), s. 130, **Sch. 10 para. 21**

#### Marginal Citations

- M14** 1947 c. 49.  
**M15** 1953 c. 13.  
**M16** 1947 c. 49.

### PART V

18—22. . . . . <sup>F50</sup>

#### Textual Amendments

- F50** Sch. 7 Pt. V paras. 18—22, 23(1)(3) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

#### *Pensions and other payments to members of the Commission*

23 (1) . . . . . <sup>F51</sup>

- (2) The Minister may after the vesting date with the approval of the Treasury make any such determination with respect to the payment by the Railways Board of any pension in respect of a member of the Commission as he might have made under paragraph (b)

*Status: Point in time view as at 02/07/2012.*  
*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962. (See end of Document for details)*

of subsection (7) of section one of the <sup>M17</sup>Transport Act 1947, before the vesting date for the making of a payment by the Commission.

(3) ..... F51

**Textual Amendments**  
 F51 Sch. 7 Pt. V paras. 18–22, 23(1)(3) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. VI

**Marginal Citations**  
 M17 1947 c. 49.

24 The London Board, the Docks Board, the British Waterways Board and the Holding Company shall pay to the Railways Board such amounts as may be just having regard to the liabilities assumed by the Railways Board under the last foregoing paragraph, and any dispute as to what ought to be paid under this paragraph shall be referred to and determined by the Minister.

EIGHTH SCHEDULE

Sections 43 and 52.

TRANSPORT CHARGES AND FACILITIES ENACTMENTS CEASING TO HAVE EFFECT

Section	Subject Matter
<b>THE RAILWAYS CLAUSES CONSOLIDATION ACT 1845</b>	
(8 & 9 VICT. C. 20)	
76	Duty to afford facilities for the connection of private sidings.
<b>THE RAILWAYS CLAUSES CONSOLIDATION (SCOTLAND) ACT 1845</b>	
(8 & 9 VICT. C. 33)	
69	Duty to afford facilities for the connection of private sidings.
<b>THE RAILWAY AND CANAL TRAFFIC ACT 1854</b>	
17 & 18 VICT. C. 31)	
2	Duty to afford reasonable facilities on railways and canals.

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*Status: Point in time view as at 02/07/2012.*

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

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7	Liability for negligence in carriage by railway and canal.
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### **THE RAILWAYS ACT 1921**

(11 & 12 GEO. 5. C. 55)

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16	Power to make orders as to working of railways.
39	Rights of canal undertakings and (as extended by section twenty-one of the Transport Act 1953) canal carriers to apply to Transport Tribunal concerning competitive freight charges on railways.

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### **THE LONDON PASSENGER TRANSPORT ACT 1933**

(23 & 24 GEO. 5. C. 14)

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30	Power to require Transport Commission to provide services and facilities for the transport of passengers by road and railway in London.
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### **THE ROAD AND RAIL TRAFFIC ACT 1933**

(23 & 24 GEO. 5. C. 53)

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39	Rights of those engaged in coastwise shipping and (as extended by section twenty-one of the Transport Act 1953) harbour authorities to apply to Transport Tribunal concerning competitive freight charges on railways.
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### **THE TRANSPORT ACT 1953**

(1 & 2 ELIZ. 2. C. 13)

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22	Protection of traders against unreasonable or unfair treatment as to freight charges on railways.
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*Status: Point in time view as at 02/07/2012.*  
*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962. (See end of Document for details)*

NINTH SCHEDULE

Sections 50 and 51.

PORT CHARGES

**Modifications etc. (not altering text)**

**C12** Sch. 9 excluded (27.2.2008) by [Port of Weston Harbour Revision Order 2008 \(S.I. 2008/230\)](#), arts. 1, **5(6)**

*Ship, passenger and merchandise dues*

1 ..... <sup>F52</sup>

**Textual Amendments**

**F52** Sch. 9 para. 1 repealed by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 5(4), **Sch. 12 Pt. I**

2 (1) ..... <sup>F53</sup>the following harbours—

<i>Harbours vesting in the Docks Board</i>	<i>Harbours vesting in the Railways Board</i>
..... <b>F54</b>	Dunston Staiths
	Folkestone
	Harwich
	Heysham
	Holyhead
	Newhaven
	Parkeston Quay
	Stranraer (East Pier)

(2) ..... <sup>F55</sup>

**Textual Amendments**

**F53** Words repealed by [Harbours Act 1964 \(c. 40\)](#), s. 28, **Sch. 6**

**F54** Sch. 9 paras. 2(1), 3(1) the lists of the harbours vesting in the Docks Board repealed by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 5(4), **Sch. 12 Pt. I**

**F55** Sch. 9 paras. 2(2)(3), 3(2)(3), 4, 6(1) repealed by [Harbours Act 1964 \(c. 40\)](#), s. 28, **Sch. 6**

3 (1) ..... <sup>F56</sup>the following harbours—

<i>Harbours vesting in the Docks Board</i>	<i>Harbours vesting in the Railways Board</i>
..... <b>F57</b>	Ardrishaig Dock

*Status: Point in time view as at 02/07/2012.*

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

Ellesmere Port Docks  
Gloucester Docks  
Regent’s Canal Dock  
Sharpness Docks  
Weston Point Docks

...<sup>F56</sup> Fishguard harbour ...<sup>F56</sup> and ...<sup>F56</sup> any harbour which is vested in the Railways Board by this Act except a harbour to which paragraph 2 of this Schedule applies.

(2) .....<sup>F58</sup>

**Textual Amendments**

- F56** Words repealed by [Harbours Act 1964 \(c. 40\), s. 28, Sch. 6](#)
- F57** Sch. 9 paras. 2(1), 3(1) the lists of the harbours vesting in the Docks Board repealed by [Transport Act 1981 \(c. 56, SIF 126\), s. 5\(4\), Sch. 12 Pt. I](#)
- F58** Sch. 9 paras. 2(2)(3), 3(2)(3), 4, 6(1) repealed by [Harbours Act 1964 \(c. 40\), s. 28, Sch. 6](#)

4 .....<sup>F59</sup>

**Textual Amendments**

- F59** Sch. 9 paras. 2(2)(3), 3(2)(3), 4, 6(1) repealed by [Harbours Act 1964 \(c. 40\), s. 28, Sch. 6](#)

*Other port charges*

[<sup>F605</sup> (1) The charges made by any of the Boards [<sup>F61</sup>or Canal & River Trust] for the use of services or facilities provided in, or in connection with, a harbour specified in this Schedule (other than ship, passenger and goods dues, charges for the carriage of goods or passengers on any railway, charges for the use of a railway or charges in respect of railway wagons) shall be such as may be reasonable.

(2) In this paragraph the expression “ ship, passenger and goods dues ” has the meaning assigned to it by section 57(1) of the<sup>M18</sup> Harbours Act 1964. ]

**Textual Amendments**

- F60** Para. 5 substituted by [Harbours Act 1964 \(c. 40\), s. 39\(3\)](#)
- F61** Words in Sch. 9 para. 5(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. 29](#) (with arts. 4-6)

**Marginal Citations**

- M18** 1964 c. 40.

*General*

6 (1) .....<sup>F62</sup>

*Status: Point in time view as at 02/07/2012.*

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

- (2) The provisions of sections twenty-seven to forty-six and section forty-eight of the <sup>M19</sup>Harbours, Docks and Piers Clauses Act 1847, as incorporated with or applied by any enactment relating to any of the harbours [<sup>F63</sup>specified in] this Schedule, and the provisions of any similar enactment, shall apply to the charges authorised under this Act as if they were rates payable under any such enactment.

**Textual Amendments**

**F62** Sch. 9 paras. 2(2)(3), 3(2)(3), 4, 6(1) repealed by [Harbours Act 1964 \(c. 40\)](#), s. 28, [Sch. 6](#)

**F63** Words substituted by [Harbours Act 1964 \(c. 40\)](#), s. 39(3)

**Marginal Citations**

**M19** 1847 c. 27.

TENTH SCHEDULE

. . . <sup>F64</sup>

**Textual Amendments**

**F64** Sch. 10 repealed (with saving for paras. 3 and 4(1)) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(1) (3), Sch. 6 para. 25(5), [Sch. 8](#)

ELEVENTH SCHEDULE

Section 93.

APPLICATION TO NORTHERN IRELAND

**PART I**

PROVISIONS EXTENDING TO NORTHERN IRELAND

Part I except sections twelve, fifteen and twenty-six.

Part II except section forty-one.

In Part III, section forty-three, section fifty-three and section fifty-four.

In Part IV, sections fifty-five and fifty-six; section sixty-seven, so far as it relates to bylaws in relation to passengers and goods conveyed in or on ships operated by the Railways Board and as to their embarkation and disembarkation; sections seventy-two to seventy-seven; sections seventy-nine to eighty-one; . . . <sup>F65</sup>; sections eighty-eight to ninety; section ninety-three; sections ninety-two and ninety-four to ninety-six, so far as they relate to provisions of this Act extending to Northern Ireland.

*Status: Point in time view as at 02/07/2012.*

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

#### Textual Amendments

- F65** Words 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](#)

The First to the Eighth Schedules.

This Schedule.

The Twelfth Schedule so far as it relates to the <sup>M20</sup>Transport Act 1947, sections sixteen, seventeen and twenty-five of the <sup>M21</sup>Transport Act 1953 . . . <sup>F65</sup>

#### Marginal Citations

**M20** 1947 c. 49.

**M21** 1953 c. 13.

## PART II

### MODIFICATIONS

- 1 . . . . . <sup>F66</sup> in paragraph 15 of the Seventh Schedule, the references to the London and Edinburgh Gazettes shall include a reference to the Belfast Gazette.

#### Textual Amendments

- F66** Words repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

- 2 In section seventeen, references to Bills in Parliament shall include references to Bills in the Parliament of Northern Ireland.

#### Modifications etc. (not altering text)

- C13** Reference to Bills in the Parliament of Northern Ireland to be construed as including reference to proposed Measures in the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 1\(3\)](#)

- 3 In subsection (8) of section thirty-four, for references to [<sup>F67</sup>the Secretary of State] and [<sup>F68</sup>the Central Arbitration Committee] there shall be substituted, in relation to service in Northern Ireland, references to the Ministry of Labour and National Insurance for Northern Ireland and to an industrial court established in Northern Ireland under the <sup>M22</sup>Industrial Courts Act 1919.

#### Textual Amendments

**F67** Words substituted by virtue of [S. I. 1968/729](#), [arts. 2\(1\), 3\(2\)](#)

**F68** Words substituted by virtue of [Industrial Relations Act 1971 \(c. 72\)](#), [s. 124](#) and [Employment Protection Act 1975 \(c. 71\)](#), [s. 10\(2\)](#)

*Status: Point in time view as at 02/07/2012.*

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

**Modifications etc. (not altering text)**

**C14** Reference to Ministry of Labour and National Insurance for Northern Ireland to be construed as reference to Department of Manpower Services: S.R. & O. (N.I.) 1964/205, [S.I. 1973/2161 \(N.I. 24\)](#), [art. 3](#), [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 8\(1\)](#), [S.I. 1973/2161](#) and [S.R. 1973 No. 504](#)

**Marginal Citations**

**M22** [1919 c. 69](#).

- 4 In subsection (2) of section seventy-two, the reference to <sup>F69</sup>the Secretary of State shall, in relation to agreements affecting persons employed by the Board or the Holding Company in Northern Ireland, include a reference to the Ministry of Labour and National Insurance for Northern Ireland.

**Textual Amendments**

**F69** Words substituted by virtue of [S. I. 1968/729](#), [arts. 2\(1\)](#), [3\(2\)](#)

**Modifications etc. (not altering text)**

**C15** Reference to Ministry of Labour and National Insurance for Northern Ireland to be construed as reference to Department of Manpower Services: S.R. & O. (N.I.) 1964/205, [S.I. 1973/2161 \(N.I. 24\)](#), [art. 3](#), [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 8\(1\)](#), [S.I. 1973/12161](#) and [S.R. 1973 No. 504](#)

- 5 In subsection (5) of section seventy-four, the reference to the Truck Acts, 1831 to 1940, and the <sup>M23</sup>Shop Clubs Act 1902, shall include a reference to any corresponding enactments for the time being in force in Northern Ireland.

**Marginal Citations**

**M23** [1902 c. 21](#).

- 6 <sup>F70</sup>(1) A referee or board of referees for the purposes of section seventy-four, section eighty-one or paragraph 17 of the Seventh Schedule shall, where the proceedings are to be held in Northern Ireland, be appointed by the Ministry of Labour and National Insurance for Northern Ireland after consultation with the Lord Chief Justice of Northern Ireland.

<sup>F71</sup>(2) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (1)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

**Textual Amendments**

**F70** Sch. 11 para. 6 renumbered as Sch. 11 para. 6(1) (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), [s. 148\(1\)](#), [Sch. 4 para. 58\(2\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(e\)](#)

**F71** Sch. 11 para. 6(2) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), [s. 148\(1\)](#), [Sch. 4 para. 58\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 11\(e\)](#)



*Status: Point in time view as at 02/07/2012.*

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

#### Textual Amendments

**F72** Sch. 11 Pt. II para. 7 repealed (31.1.1997) by 1996 c. 23, s. 107(2), Sch. 4 (with s. 81(2)); S.I. 1996/3146, art. 3 (subject to transitional provisions in art. 4, Sch. 2).

- 8 In subsection (9) of section seventy-four, for the reference to subsection (4) of section sixty-nine of the National Insurance Act, 1946, there shall be substituted a reference to subsection (4) of section sixty-six of the National Insurance Act (Northern Ireland), 1946.

#### Modifications etc. (not altering text)

**C16** 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.

- 9 In sub-paragraph (3) of paragraph 1 of the Sixth Schedule, for the reference to section sixty-four of the <sup>M24</sup>Law of Property Act 1925, there shall be substituted a reference to section nine of the <sup>M25</sup>Conveyancing Act 1881.

#### Marginal Citations

**M24** 1925 c. 20.

**M25** 1881 c. 41.

- <sup>F73</sup>10 .....

#### Textual Amendments

**F73** Sch. 11 para. 10 repealed (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), Sch. 4 para. 59, Sch. 18 Pt. 2; S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(e), 30(b)

- 11 References to enactments or statutory provisions include references to enactments of the Parliament of Northern Ireland and provisions, whether of a general or a special nature, contained in, or in any document made or issued under, any Act of the Parliament of Northern Ireland, whether of a general or a special nature.

#### Modifications etc. (not altering text)

**C17** Reference to enactments of the Parliament of Northern Ireland to be construed as including reference to Measures of the Northern Ireland Assembly: Northern Ireland Constitution Act 1973 (c. 36), Sch. 5 para. 1(1)(2)

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*Status: Point in time view as at 02/07/2012.*

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

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## TWELFTH SCHEDULE

### PART I

... F74

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#### Textual Amendments

**F74** Sch. 12 Pt. I repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

### PART II

... F75

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#### Textual Amendments

**F75** Sch. 12 Pt. II repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI** except as to any saving made by a provision contained in the 3rd column of the said Pt. II

**Status:**

Point in time view as at 02/07/2012.

**Changes to legislation:**

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