



# Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

## PART III

### TRANSPORT CHARGES AND FACILITIES

#### *General*

#### **43 Charges and facilities: general provisions.**

- (1) Subject to this Act,—
- (a) all charges schemes under Part V of the <sup>M1</sup>Transport Act 1947, shall cease to have effect, and
  - (b) no local enactment passed or made with respect to any particular undertaking so far as it limits the discretion of the persons carrying on that undertaking as to the charges to be made by them—
    - (i) for the carriage of passengers or goods,
    - (ii) for the use of any railway, or of any inland waterway by any ship or boat,
    - (iii) for services and facilities connected with the carriage of passengers or goods, or with the use of any railway, or of any inland waterway by any ship or boat, or
    - (iv) for services and facilities in or connected with a harbour,(whether by specifying, or providing for specifying, the charges to be made, or fixing, or providing for fixing, maximum charges, or otherwise) shall apply to the charges of the [<sup>F1</sup>British Waterways Board [<sup>F2</sup>or Canal & River Trust]<sup>F3</sup>...].
- (2) Paragraph (b) of the foregoing subsection shall not be read as exempting the [<sup>F1</sup>British Waterways Board [<sup>F4</sup>or Canal & River Trust]<sup>F3</sup>...] from any local enactment so far as it expressly provides for freedom from charges or otherwise prohibits the making of any charge.
- (3) Subject to this Act and to any such enactment as is mentioned in the last foregoing subsection, the [<sup>F5</sup>British Waterways Board [<sup>F6</sup>and Canal & River Trust]<sup>F7</sup>...] shall

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[<sup>F8</sup>each] have power to demand, take and recover [<sup>F9</sup>or waive] such charges for their services and facilities, and to make the use of those services and facilities subject to such terms and conditions, as they think fit.

- (4) [<sup>F10</sup>The British Waterways Board [<sup>F11</sup>and Canal & River Trust] shall not] be subject to the enactments listed in the Eighth Schedule to this Act (which—
- (a) impose a duty to afford reasonable services and facilities, and
  - (b) regulate liability for negligence in the carriage of goods, and
  - (c) authorise the revision of railway freight charges on complaint by competitors or traders).
- (5) No local enactment passed or made with respect to any particular undertaking so far as it imposes on the persons carrying on that undertaking—
- (a) a duty to connect, or afford facilities for the connection of, any siding to a railway, or
  - (b) a duty to permit privately owned railway wagons to be used on a railway owned or operated by them, or
  - (c) a duty (otherwise than to a named person, or to the successors of a named person, or for the benefit of specified lands) to provide or maintain any other railway services or facilities (including the provision of stations, sidings or carriages and of any services, facilities or amenities connected therewith),
- or so far as it otherwise makes provision corresponding to any of the enactments listed in the Eighth Schedule to this Act, shall apply to any of the Boards [<sup>F12</sup>or Canal & River Trust]<sup>F13</sup>....
- (6) [<sup>F14</sup>The British Waterways Board [<sup>F15</sup>and Canal & River Trust] shall not] be regarded as common carriers by rail or inland waterway.
- (7) ..... <sup>F16</sup>
- (8) The services and facilities referred to in subsection (3) of this section include, in the case of the British Waterways Board [<sup>F17</sup>and Canal & River Trust], the use of any inland waterway owned or managed by them by any ship or boat.
- (9) ..... <sup>F18</sup>

#### Textual Amendments

- F1** Words in s. 43(1)(2) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 1(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F2** Words in s. 43(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. 19(2)** (with arts. 4-6)
- F3** Words in s. 43(1)(2) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(2)(a), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.
- F4** Words in s. 43(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. 19(2)** (with arts. 4-6)
- F5** Words in s. 43(3) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 1(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F6** Words in s. 43(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. 19(3)(a)** (with arts. 4-6)
- F7** Words in s. 43(3) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(2)(b), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.

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- F8** Word in s. 43(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. 19(3)(b)** (with arts. 4-6)
- F9** Words inserted by Transport Act 1968 (c. 73), **s. 50(10)**
- F10** Words in s. 43(4) substituted (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(2)(c)**; S.I. 2006/2911, art. 2, Sch.
- F11** Words in s. 43(4) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 19(4)** (with arts. 4-6)
- F12** Words in s. 43(5) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 19(5)** (with arts. 4-6)
- F13** Words in s. 43(5) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(2)(a), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.
- F14** Words in s. 43(6) substituted (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(2)(c)**; S.I. 2006/2911, art. 2, Sch.
- F15** Words in s. 43(6) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 19(6)** (with arts. 4-6)
- F16** S. 43(7) repealed by Unfair Contract Terms Act 1977 (c. 50), **Sch. 4**
- F17** Words in s. 43(8) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 19(6)** (with arts. 4-6)
- F18** S. 43(9) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

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

- C1** S. 43 extended by Harbours Act 1964 (c. 40), **s. 32(8)** and Transport Act 1968 (c. 73), **s. 47**; amended by Transport (London) Act 1969 (c. 35), **s. 28**
- C2** S. 43(1)-(3) extended by Transport Act 1968 (c. 73), **s. 51(2)**
- C3** S. 43(3) amended by Harbours Act 1964 (c. 40), **s. 37**

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**Marginal Citations**

- M1** 1947 c. 49.

**Changes to legislation:**

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