



Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

PART III

TRANSPORT CHARGES AND FACILITIES

Miscellaneous

52 Independent railway and inland waterway undertakings.

- (1) Sections three and four of the ^{M1}Transport Charges, &c. (Miscellaneous Provisions) Act 1954 (under which charges schemes under the ^{M2}Transport Act 1947, may be applied to independent undertakings), together with any orders under those sections, shall cease to have effect, and the enactments listed in the Eighth Schedule to this Act shall cease to have effect not only as regards the Boards but also as regards any other undertakings.
- (2) Paragraph (b) of subsection (1), and subsections (2), (3), (5) and (6) of section forty-three of this Act shall apply to any independent railway undertaking or independent inland waterway undertaking, subsection (7) of that section shall apply to any independent railway undertaking, and subsection (8) of that section shall apply to any independent inland waterway undertaking, as those subsections apply to the Boards.
- (3) Paragraph (b) of subsection (1) of section six of the ^{M3}Transport Charges &c. (Miscellaneous Provisions) Act 1954 (which relates to the revision of charges), shall not apply to any inland waterway undertaking which is an independent inland waterway undertaking within the meaning of this section.
- (4) In this section—
 - “independent railway undertaking” means a railway undertaking not forming part of the undertaking of any of the Boards, being an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament;
 - “independent inland waterway undertaking” means an undertaking not forming part of the undertaking of any of the Boards [^{F1}or Canal & River

*Changes to legislation: There are currently no known outstanding effects
 for the Transport Act 1962, Section 52. (See end of Document for details)*

Trust], being an undertaking engaged in conserving, maintaining, improving or working a canal or other inland navigation or the navigation of a tidal water, but does not include—

- (a) an undertaking none of the charges of which has been the subject of a Provisional Order made, and confirmed by Parliament, in pursuance of sections twenty-four and thirty-six of the ^{M4}Railway and Canal Traffic Act 1888, or
- (b) an undertaking forming part of a harbour undertaking if the inland waterway is situated wholly within the limits of the harbour, or
- (c) an undertaking all or any of the charges of which are, under the statutory provisions relating to that undertaking, subject to revision by the Minister and some other Minister acting together;

“railway” does not include—

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

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

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

Textual Amendments

- F1** Words in s. 52(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. 21** (with arts. 4-6)

Modifications etc. (not altering text)

- C1** S. 52(4) amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2)(a), Sch. 4 para. 6(2)(5)
- C2** S. 52(4) 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)(a)**

Marginal Citations

- M1** 1954 c. 64.
M2 1947 c. 49.
M3 1954 c. 64.
M4 1888 c. 25.

Changes to legislation:

There are currently no known outstanding effects for the Transport Act 1962, Section 52.