



Transport Act 1968

1968 CHAPTER 73

PART I

INTEGRATION OF FREIGHT TRANSPORT SERVICES

Redistribution of activities between Freight Corporation and Railways Board or Scottish Group

7 Transfer schemes by authorities.

- (1) Subject to subsection (4) of this section, the Railways Board, . . . ^{F1}, may as occasion seems to them to require it make schemes—
 - (a) for the reorganisation, amalgamation or dissolution of any of the wholly-owned subsidiaries of [^{F2}the Board];
 - (b) for the transfer of any specified property, rights or liabilities, or of all property, rights and liabilities comprised in a specified part of their undertaking, from one to another of the following bodies, namely, the Board, . . . ^{F1} and any wholly-owned subsidiary of the Board. . . ^{F1}
- (2) ^{F3}
- (3) Any scheme under . . . ^{F1} this section may contain such supplementary, incidental and consequential provision as may appear to [^{F4}the Board] to be necessary or expedient.
- (4) A scheme under this section shall not come into force unless it has been approved by the Minister or until such date as the Minister may in giving his approval specify; and the Minister may approve a scheme either without modification or with such modifications as, after consultation with [^{F5}the Board], he thinks fit; but without prejudice to his powers under section 8 of this Act the Minister shall not approve any such scheme which makes provision—
 - (a) for a transfer of any property, rights or liabilities which it appears to him would materially prejudice the proper discharge by the Railways Board. . . ^{F1} of their. . . ^{F1} duties under the Act of 1962 or this Act; or
 - (b) ^{F6}

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- (5) Where in the case of a scheme made by virtue of subsection (1)(b). . . ^{F1} of this section the Minister in approving the scheme under subsection (4) of this section certifies that the scheme is approved as giving effect to conclusions reported under section 45 of this Act or to a direction given under subsection (5) of that section. . . ^{F7} then, subject to subsection (7) of this section, the property, rights and liabilities in question shall on the date of the coming into force of the scheme be transferred, and by virtue of this Act vest, in accordance with the scheme.
- (6) Subject to subsection (7) of this section, in the case of any scheme made by virtue of subsection (1)(b). . . ^{F1} of this section to which subsection (5) thereof does not apply, the property, rights and liabilities in question shall on the date of the coming into force of the scheme be transferred, and by virtue of the scheme vest, in accordance with the scheme.
- (7) Schedule 4 to this Act—
 - (a) shall apply to any transfer under subsection (5) of this section; and
 - (b) shall apply to any transfer under subsection (6) of this section subject to any reference in that Schedule to a vesting by virtue of this Act being construed as a reference to a vesting by virtue of the scheme in question;
 and the said subsection (5) or (6) shall have effect subject to the provisions of that Schedule;. . . ^{F1}

Textual Amendments

F1 Words repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. III**

F2 Words substituted by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 7 para. 1(a)**

F3 [Ss. 7\(2\), 8\(2\)](#) repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. III**

F4 Words substituted by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 7 para. 1(b)**

F5 Words substituted by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 7 para. 1(c)**

F6 [S. 7\(4\)\(b\)](#) repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. III**

F7 Words repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. II**

Modifications etc. (not altering text)

C1 [S. 7](#) explained by [Transport Act 1981 \(c. 56, SIF 126\)](#), **s. 1(3)**; modified by [Transport Act 1981 s 1\(3\)\(b\)](#)

8 Transfer orders by Minister.

- (1) Subject to subsection (6) of this section, the Minister may by order—
 - (a) ^{F8}
 - (b) make any such provision with respect to, or to any wholly-owned subsidiary of, [^{F9}the Railways Board] as is mentioned in paragraph (a) or (b) of subsection (1). . . ^{F10} of section 7 of this Act.
- (2) ^{F11}
- (3) Any order under. . . ^{F10} of this section may contain such supplementary, incidental and consequential provision as may appear to the Minister to be necessary or expedient.
- (4) Subject to subsection (5) of this section, in the case of an order under. . . ^{F10} this section making such provision as is mentioned in section 7(1)(b) of this Act. . . ^{F10}, the property,

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rights and liabilities in question shall on such date as may be appointed for the purpose by the order be transferred, and by virtue of this Act vest, in accordance with the order.

(5) Schedule 4 to this Act shall apply to any transfer under subsection (4) of this section and that subsection shall have effect subject to the provisions of that Schedule; . . . ^{F10}

(6) ^{F12}

and the order shall not be made unless the draft thereof so laid has been approved by resolution of each House of Parliament.

Textual Amendments

- F8** S. 8(1)(a) repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. III**
- F9** Words substituted by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 7 para. 2**
- F10** Words repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. III**
- F11** Ss. 7(2), 8(2) repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. III**
- F12** S. 8(6)(a)(iv) repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. II**

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