



# Transport Act 1968

## 1968 CHAPTER 73

### PART I

#### INTEGRATION OF FREIGHT TRANSPORT SERVICES

##### *The National Freight Corporation*

#### **1 Establishment and general duty of Freight Corporation**

- (1) There shall be constituted in accordance with the provisions of Schedule 1 to this Act a public authority to be called the National Freight Corporation (hereafter in this Act referred to as "the Freight Corporation"), and it shall be the duty of the Corporation—
- (a) so to exercise their powers under or by virtue of this Act as, in conjunction with the Railways Board—
    - (i) to provide, or secure or promote the provision of, properly integrated services for the carriage of goods within Great Britain by road and rail; and
    - (ii) to secure that, in the provision of those services, goods are carried by rail whenever such carriage is efficient and economic, and in discharging their duty under sub-paragraph (ii) of this paragraph, to have due regard to any indication of the needs of the person for whom the goods in question are to be carried and to the nature of the goods;
  - (b) in connection with those services, to provide such other services and facilities as appear to the Corporation to be expedient; and
  - (c) to have due regard, as respects all those transport and other services and facilities, to efficiency, economy and safety of operation.
- (2) The railway services which it is the duty of the Railways Board under section 3(1) of the Act of 1962 to provide shall cease to include any such services as are mentioned in subsection (1)(a) of this section which the Freight Corporation have power to provide; but the foregoing provisions of this subsection shall not affect the powers of the Board to provide such services and—

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- (a) it shall be the duty of the Corporation and the Board to co-operate with one another in the exercise and performance of their respective functions so as to secure the proper discharge of the Corporation's duty under the said subsection (1)(a); and
- (b) for the purposes of such co-operation, the Corporation and the Board shall have power to enter into such arrangements with one another with respect to the exercise and performance of their respective functions on such terms as may appear to them to be expedient;

and where, for the purposes of the implementation of any agreement between the Corporation or a subsidiary of theirs and any other person for the conveyance of goods wholly or partly by rail, anything is done or falls to be done by the Railways Board or a subsidiary of that Board, the Board or that subsidiary of the Board shall be deemed to be a party to the agreement and shall have the like rights and be subject to the like liabilities under the agreement as if the agreement had been made by the Corporation or that subsidiary of the Corporation and the Board or that subsidiary of the Board acting jointly.

- (3) Nothing in subsection (1) or in paragraph (a) of subsection (2) of this section shall be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Freight Corporation or, as the case may be, the Railways Board would not otherwise be subject.

## 2 General powers of Freight Corporation

- (1) Subject and without prejudice to the provisions of, or of any enactment applied by, sections 47 to 52 of this Act, the Freight Corporation shall have power—
  - (a) to carry goods by road, whether in or outside Great Britain;
  - (b) to enter into arrangements with the Railways Board for the conveyance of goods by the Board, whether as agents of the Corporation or otherwise, on such terms as may be provided for in the arrangements—
    - (i) by rail, whether in vehicles provided by the Corporation or by the Board or by some other person;
    - (ii) by means of any transport services provided by the Board in pursuance of their powers under section 5 of the Act of 1962;
  - (c) to act as agent for the Railways Board for the purposes of any services for the carriage of goods provided by the Board;
  - (d) to provide—
    - (i) the like transport services by sea as immediately before the appointed day for the purposes of section 4(1) of this Act were provided by any of the bodies to whose securities that section relates;
    - (ii) with the consent of the Minister, any other transport services by sea;
  - (e) with the consent of the Minister, to provide transport services by hovercraft;
  - (f) to consign goods on behalf of other persons from or to any place, whether in Great Britain or elsewhere ;
  - (g) to store goods which have been or are to be carried by the Corporation, the Railways Board or a subsidiary of the Corporation or that Board, and—
    - (i) so far as any premises provided by the Corporation for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods;

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- (ii) with the consent of the Minister, to provide such facilities at any other premises ;
  - (h) to enter into and carry out agreements with any person engaged in the provision of services for the carriage of goods, by whatever form of transport, for co-ordinating the activities of that person with those of the Corporation, and in particular for the provision of combined services for the through carriage of goods, whether by the same or partly by one and partly by another form of transport, for the quoting of through rates, and for the pooling of receipts or expenses;
  - (j) to join with any person engaged as mentioned in paragraph (h) of this subsection in forming, promoting and assisting a company for carrying on any activities in connection with such combined services as are so mentioned which the Corporation or that person have power to carry on;
  - (k) either alone or together with any other person, to provide, maintain and operate depots for the sorting of goods, with facilities for the reception, storage, weighing and handling of goods and for compliance with the requirements of the enactments relating to customs and excise;
  - (l) to operate harbours;
  - (m) to let for hire any vehicle, vessel or other means of transport owned by them ;
  - (n) with the consent of the Minister, to carry on any activities which the Corporation would not apart from this paragraph have power to carry on but which a subsidiary of the Corporation was carrying on immediately before it became such a subsidiary.
- (2) The Freight Corporation shall not be regarded as common carriers in respect of any of their activities.

### **3 Financial provisions with respect to Freight Corporation**

- (1) Subject and without prejudice to the provisions of section 41 of this Act, the following provisions of the Act of 1962, namely—
- (a) section 18 (financial duty of Boards);
  - (b) section 19 (borrowing powers of Boards);
  - (c) section 20 (loans out of National Loans Fund);
  - (d) section 21 (Treasury guarantees); and
  - (e) section 24 (accounts),
- shall apply to the Freight Corporation as they apply to the Boards.
- (2) The Freight Corporation shall assume a commencing capital debt in accordance with the provisions of Schedule 2 to this Act.
- (3) The aggregate amount outstanding in respect of—
- (a) the principal of any money borrowed by the Freight Corporation under section 19 of the Act of 1962, and
  - (b) the Corporation's commencing capital debt,
- shall not exceed £200 million or such greater sum not exceeding £300 million as the Minister may from time to time by order specify; but no order shall be made under this subsection unless a draft thereof has been approved by a resolution of the Commons House of Parliament.