



Transport Act 1968

1968 CHAPTER 73

PART IV

FURTHER PROVISIONS AS TO BOARDS, NEW AUTHORITIES AND TRANSPORT SERVICES

Railways Board

38 Composition of Railways Board and removal of requirement for regional boards.

- (1) In section 1(3) of the Act of 1962 (which relates to the composition of the Railways Board) for the words “shall consist of a chairman, a vice chairman, or two vice chairmen, and not more than sixteen nor less than ten other members” there shall be substituted the words “ shall consist of a chairman and not more than fifteen nor less than nine other members ”.
- (2) The Minister may from time to time, if after consultation with the chairman of the said Board he thinks fit so to do, appoint one or more members of the Board to be deputy chairman or deputy chairmen, or vice chairman or vice chairmen, of the Board.
- (3) A person appointed as deputy chairman or vice chairman of the said Board shall not by reason only of ceasing to be deputy chairman or vice chairman cease to be a member of the Board.
- (4) ^{F1}

Textual Amendments

F1 S. 38(4) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

Modifications etc. (not altering text)

C1 The text of ss. 38(1), 41(8)(9), 44(4), 46(5), 50(10), 51(3), 52(4), 94(7) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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Changes to legislation: There are currently no known outstanding effects for the Transport Act 1968, Part IV. (See end of Document for details)

C2 The “said Board” means the Railways Board

39 **F2**

Textual Amendments
F2 S. 39 repealed by [Railways Act 1974 \(c. 48\)](#), [s. 3\(7\)](#)

F3 40

Textual Amendments
F3 S. 40 repealed (1.4.1994) by [1993 c. 43, s. 150\(1\)\(o\)](#), [Sch.14](#); [S.I. 1994/571](#), [art. 5](#)

Additional financial provisions with respect to Boards and new authorities

41 Financial provisions as to Boards and new authorities.

- (1) This section applies to the following authorities, namely, the Boards and the new authorities.
- (2) It shall be the duty of each of the authorities to whom this section applies so to perform their functions under the Act of 1962 or this Act as to secure that combined revenues of the authority and of their subsidiaries taken together are not less than sufficient to meet their combined charges properly chargeable to revenue account, taking one year with another.
- (3) Each of the authorities to whom this section applies shall secure that their subsidiaries charge to revenue account in every year all charges which are proper to be made to revenue account, including, in particular, proper provision for the depreciation or renewal of assets.
- (4) Notwithstanding anything in paragraph (a) of the proviso to section 18(4) of the Act of 1962, the purposes for which the moneys comprised in the general reserve of any of the authorities to whom this section applies may be applied shall include the purposes of any subsidiary of theirs.
- (5) Subsection (1) of section 18 of the Act of 1962 shall cease to have effect, and references to that subsection in the Act of 1962 shall be construed as references to subsection (2) of this section.
- (6) **F4**
- (7) **F5**
- (8) In section 22 of the Act of 1962 as amended by the Transport Finances Act 1966, subsections (2) and (3) (which relate to deficits on revenue account of the Railways Board or the London Board) and subsection (6) (which temporarily relieves those Boards of the obligation to establish a general reserve) shall cease to have effect.

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^{F6}(9)

(10) For the purposes of subsections (2) and (3) of this section, the provisions of section 51(5) of this Act shall be disregarded.

Textual Amendments

F4 S. 41(6) repealed by [Transport London Act 1969 \(c. 35, SIF 126\)](#), [Sch. 6](#)

F5 S. 41(7) repealed by [Transport Act 1981 \(c. 35, SIF 126\)](#), [Sch. 12](#)

F6 S. 41(9) omitted (01.10.1991) by virtue of [S.I. 1991/1997, reg. 2, Sch., para. 21\(3\)](#).

Modifications etc. (not altering text)

C3 S. 41(2) excluded (24.12.1993) by [1993 c. 43, ss. 144\(1\)\(a\), 150\(1\)\(j\)](#); [S.I. 1993/3237, art. 2\(1\)](#)

C4 The text of ss. 38(1), 41(8), 44(4), 46(5), 50(10), 51(3), 52(4), 94(7) 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.

42 Additional financial provisions as to Railways Board.

(1) This section applies to the Railways Board.

(2) On 1st January 1969 there shall be extinguished—

- (a) the part of the commencing capital debt of the Board under section 39 of the Act of 1962 which under section 40 of that Act constitutes the suspended debt of the Board on that date; and
- (b) subject to subsection (3) of this section, such further part of the commencing capital debt of the Board as is required to be extinguished in order to reduce the commencing capital debt of the Board outstanding on that date to £300 million.

^{F7}(3)

^{F8}(4)

^{F8}(5)

(6) As from 1st January 1969, the aggregate amount outstanding in respect of—

- (a) the principal of any money borrowed by the Board under section 19 of the Act of 1962; and

^{F9}(b)

[^{F10}(c) the principal of any money borrowed by wholly owned subsidiaries of the Board under that section in its application by virtue of section 110 of the Railways Act 1993,]

[^{F11}shall not exceed £3,000 million or such greater sum not exceeding £5,000 million as the Secretary of State] 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.

(7) The Board shall as soon as practicable after 1st January 1969 adjust their accounts so that the total net book value of their capital assets does not exceed the aggregate of the amount specified in subsection (2)(b) of this section and their other liabilities.

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- (8) If in any accounting year of the Board there is an excess of the revenue of the Board over the total sums properly chargeable by them to revenue, the Minister may, with the approval of the Treasury, require that excess, so far as it appears to him, after consultation with the Board, to be surplus to the requirements of the Board, to be paid over to the Minister, who shall pay it into the Consolidated Fund.

Textual Amendments

- F7** S. 42(3) repealed (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1)(3), Sch. 12 para. 6(2), **Sch.14**; S.I. 1993/3237 art. 2(2)
- F8** S. 42(4)(5) repealed (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(3), **Sch.14**; S.I. 1993/3237, **art. 2(2)**
- F9** S. 42(6)(b) repealed (6.1.1994) by 1993 c. 43, ss. 111, 150(1)(o), 152(3), **Sch.14**; S.I. 1993/3237, **art. 2(2)**
- F10** S. 42(6)(c) inserted (6.1.1994) by 1993 c. 43, **s.111**; S.I. 1993/3237, **art. 2(2)**
- F11** Words in s. 42(6) substituted by **British Railways Board (Finance) Act 1991 (c. 63, SIF 102), s. 1(1)**.

43 Additional financial provisions as to Waterways Board.

- (1) This section applies to the Waterways Board.
- (2) The Minister or any other Minister of the Crown may, with the approval of the Treasury, from time to time make grants to the Board.

[^{F12}(2A) The Scottish Ministers may from time to time make grants to the Board.]

- (3) On 1st January 1969—
- (a) without prejudice to any further adjustment under section 53(5) of this Act, there shall be extinguished such part of the commencing capital debt of the Board under section 39 of the Act of 1962 as is required to be extinguished in order to reduce the commencing capital debt of the Board outstanding on that date to £3,750,000;
- (b) ^{F13}

(4) ^{F14}

- (5) [^{F15}Subject to subsection (6) below,] if in any accounting year of the Board there is an excess of the revenue of the Board over the total sums properly chargeable by them to revenue, the Minister may, with the approval of the Treasury, require that excess, so far as it appears to him, after consultation with the Board, to be surplus to the requirements of the Board, to be paid over to the Minister, who shall pay it into the Consolidated Fund.

[^{F16}(6) Where an excess under subsection (5) of this section arises in relation to the activities of the Board in Scotland, the Scottish Ministers may require that excess, so far as it appears to them, after consultation with the Board, to be surplus to the requirements of the Board, to be paid over to the Scottish Ministers.]

Textual Amendments

- F12** S. 43(2A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(2)** (with art. 4)
- F13** S. 43(3)(b) and word “and” preceding it repealed by **Transport (Financial Provisions) Act 1977 (c. 20, SIF 126), s. 3(2)(b)**
- F14** S. 43(4) repealed by **Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. VI**

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- F15** Words in s. 43(5) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 Pt. II para. 3(3) (with art. 4)
- F16** S. 43(6) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 Pt. II para. 3(4) (with art. 4)

44 Account by Minister of receipt and disposal of certain sums.

(1) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of, and of the disposal by him of, the following sums, namely—

- (a) any sums issued to the Minister by the Treasury out of the National Loans Fund under section 20(3) of the Act of 1962 for the purpose of making loans—
- (i) under section 20(1) of that Act to any of the Boards; or
 - (ii)^{F17}
 - [^{F18}(iii) under the said section 20(1) as applied by section. . .^{F19} 27(1) of this Act to. . .^{F19} the Bus Company;]
- (b) any sums which, being received by the Minister—
- (i) by way of interest on, or the repayment of, any such loan as aforesaid; or
 - (ii) by way of interest on, or the repayment of, the commencing capital debt under section 39 of that Act of any of the Boards. . .^{F20}; or
 - [^{F21}(iii) by way of interest on, or the repayment of, the commencing capital debt of. . .^{F19} the Bus Company under Schedule 2 to this Act; or]
 - (iv) in respect of any surplus of. . .^{F20} the Railways Board or the Waterways Board,

are required by section 20(5),. . .^{F20} or 39(8) of the Act of 1962, by section 42(8) or 43(5) of this Act, by the said section 20(5) as applied by the said section. . .^{F20},. . .^{F19} or 27(1), or by the said section 39(8) as applied by paragraph 1 of the said Schedule 2 to be paid by the Minister into the National Loans Fund or the Consolidated Fund, as the case may be.

[^{F22}(2) The Secretary of State shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of, and of the disposal by him of, the following sums, namely—

- (a) any sums issued to the Secretary of State by the Treasury out of the National Loans Fund under section 20(3) of the Act of 1962 for the purpose of making loans to the Scottish Group under section 20(1) of that Act as applied by section 27(1) of this Act;
- (b) any sums which, being received by the Secretary of State—
- (i) by way of interest on, or the repayment of, any such loan as aforesaid; or
 - (ii) by way of interest on, or the repayment of, the commencing capital debt of the Scottish Group under Schedule 2 to this Act,

are required by section 20(5) of the Act of 1962 as applied by the said section 27(1), or by section 39(8) of the Act of 1962 as applied by paragraph 1 of the said Schedule 2, to be paid by the Secretary of State into the National Loans Fund.]

(3) The Minister and the Secretary of State shall each send every account prepared by him under subsection (1) or (2) of this section to the Comptroller and Auditor-General not later than the end of November following the year to which the account relates; and

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the Comptroller and Auditor-General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

- (4) In consequence of the foregoing provisions of this section—
- (a) in section 20 of the Act of 1962, subsection (6) (which makes provision corresponding to this section in respect of certain of the sums aforesaid) shall cease to have effect; and
 - (b) in section 29(12) of that Act (which applies subsections (2) to (6) of the said section 29) for the words “subsections (2) to (6)” there shall be substituted the words “subsections (2)(5)”.

Textual Amendments

- F17** S. 44(1)(a)(ii) repealed by [S.I. 1973/338](#), [Sch. 2](#)
- F18** S. 44(1)(a)(iii) repealed (G.B.) (1. 4. 1991) by [S.I. 1991/510](#), [reg. 5](#), [Sch.](#)
- F19** Words repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), [Sch. 9 Pt. III](#)
- F20** Words repealed by [S.I. 1973/338](#), [Sch. 2](#)
- F21** S. 44(1)(b)(iii) repealed (G.B.) (1. 4. 1991) by [S.I. 1991/510](#), [reg. 5](#), [Sch.](#)
- F22** S. 44(2)(a)(b) repealed (S.) (7.6.2002) by [S.S.I. 2002/263](#), [art. 5\(2\)](#), [Sch.](#)

Modifications etc. (not altering text)

- C5** The text of ss. 38(1), 41(8)(9), 44(4), 46(5), 50(10), 51(3), 52(4), 94(7) 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.

Additional duties of Boards and new authorities

^{F23} 45 **Duty of Freight Corporation and Railways Board to review organisation.**

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Textual Amendments

- F23** S. 45 repealed (6.1.1994) by [1993 c. 43](#), [ss. 150\(1\)\(o\)](#), [152\(1\)\(3\)](#), [Sch. 12 para. 6\(3\)](#), [Sch.14](#); [S.I. 1993/3237](#), [art. 22](#)

46 **Duty of Boards and new authorities to promote research and development.**

- (1) This section applies to the following authorities namely, the Boards and the new authorities.
- (2) It shall be incumbent on each of the authorities to whom this section applies to take such steps as appear to them to be practicable and desirable for promoting—
 - (a) research on lines settled from time to time with the approval of the Minister [^{F24}or, in the case of the Waterways Board, in respect of their functions in Scotland, the Scottish Ministers] into matters affecting, or arising out of, the exercise of the functions of that authority or of any subsidiary of that authority; and
 - (b) the doing of such work as is requisite to enable—

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- (i) the results of any research into any such matter as aforesaid (whether or not promoted by that authority); and
- (ii) anything resulting from any idea affecting, or arising out of, the exercise of any of those functions,

to be turned to account;

but nothing in this subsection shall be construed as imposing upon that authority, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which that authority would not otherwise be subject.

- (3) An authority to whom this section applies may take such steps as aforesaid with respect to any matter either by themselves carrying out the necessary research or doing the necessary work or by arranging for that research to be carried out or that work to be done by some other person with or without assistance (including financial assistance) from that authority; but nothing in this section shall authorise any such authority to do themselves, either directly or through a subsidiary, any work such as is mentioned in subsection (2)(b) of this section which the authority would not have power to do apart from this section.
- (4) In the application of this section to the Scottish Group, the reference to the Minister shall be construed as a reference to the Secretary of State.
- (5) In section 27(3) of the Act of 1962 for the words “education and research” there shall be substituted the words “and education”.

Textual Amendments

- F24** Words in s. 46(2)(a) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 Pt. II para. 3\(5\)](#) (with art. 4)

Modifications etc. (not altering text)

- C6** The text of ss. 38(1), 41(8)(9), 44(4), 46(5), 50(10), 51(3), 52(4), 94(7) 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.

Additional powers of Boards and new authorities

47 Extension to new authorities of certain functions of Boards.

- (1) Without prejudice to the provisions of sections 48 to 52 of this Act, but subject to the provisions of this section—
 - (a) the following provisions of the Act of 1962 (which confer certain powers on the Boards), that is to say—
 - (i) section 11 (development of land);
 - (ii) section 12 (pipe-lines);
 - (iii) section 13 (powers of manufacture and production) other than subsection (2) thereof;
 - (iv) section 14 (supplementary powers);
 - (v) section 15 (compulsory purchase of land);
 - (vi) section 16 (working agreements involving the delegation of special statutory powers);

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- (vii) section 17 (power to promote and oppose Bills);
 - (viii) section 43(1) to (3) (power to make charges for services and facilities); and
 - (b) section 25 of the Act of 1962 (which relates to subsidiaries of the Boards), shall have effect as if each of the new authorities were one of the Boards.
- (2) In relation to [^{F25}the Bus Company and] the Scottish Group, subsection (1)(a) of this section shall have effect as if sub-paragraphs (ii) and (v) thereof were omitted.
 - (3) In the application of sections 11, 13, 14, 17 and 25 of the Act of 1962 to the Scottish Group any reference to the Minister shall be construed as a reference to the Secretary of State.
 - (4) The reference in subsection (1) of section 16 of the Act of 1962 to a working agreement to which that section applies shall include a reference to any arrangements such as are mentioned in section 50(9) of this Act.

Textual Amendments

F25 Words in s. 47(2) repealed (G.B.) (1. 4. 1991) by [S.I. 1991/510](#), [reg. 5](#), Sch.

48 Manufacture, repair and supply.

- (1) This section applies to the following authorities, namely, the Boards and the new authorities, [^{F26}but in its application to the Scottish Group any reference to the Minister shall be construed as a reference to the Secretary of State].
- [^{F27}(1A) In the application of this section to the Waterways Board in connection with any activity in Scotland, any reference to the Minister shall be construed as a reference to the Scottish Ministers and, in subsection (6) the words “and with the approval of the Treasury” shall be omitted.]
- (2) Each of the authorities to whom this section applies shall have power—
 - (a) to manufacture for sale to outside persons (that is to say, to persons other than an authority to whom this section applies or a subsidiary of such an authority), and to repair for outside persons, anything which the authority consider can advantageously be so manufactured or, as the case may be, repaired by the authority by reason of the fact that the authority or a subsidiary of theirs have materials or facilities for, or skill in, the manufacture or repair of that thing connection with some existing activity of that authority or subsidiary;
 - (b) to sell to outside persons, and for that purpose to purchase, anything which is of a kind which the authority or a subsidiary of theirs purchase in the course of some existing activity of that authority or subsidiary;
 - (c) at any place where the authority, in the exercise of their powers under section 14(1)(d) of the Act of 1962, provide a car park, to repair motor vehicles for outside persons, and to sell to outside persons petrol, oil and spare parts and accessories for motor vehicles, and for that purpose to purchase any of those things, whether or not those persons are using the car park;
 and the Waterways Board shall have power to sell goods of any description to outside persons, whether or not persons using their waterways, at any place where persons using those waterways may require facilities for the purchase of those goods, and for that purpose to purchase any such goods; and in paragraph (a) or (b) of this

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subsection the expression “existing activity” means, in relation to any activity at any time undertaken by virtue of that paragraph, any other activity already carried on at that time, including any such activity carried on by virtue of any provision of this section other than paragraph (c) of this subsection and other than the provisions of this subsection relating only to the Waterways Board.

- (3) An authority to whom this section applies shall not engage in any activity authorised by subsection (2) of this section, and shall exercise their control over any subsidiary of theirs so as to ensure that the subsidiary does not engage in any such activity, unless the authority are satisfied that they or the subsidiary can do so without detriment to the duties imposed on the authority by the Act of 1962 or this Act.
- (4) Each of the authorities to whom this section applies shall from time to time submit to the Minister for his approval proposals as to the manner in which any activities authorised by subsection (2) of this section or any activities of manufacture authorised by section 13 of the Act of 1962 are to be carried on by them or any subsidiary of theirs, and shall carry on, or, as the case may be, exercise their control over that subsidiary so as to ensure that the subsidiary carries on, those activities in accordance with the Minister’s approval, and the Minister may—
 - (a) in approving any proposals, approve them subject to such modifications or subject to compliance with such conditions as he thinks fit; and
 - (b) at any time, after consultation with the authority, direct the authority to discontinue or, as the case may be, to exercise their control over any of their subsidiaries so as to require the subsidiary to discontinue, any of the activities which the authority or subsidiary are carrying on in accordance with the Minister’s approval.
- (5) The Minister shall publish, in such manner as he thinks fit, any proposals approved by him under subsection (4) of this section, and shall send copies of those proposals to the Confederation of British Industry and the Trades Union Congress.
- (6) Each authority to whom this section applies shall include in the report in respect of any year required to be submitted by them under section 27(8) of the Act of 1962 such particulars as the Minister may, after consultation with the authority and with the approval of the Treasury, direct with respect to all or any of the activities authorised by subsection (2) of this section or the activities of manufacture authorised by section 13 of the Act of 1962 which have been carried on in that year by the authority or any of their subsidiaries.
- (7) The foregoing provisions of this section shall have effect notwithstanding subsection (1) of section 13 of the Act of 1962 (so far as it confines any authority’s powers of manufacture, purchase and repair to those conferred by that section), and in that section—
 - subsection (2) (which relates to the powers of the Waterways Board to manufacture for sale and to repair plant and equipment of a kind ordinarily made for use in connection with the operation of an inland waterway);
 - subsection (3) (which is superseded by the provisions of subsection (4) of this section) except as respects proposals approved thereunder before the appointed day for the purposes of this section;
 - subsection (5) (which restricts the power of the Boards to manufacture road vehicles, bodies or chassis for road vehicles or major components of road vehicles);

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subsection (6) (which restricts the power of the Boards to purchase or trade in road vehicles or in spare parts, accessories, petrol or oil for such vehicles and from engaging in the maintenance or repair of such vehicles, spare parts or accessories); and

subsection (7) (which restricts the power of the Boards to engage in shipbuilding),

shall cease to have effect.

- (8) Section 29(7) of the Act of 1962 (which relates to manufacture or production by subsidiaries of the Holding Company) shall have effect as if each of the new authorities were one of the Boards.
- (9) In this section references to manufacture include references to construction and production, references to repair include references to maintenance, and references to selling or purchasing include references to supplying, or, as the case may be, obtaining, by exchange, hire or hire-purchase.

Textual Amendments

F26 Words in s. 48(1) repealed (S.) (7.6.2002) by virtue of S.S.I. 2002/263, art. 5(2), **Sch.**

F27 S. 48(1A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(6)** (with art. 4)

Modifications etc. (not altering text)

C7 S. 48 restricted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), **Sch. 12 para. 6(4)**; S.I. 1993/3237, **art. 2(2)**

C8 S. 48(2) extended by **Transport Act 1982 (c. 49, SIF 126)**, **Sch. 5 para. 5(1)(2)**

C9 Part of the text of s. 48(7), s. 49(1) and s. 50(2) 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.

49 Powers with respect to land. **E+W+S**

- (1) Where a Board or a new authority propose under section 11 of the Act of 1962 to develop any of their land for use otherwise than for the purposes of their business, the Minister may give his consent under subsection (4) of that section to the acquisition by that Board or authority by agreement of adjoining land for the purpose of developing it with the other land whether or not it appears to him that the other land cannot be satisfactorily developed unless the adjoining land is so acquired; and accordingly, in the said subsection (4), the words from “but the Minister” to “by the Board” (which preclude the Minister from giving his consent unless it so appears to him) shall cease to have effect.
- (2) A Board or new authority may exercise the power conferred by the said subsection (4) without the consent of the Minister in any case where the Minister has under subsection (3) of the said section 11 consented to the incurring by that Board or new authority of a substantial item of expenditure in developing land as aforesaid which includes expenditure proposed to be incurred in that exercise of that power.
- (3) Notwithstanding anything in the said subsection (4), where a Board or new authority propose to dispose of any of their land they shall have power to acquire by agreement adjoining land for the purpose of disposing of it together with the other land; but the Board or new authority shall not incur any substantial item of expenditure under this

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subsection without the consent of the Minister, and the Minister may from time to time give directions to the Boards and the new authorities indicating what is to be treated for the purposes of this subsection as a substantial item of expenditure.

(4) Notwithstanding anything in the said subsection (4), the Railways Board and the Waterways Board shall each have power with the consent of the Minister to acquire land by agreement with a view to its development, whether by that Board or by some other person, for use otherwise than for the purposes of their business if that land—

- (a) in the case of the Railways Board adjoins other land of that Board; or
- ^{F28}(b) in the case of the Waterways Board adjoins or is situated in the vicinity of any inland waterway comprised in the undertaking of that Board,]

and the Minister is satisfied that the land acquired will be so connected by rail or so situated in relation to a railway line or, as the case may be, will be so connected by waterway to, or is so situated in relation to, [^{F29}that waterway] that the rail services of the Railways Board ^{F30} . . . can be directly used [^{F31}or, as the case may be, the waterway can be conveniently used] by the person for the time being occupying the land proposed to be acquired.

^{F32}(4A) In the application of this section to the development of their land in Scotland by the Waterways Board, any reference to the Minister shall be construed as a reference to the Scottish Ministers.]

(5) In the application of subsections (1) to (3) of this section to the Scottish Group, any reference therein to the Minister shall be construed as a reference to the Secretary of State.

(6) ^{F33}

Extent Information

E1 This version of this provision extends to England, Wales and Scotland only; a separate version has been created for Northern Ireland only

Textual Amendments

- F28** S. 49(4)(b) substituted (16.1.1995) by 1995 c. i, s. 23(a) (with s. 34)
- F29** Words in s. 49(4) substituted (16.1.1995) by 1995 c. i, s. 23(b) (with s. 34)
- F30** Words in s. 49(4) omitted (16.1.1995) by virtue of 1995 c. i, s. 23(c) (with s. 34)
- F31** Words in s. 49(4) inserted (16.1.1995) by 1995 c. i, s. 23(d) (with s. 34)
- F32** S. 49(4A) inserted (1.4.2001) by S.I. 2000/3251, art. 2, Sch. 2 Pt. II para. 3(7) (with art. 4)
- F33** S. 49(6) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. VI

Modifications etc. (not altering text)

- C10** S. 49 restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, reg. 4(2).
- C11** Part of the text of s. 48(7), s. 49(1) and s. 50(2) 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.

49 Powers with respect to land. N.I.

(1) Where a Board or a new authority propose under section 11 of the Act of 1962 to develop any of their land for use otherwise than for the purposes of their business, the Minister may give his consent under subsection (4) of that section to the acquisition by

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that Board or authority by agreement of adjoining land for the purpose of developing it with the other land whether or not it appears to him that the other land cannot be satisfactorily developed unless the adjoining land is so acquired; and accordingly, in the said subsection (4), the words from “but the Minister” to “by the Board” (which preclude the Minister from giving his consent unless it so appears to him) shall cease to have effect.

- (2) A Board or new authority may exercise the power conferred by the said subsection (4) without the consent of the Minister in any case where the Minister has under subsection (3) of the said section 11 consented to the incurring by that Board or new authority of a substantial item of expenditure in developing land as aforesaid which includes expenditure proposed to be incurred in that exercise of that power.
- (3) Notwithstanding anything in the said subsection (4), where a Board or new authority propose to dispose of any of their land they shall have power to acquire by agreement adjoining land for the purpose of disposing of it together with the other land; but the Board or new authority shall not incur any substantial item of expenditure under this subsection without the consent of the Minister, and the Minister may from time to time give directions to the Boards and the new authorities indicating what is to be treated for the purposes of this subsection as a substantial item of expenditure.
- (4) Notwithstanding anything in the said subsection (4), the Railways Board and the Waterways Board shall each have power with the consent of the Minister to acquire land by agreement with a view to its development, whether by that Board or by some other person, for use otherwise than for the purposes of their business if that land—
 - (a) in the case of the Railways Board adjoins other land of that Board; or
 - (b) in the case of the Waterways Board adjoins any of the commercial or cruising waterways of the Board within the meaning of section 104 of this Act,
 and the Minister is satisfied that the land acquired will be so connected by rail or so situated in relation to a railway line or, as the case may be, will be so connected by waterway to, or is so situated in relation to, that commercial or cruising waterway that the rail services of the Railways Board or, as the case may be, the waterway services of the Waterways Board can be directly used by the person for the time being occupying the land proposed to be acquired.

[^{F90}(4A) In the application of this section to the development of their land in Scotland by the Waterways Board, any reference to the Minister shall be construed as a reference to the Scottish Ministers.]

(5) In the application of subsections (1) to (3) of this section to the Scottish Group, any reference therein to the Minister shall be construed as a reference to the Secretary of State.

(6) ^{F91}

Extent Information

E2 This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland only

Textual Amendments

F90 S. 49(4A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(7)** (with art. 4)

F91 S. 49(6) repealed by **Statute Law (Repeals) Act 1974 (c. 22)**, **Sch. Pt. VI**

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Modifications etc. (not altering text)

C25 Part of the text of s. 48(7), s. 49(1) and s. 50(2) 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.

50 Miscellaneous provisions as to powers.

(1) In addition to their power under the provisions of sections 3(3)(e), 9(2)(c) or 10(3)(f) of the Act of 1962 to store certain goods and to use certain premises to provide facilities for the storage of other goods, the Railways Board, . . . ^{F34} and Waterways Board shall each have power, with the consent of the Minister [^{F35}or, in the case of the Waterways Board, in connection with the exercise of their functions in Scotland, the Scottish Ministers], to provide such facilities at any other premises; and the said section 3(3)(e) shall apply to goods which have been or are to be carried by a subsidiary of the Railways Board as it applies to goods which have been or are to be carried by that Board.

^{F36}(2)

(3) The Waterways Board, [^{F37}the Bus Company] and [^{F38}the Scottish Group] shall each have power to provide and manage hotels in places where those using the inland waterways owned or managed by the Waterways Board or, as the case may be, the transport services provided by [^{F37}the Bus Company] or [^{F38}Scottish Group] may require them, for use both by those and other persons.

(4) [^{F39}In subsection (3) of this section the reference to hotels includes a reference] to any other form of residential accommodation or facilities, including caravan and camping sites, for travellers or persons on holiday; and the said subsection (3) shall be without prejudice to the powers of the Waterways Board, [^{F40}the Bus Company] or [^{F38}the Scottish Group] under section 14(1)(d) of the Act of 1962 to provide amenities and facilities for persons for whom they do not provide residential accommodation or facilities.

(5) In addition to the powers of the Waterways Board to provide the transport services by road authorised by section 10(3)(c) of the Act of 1962 (carriage of goods which have been or are to be carried by the Board by inland waterway and carriage of goods where the use of an inland waterway owned or managed by the Board has been temporarily interrupted), that Board shall have power, with the consent of the Minister [^{F41}or, in the case of the Waterways Board, in connection with the exercise of their functions in Scotland, the Scottish Ministers], to provide other transport services by road for the carriage of goods and to carry goods by those services.

(6) Without prejudice to the powers of the Waterways Board apart from this subsection, that Board shall have power to provide services and facilities for the use for amenity or recreational purposes (including fishing) of the inland waterways and reservoirs owned or managed by them.

(7) Each of the Boards and new authorities shall have power to provide for any person technical advice or assistance, including research services, as respects any matter in which the Board or new authority have skill or experience.

(8) Without prejudice to their powers apart from this subsection, each of the Boards and the new authorities shall have power to form, promote and assist, or join with any other

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person in forming, promoting and assisting, a company for carrying on any activities which that Board or new authority have power to carry on.

[^{F42}(8A) Subsection (8) of this section does not oblige the Waterways Board to secure any restriction on the borrowing powers of a company which it forms, promotes and assists, or joins with any other person in forming, promoting and assisting.

This subsection does not affect the powers or obligations of the Waterways Board in or as regards Scotland.]

(9) Where a company for carrying on any activities which any of the Boards or new authorities have power to carry on has been formed in the exercise of the powers conferred by subsection (8) of this section by that Board or new authority, whether alone or jointly with some other person, or where in the exercise of their powers under paragraph (a) of section 14(1) of the Act of 1962 any of the Boards or new authorities have entered into an agreement with any person for the carrying on by that person, whether as agent for that Board or new authority or otherwise, of any of the activities which that Board or new authority may themselves carry on, then, without prejudice to their powers under paragraph (b) of the said section 14(1), that Board or new authority may, with the consent of the Minister [^{F43}or, in the case of the Waterways Board, in connection with the exercise of their functions in Scotland, the Scottish Ministers]^{F44}, or, in the case of the Scottish Group, with the consent of the Secretary of State], enter into arrangements with that company or person for the transfer from that Board or new authority to that company or person, in such manner and on such terms (including payments by any of the parties to the arrangements to any other of them) as may be provided for by the arrangements, of any property, rights or liabilities of that Board or new authority relevant to the carrying on of those activities.

(10) In section 43(3) of the Act of 1962, after the word “recover” there shall be inserted the words “ or waive ”.

Textual Amendments

- F34** Words repealed by [Transport Act 1981 \(c. 56, SIF 126\)](#), **Sch. 12**, Pt. I
- F35** Words in s. 50(1) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(8)** (with art. 4)
- F36** S. 50(2) repealed (6.1.1994) by [1993 c. 43](#), ss. 150(1)(o), 152(1)(3), **Sch. 12 para. 6(5)(a)**, **Sch. 14**; [S.I. 1993/3237](#), **art. 2(2)**
- F37** Words in s. 50(3) repealed (E.W.S.) (1. 4. 1991) by [S.I. 1991/510](#), reg. 5, **Sch.**
- F38** S. 50(3)(4): “The Scottish Group” repealed (S.) (7.6.2002) by virtue of [S.S.I. 2002/263](#), art. 5(2), **Sch.**
- F39** Words in s. 50(4) substituted (6.1.1994) by [1993 c. 43](#), ss. 150(1)(o), 152(1), **Sch. 12 para. 6(5)(b)**; [S.I. 1993/3237](#), **art. 2(2)**
- F40** Words in s. 50(4) repealed (E.W.S.) (1. 4. 1991) by [S.I. 1991/510](#), reg. 5, **Sch.**
- F41** Words in s. 50(5) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(9)** (with art. 4)
- F42** S. 50(8A) inserted (13.6.2003) by [The Regulatory Reform \(British Waterways Board\) Order 2003 \(S.I. 2003/1545\)](#), arts. 1, **3**
- F43** Words in s. 50(9) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(10)** (with art. 4)
- F44** Words in s. 50(9) repealed (S.) (7.6.2002) by virtue of [S.S.I. 2002/263](#), art. 5(2), **Sch.**

Modifications etc. (not altering text)

- C12** S. 50(1)(2) restricted (E.W.S) (1.1.1993) by [S.I. 1992/3060](#), **reg. 4(2)**.
- C13** S. 50(7)—(10) extended by [Transport \(London\) Act 1969 \(c. 35\)](#), s. **6(2)**

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C14 S. 50(7) restricted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), **Sch. 12 para. 6(5)(c)**; S.I. 1993/3237, **art. 2(2)**

51 Subsidiaries and joint subsidiaries.

- (1) This section applies to the following authorities, namely, the Boards and the new authorities.
- (2) For the purposes of paragraphs (d), (f), (g) and (h) of section 14(1) of the Act of 1962, services and facilities provided by, persons employed by, or equipment of, a subsidiary of an authority to whom this section applies, and, for the purposes of section 15(1) of that Act, land required for the purposes of the business of a wholly-owned subsidiary of such an authority, shall be deemed to be services and facilities provided by, persons employed by, equipment of, or land required for the purposes of the business of, that authority; and section 43(1) to (3) of the Act of 1962 shall apply to any subsidiary of an authority to whom this section applies as they apply to that authority.
- (3) In section 27(1) of the Act of 1962 (which empowers the Minister or, as the case may be, the Secretary of State to give directions of a general character as to the exercise and performance by any authority to whom this section applies of their functions in relation to matters which appear to him to affect the national interest) after the word “functions” there shall be inserted the words “ (including the exercise of rights conferred by the holding of interests in companies) ”.
- (4) A wholly-owned subsidiary of an authority to whom this section applies shall not be regarded as a common carrier when carrying on any activity which that authority have power to carry on and in carrying on which that authority are not to be so regarded.
- (5) Where a company of which two or more authorities to whom this section applies are members would, if those authorities were a single body corporate, be a wholly-owned subsidiary of that body corporate, then, whether or not that company is apart from this subsection a subsidiary of one of those authorities, that company shall be deemed for the purposes of the Act of 1962 and of the provisions other than ^{F45}Part VI] of this Act to be a wholly-owned subsidiary of each of those authorities; and any such company is hereafter in this section referred to in relation to each of those authorities as a “joint subsidiary” of that authority.
- (6) In the case of a joint subsidiary, section 25(1) of the Act of 1962 shall not apply but it shall be the joint duty of both or all the authorities of which it is a joint subsidiary to exercise their control over the subsidiary so as to ensure that the subsidiary—
 - (a) does not engage in activities in which none of those authorities have power to engage (including activities in which none of those authorities have power to engage because the consent of the Minister ^{F46}or, as the case may be, the Scottish Ministers] has not been obtained), and
 - (b) does not do anything which the Minister has ^{F47}or, as the case may be, the Scottish Ministers have] directed any of those authorities not to do, and
 - (c) does not, except with the consent of the Minister ^{F48}or, as the case may be, the Scottish Ministers], borrow money from any person other than those authorities, and
 - (d) does not, except with the consent of the Minister ^{F49}or, as the case may be, the Scottish Ministers], raise money by the issue of shares or stock to any person other than those authorities;

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and the Minister [^{F50}or, as the case may be, the Scottish Ministers] may give to those authorities such directions as appear to him [^{F50}or, as the case may be, to them] appropriate for ensuring that they carry out the duty imposed on them by this subsection.

[^{F51}(7) In the application of subsection (6) of this section to a joint subsidiary of the Scottish Group, any reference in that subsection to the Minister shall be construed as including a reference to the Secretary of State.]

Textual Amendments

- F45** Words in s. 51(5) substituted (1.1.1996) by 1995 c. 23, s. 60(1), **Sch. 7 para. 3** (with ss. 54, 55); S.I. 1995/2181, **art. 2**
- F46** Words in s. 51(6)(a) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(11)** (with art. 4)
- F47** Words in s. 51(6)(b) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(12)** (with art. 4)
- F48** Words in s. 51(6)(c) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(13)** (with art. 4)
- F49** Words in s. 51(6)(d) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(14)** (with art. 4)
- F50** Words in s. 51(6)(d) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(15)(a)(b)** (with art. 4)
- F51** S. 51(7) repealed (S.) (7.6.2002) by S.S.I. 2002/263, art. 5(2), **Sch.**

Modifications etc. (not altering text)

- C15** The text of ss. 38(1), 41(8)(9), 44(4), 46(5), 50(10), 51(3), 52(4), 94(7) 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.
- C16** S. 51(5) excluded by **Transport Act 1978 (c. 55), s. 15(4)**
- C17** S. 51(5)(6) modified by **London Regional Transport Act 1984 (c. 32, SIF 126), s. 62(3)(4)**

52 Supplementary and miscellaneous provisions.

- (1) Section 14(6) of the Act of 1962 (which provides that the powers conferred by the foregoing provisions of that Act are cumulative and that those provisions relate only to the capacity as a statutory corporation of any authority on whom those powers are conferred and that nothing in those provisions shall be construed as authorising the disregard by any such authority of any enactment or rule of law) shall apply to any powers conferred on any Board or new authority by any provision of this Act and to the provision of this Act conferring that power as it applies to the powers and provisions mentioned in the said section 14(6).
- (2) For the purposes of section 15 of the Act of 1962 (which confers on the Boards. . . ^{F52} powers of compulsory purchase for the purpose of their business) activities carried on by any of the Boards. . . ^{F52} by virtue of section 48 or subsections (1) to (7) of section 50 of this Act shall be deemed not to form part of the business of the Board. . . ^{F52}.
- (3) Sections 27, 28 and 89 of the Act of 1962 (which relate respectively to the powers of the Minister to give directions to the Boards, to powers exercisable subject to the Minister's consent, and to the duty to give effect to the Minister's directions) shall apply to each of the new authorities as if they were one of the Boards [^{F53} and, in their

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application to the Scottish Group, as if any reference therein to the Minister were a reference to the Secretary of State]; and any reference in the said section 27 or 89 to that Act or in the said section 28 to the foregoing provisions of that Act shall include a reference to this Act.

- (4) In Schedule 1 to the Act of 1962, for paragraph 4 (which relates to the authentication of the application of the seal of a Board) there shall be substituted the following:—

“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.”

- (5) It is hereby declared that none of the new authorities are to be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown, or (subject to the provisions of sections 160, 161 and 162 of this Act) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that their property is not to be regarded as property of, or property held on behalf of, the Crown.

Textual Amendments

F52 Words repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. III**

F53 Words in s. 52(3) repealed (S.) (7.6.2002) by [S.S.I. 2002/263](#), art. 5(2), **Sch.**

Modifications etc. (not altering text)

C18 S. 52 amended by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 5 para. 5(1)(2)**

C19 The text of ss. 38(1), 41(8)(9), 44(4), 46(5), 50(10), 51(3), 52(4), 94(7) 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.

Power to dissolve Holding Company, etc.

53 Provisions with respect to Holding Company.

- (1) The Minister may by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament—

- (a) transfer any such property, rights and liabilities of the Holding Company as may be specified in the order, being property, rights or liabilities not already transferred under section 4 or 28 of this Act or this paragraph, from the Holding Company to such other person, being either a publicly-owned body (that is to say, a body established for the carrying on of any industry or part of an industry, or of any undertaking, under national ownership or control, or a wholly-owned subsidiary of a body so established) or a Minister of the Crown, as may be specified in the order;

(b) ^{F54}

- (c) where by virtue of paragraph (a). . . ^{F54} of this subsection any property, rights and liabilities are transferred to, or to a subsidiary of, any of the Boards or the new authorities, confer on the Board or new authority in question any powers necessary to ensure the continued carrying on of any activities carried

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on before the transfer which would otherwise fall by virtue of section 25 of the Act of 1962 or section 51(6) of this Act to be discontinued after the transfer.

- (2) In the case of any order made by virtue of paragraph (a). . . ^{F54} of subsection (1) of this section, the property, 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; and Schedule 4 to this Act shall apply to any transfer under this subsection.
- (3) Any order under subsection (1) of this section may contain such supplementary, incidental and consequential provision as may appear to the Minister to be necessary or expedient, and in particular, in the case of an order by virtue of paragraph (b) of that subsection, may make provision—
- (a) for the preparation by such person or persons as may be specified in the order of a statement or statements of the Holding Company's accounts for the period from the end of that dealt with in the last annual statement of accounts published by that Company down to the date of the dissolution of that Company;
 - (b) for the auditing of any such statement of accounts;
 - (c) for the making to the Minister by such person or persons as may be specified in the order of a report or reports on the exercise and performance by the Holding Company of their functions during any period not dealt with in the reports made by that company under section 29(16) of the Act of 1962;
 - (d) repealing any provision of the Act of 1962 or of this or any other Act which the Minister is satisfied has become unnecessary in consequence of the dissolution of the Holding Company.
- (4) The Minister may, with the consent of the Treasury, pay to any person upon whom duties are imposed by virtue of subsection (3)(a) to (c) of this section such remuneration, and such allowances in respect of expenses, as the Minister may with the agreement of the Treasury determine.
- (5) The Minister may from time to time by order—
- (a) vary the commencing capital debt under section 39 of the Act of 1962 of the Holding Company or of any of the Boards or under Schedule 2 to this Act of any of the new authorities; or
 - (b) extinguish the liability of the Holding Company in respect of all or any sums lent to that Company by the Minister under section 29(12) of the Act of 1962 on or after 1st January 1963,
- where that appears to the Minister expedient to take account of any transfer of property, rights and liabilities—
- (i) in the case of the Holding Company, under section 4 or 28 of this Act or under subsection (1) of this section;
 - (ii) in the case of any of the Boards or new authorities, under the said subsection (1);
- and any such order may contain such transitional provisions as appear to the Minister expedient to take account of any interest underpaid or overpaid on the commencing capital debt of the authority in question or on the sums referred to in paragraph (b) of this subsection.
- (6) On requiring any of the new authorities to make provisional payments under paragraph 2 of Schedule 2 to this Act in respect of the commencing capital debt of that new authority, the Minister may by notice in writing to the Holding Company specify what

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part of those payments is to be treated as attributable to transfers to that new authority from the Holding Company under section 4 or 28 of this Act; and where such notice is given, then, in respect of any period in respect of which those provisional payments are made, the liability of the Holding Company to make payments of interest under section 39(6) or 20(2) of the Act of 1962 on the commencing capital debt of, or loans to, that Company shall be correspondingly reduced.

- (7) For the purposes of any order made by virtue of paragraph (a) of subsection (5) of this section with respect to the Scottish Group, any reference in that subsection to the Minister shall be construed as a reference to the Minister and the Secretary of State acting jointly.
- (8) The power of the Minister or of the Minister and the Secretary of State acting jointly to make an order under subsection (5) of this section shall be subject to the approval of the Treasury and any such order shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

Textual Amendments
F54 Words repealed by [Transport Holding Company Act 1972 \(c. 14, SIF 126\), s. 1\(3\)](#)

Modifications etc. (not altering text)
C20 S. 53 amended and extended by [Transport Holding Company Act 1972 \(c. 14, SIF 126\), s. 1\(3\)\(4\)\(6\)](#)

Miscellaneous further provisions with respect to transport services

^{F55}54

Textual Amendments
F55 S. 54 repealed (1.4.1994) by [1993 c. 43, s. 49\(1\), 150\(1\)\(o\), Sch.14 \(with s. 152\(2\), Sch. 13 para. 3\(2\)\)](#); [S.I. 1994/571, art. 5](#)

55 Amendments as to [^{F56}Transport Consultative Committees][^{F56}Passengers' Council and London Transport Users' Committee] .

- (1) The services and facilities in relation to which, under section 56 of the Act of 1962, the duty imposed, subject to the subsequent provisions of that section, by subsection (4) thereof on [^{F57}the [^{F58}Rail Passengers' Council][^{F58}Passengers' Council] and the [^{F59}Rail Passengers' Committees][^{F59}London Transport Users' Committee]] falls to be exercised—
 - (a) shall not include any services or facilities provided by the Waterways Board ^{F60}
 - ^{F61}(b)
 and accordingly—
 - ^{F62}(i)
 - (ii) the reference in paragraph (b) of that subsection to a Board shall be construed as excluding a reference to the Waterways Board ^{F63} ... ;
 - ^{F62}(iii)

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F64	(iv)	
F65		
F66	(2)	
F66	(3)	
F66	(4)	
F67	(5)	

Textual Amendments

- F56** Words in s. 55 heading substituted (E.W.S.) (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), [Sch. para. 4\(3\)](#)
- F57** Words in s. 55(1) substituted (1.2.2001) by 2000 c. 38, s. 227, [Sch. 22 para. 17](#); S.I. 2001/57, [art. 3](#), [Sch. 2 Pt. I](#) (subject to transitional provision and saving in [Sch. 2 Pt. II](#))
- F58** Words in s. 55(1) substituted (E.W.S.) (25.2.2010) by [The Passengers' Council \(Non-Railway Functions\) Order 2010 \(S.I. 2010/439\)](#), [Sch. para. 4\(2\)](#)
- F59** Words in s. 55 substituted (E.W.S.) (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), [Sch. 12 para. 2\(2\)](#); S.I. 2005/1909, [art. 2](#), [Sch.](#)
- F60** Words in s. 55(1)(a) repealed (1.4.1994) by 1993 c. 43, s. 150(1)(o), [Sch. 12 para. 6\(6\)\(b\)\(i\)](#), [Sch. 14](#); S.I. 1994/571, [art. 5](#)
- F61** S. 55(1)(b) repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), [Sch. 12 para. 6\(6\)\(b\)\(ii\)](#), [Sch. 14](#); S.I. 1994/571, [art. 5](#)
- F62** S. 55(1)(b)(i)(iii) repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), [Sch. 12 para. 6\(6\)\(b\)\(iii\)](#), [Sch. 14](#); S.I. 1994/571, [art. 5](#)
- F63** Words repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), [Sch. 9 Pt. III](#)
- F64** S. 55(1)(iv) repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), [Sch. 9 Pt. III](#)
- F65** Words in s. 55(1)(b) repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), [Sch. 12 para. 6\(6\)\(b\)\(iv\)](#), [Sch. 14](#); S.I. 1994/571, [art. 5](#)
- F66** S. 55(2)-(4) repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), [Sch. 12 para. 6\(6\)](#), [Sch. 14](#); S.I. 1994/571, [art. 5](#)
- F67** Ss. 54(8), 55(5) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

56 Assistance by Minister or local authority towards capital expenditure on public transport facilities.

- (1) Subject to subsections (3) and (4) of this section, the Minister may with the approval of the Treasury make grants upon such terms and conditions as the Minister thinks fit to any person towards expenditure appearing to the Minister to be of a capital nature incurred or to be incurred by that person for the purpose of the provision, improvement or development of facilities for public passenger transport in Great Britain.
- (2) Subject to subsections (3) and (4) of this section, any local authority, or any two or more local authorities acting jointly, may make payments, upon such terms and conditions as they think fit, to any other person towards expenditure appearing to the authority or authorities in question to be of a capital nature incurred or to be incurred by that other person for the purpose of the provision, improvement or development of any facilities for public passenger transport if it appears to the authority or each of the authorities in question that those facilities are or will be of benefit to the area of that authority.

Status: Point in time view as at 25/02/2010.

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1968, Part IV. (See end of Document for details)

[^{F68}(2A) Where a relevant local authority proposes to make payments under subsection (2) of this section in respect of any facilities, that authority may enter into an agreement with [^{F69}the [^{F70}Strategic Rail Authority under which the Authority undertakes to exercise any of its franchising functions]] [^{F69}a national authority under which the national authority undertakes to exercise any of its functions in relation to railways or railway services] , to refrain from exercising such functions, or to exercise such functions in a particular manner, in relation to the use of the facilities in question.

(2B) In subsection (2A) of this section, the following expressions have the following meanings respectively, that is to say—

^{F71}

[^{F72}“franchising functions”, in relation to the [^{F73}Strategic Rail Authority], has the same meaning as it has in relation to [^{F73}it] in section 54 of the Railways Act 1993;]

[^{F74}“national authority” means the Secretary of State, the Scottish Ministers or the National Assembly for Wales;]

“relevant local authority” means—

- (a) a non-metropolitan county or district council in England or in Wales;
- (b) a London borough council or the Common Council of the City of London; or
- (c) a [^{F75}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] in Scotland;

and any reference to a relevant local authority shall be taken to include a reference to any two or more such authorities acting jointly.]

(3) No grant under subsection (1) of this section and no payment under subsection (2) thereof shall be made for the purposes of the provision, improvement or development of an airfield, a harbour, or (except when used or to be used for the purposes of a ferry service) a dock, pier or jetty.

[^{F76}(3A) Nothing in subsection (3) of this section precludes the making of grants under subsection (1) or payments under subsection (2) thereof for the purposes of the provision, improvement or development of facilities for or in connection with public passenger transport by land to or from an airfield, harbour, dock, pier or jetty.]

[^{F77}(4) No grant under subsection (1) of this section shall be made for any purpose unless the Secretary of State is satisfied that the provision, improvement or development of the facilities in question is appropriate in the light of—

- (a) any general policies formulated by [^{F78}an Integrated Transport Authority or] a Passenger Transport Authority under section 9A(1) or (5) of this Act;
- (b) any general policies formulated by a non-metropolitan county council under section 63(1) or by a [^{F79}regional or islands] council under section 63(2) of the Transport Act 1985 (policies with respect to services to be secured to meet public transport requirements within the county); and
- (c) any measures adopted by such a council under subsection (6) of that section (measures for promoting co-ordination of services and convenience of the public in using services for their area);

which are relevant to the need for facilities of the description in question in the locality in which they are, or are to be, provided; and no payment under subsection (2) of this section shall be made for any purpose unless the local authority or local authorities in question are so satisfied.]

Status: Point in time view as at 25/02/2010.

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1968, Part IV. (See end of Document for details)

- (5) Where a person has used or proposes to use an asset of his for the purpose of the provision, improvement or development of facilities for public passenger transport, the Minister or, as the case may be, the local authority or local authorities in question may for the purposes of this section treat as expenditure of a capital nature incurred or to be incurred by that person for that purpose such amount not exceeding the capital value of that asset as the Minister or, as the case may be, the local authority or authorities in question may determine to be appropriate.
- (6) In this section the expression “local authority” means—
- (a) the council of any county, . . . ^{F80} or [^{F81}district] in England or Wales;
 - (b) ^{F82}
 - (bb) [^{F83}an Integrated Transport Authority for an integrated transport area in England;]
 - [^{F84}(bc) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;]
 - (c) the Council of the Isles of Scilly; [^{F85}or]
 - (d) any [^{F86}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994] in Scotland; [^{F87}or
 - (e) Strathclyde Passenger Transport Authority;]
- and in the application of this section to Scotland or Wales any reference to the Minister shall be construed as a reference to the Secretary of State.

Textual Amendments

- F68** S. 56(2A)(2B) inserted (1.4.1994) by 1993 c. 43, s. 138(2); S.I. 1994/571, art. 5
- F69** Words in s. 56(2A) substituted (E.W.S.) (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 2(3); S.I. 2005/1909, art. 2, Sch.
- F70** Words in s. 56(2A) substituted (1.2.2001) by 2000 c. 38, s. 215, Sch. 16 para. 1(2); S.I. 2001/57, art. 3, Sch. 2 Pt. I (subject to transitional provision and saving in Sch. 2 Pt. II)
- F71** S. 56(2B): Definition of “the Franchising Director” omitted (1.2.2001) by virtue of 2000 c. 38, s. 215, Sch. 16 para. 1(3); S.I. 2001/57, art. 3, Sch. 2 Pt. I (subject to transitional provision and saving in Sch. 2 Pt. II); and repealed (*prosp.*) by 2000 c. 38, s. 274, Sch. 31 Pt. IV
- F72** Words in s. 56(2B) repealed (E.W.S.) (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 2(4)(a), Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.
- F73** S. 56(2B): Words in definition of “franchising functions” substituted (1.2.2001) by 2000 c. 38, s. 215, Sch. 16 para. 1(3); S.I. 2001/57, art. 3, Sch. 2 Pt. I (subject to transitional provisions in Sch. 2 Pt. II)
- F74** Words in s. 56(2B) inserted (24.7.2005 for specified purposes; 16.10.2005 in force so far as not already in force) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 2(4)(b); S.I. 2005/1909, art. 2, Sch.; S.I. 2005/2812, art. 2(1), Sch. 1
- F75** S. 56(2B): words in para. (c) in the definition of “relevant local authority” substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 80(7)(a); S.I. 1996/323, art. 4(1)(b) (c)
- F76** S. 56(3A) inserted (*retrospectively*) by 1993 c. 43, s. 138(3); S.I. 1994/571, art. 5
- F77** S. 56(4) substituted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 12
- F78** Words in s. 56(4)(a) inserted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), Sch. 4 para. 12(2); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F79** Words in s. 56(4)(b) repealed (S.) (1.4.1996) by 1994 c. 39, s. 180(1)(2), Sch. 13 para. 80(7)(b), Sch. 14; S.I. 1996/323, art. 4(1)(b)(c)(d), Sch. 2
- F80** Words repealed by Local Government Act 1972 (c. 70, SIF 81:1), Sch. 30
- F81** Word substituted by virtue of Local Government Act 1972 (c. 70, SIF 81:1), s. 179(3)

Status: Point in time view as at 25/02/2010.

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1968, Part IV. (See end of Document for details)

- F82** Words repealed by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)(b)**, Sch. 7
- F83** S. 56(6)(bb) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 12(3)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F84** S. 56(6)(bc) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 6**; S.I. 2009/3318, art. 2(c)
- F85** Word in s. 56(6)(c) ceased to have effect (S.) (20.3.1997) by virtue of S.I. 1997/318, **art. 2(a)**
- F86** Words in s. 56(6)(d) substituted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 80(7)(c)**; S.I. 1996/323, **art. 4(1)(b)(c)**
- F87** S. 56(6)(e) and preceding word inserted (S.) (20.3.1997) by S.I. 1997/318, **art. 2(b)**

Modifications etc. (not altering text)

- C21** S. 56 amended by [Local Government Act 1974 \(c. 7, SIF 81:1\)](#), Sch. 1 paras. 6, 8, **9** and [Local Government \(Scotland\) Act 1975 \(c. 30, SIF 81:2\)](#), **s. 14(1)(3)**
- C22** S. 56(1) excluded by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), ss. 2(3), 45, **Sch. 7 Pt. VI para. 2**
- C23** S. 56(1) restricted by [Channel Tunnel Act 1987 \(c. 53, SIF 102\)](#), ss. 42(3), 45, **Sch. 7 Pt. VI para. 2**
- C24** S. 56(2) restricted by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **Sch. 5 para. 16**

57 Grants for research or development in connection with transport services, etc.

The Minister shall have power with the approval of the Treasury to make grants upon such terms and conditions as he thinks fit to any person towards expenditure incurred or to be incurred by that person—

- (a) in carrying out research in connection with the provision or improvement of transport services by land or inland waterway or of harbour facilities; or
- (b) in developing for the purposes of the provision or improvement of such services or facilities the results of any research carried out by, or any invention or idea of, that or any other person.

[^{F88}57A Grants for research or development in connection with transport services by inland waterways in Scotland

Without prejudice to the Minister’s power to make grants for research or development in connection with transport services by inland waterways in Scotland under section 57, the Scottish Ministers may make grants upon such terms and conditions as they think fit to any person towards expenditure incurred or to be incurred by that person—

- (a) in carrying out research in connection with the provision or improvement of transport services by inland waterway in Scotland; or
- (b) in developing for the purposes of the provision or improvement of such services or facilities the results of any research carried out by, or any invention or idea of, that or any other person.]

Textual Amendments

- F88** S. 57A inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, **Sch. 2 Pt. II para. 3(16)** (with art. 4)

Status: Point in time view as at 25/02/2010.

Changes to legislation: *There are currently no known outstanding effects
for the Transport Act 1968, Part IV. (See end of Document for details)*

Textual Amendments

F89 S. 58 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 29**

Status:

Point in time view as at 25/02/2010.

Changes to legislation:

There are currently no known outstanding effects for the Transport Act 1968, Part IV.