



# Transport Act 1968

## 1968 CHAPTER 73

### PART X

#### MISCELLANEOUS AND GENERAL

#### 134 Duty to act in certain cases as body engaged in commercial enterprise.

- (1) This section applies to the following authorities, namely, the Boards, the new authorities, and the Executive for any [<sup>F1</sup>designated area within the meaning of section 9(1)] [<sup>F1</sup>area which is a passenger transport area for the purposes of Part II] of this Act.
- (2) Every authority to whom this section applies who engage, either directly or through a subsidiary, in any activities authorised by any of the provisions specified in subsection (3) of this section shall in carrying on those activities act as if they were a company engaged in a commercial enterprise or, as the case may be, shall exercise their control over that subsidiary so as to ensure that the subsidiary in carrying on those activities acts as a company so engaged.
- (3) The provisions referred to in subsection (2) of this section are—
  - (a) the following provisions of the Act of 1962, namely, subsections (2) to (4) of section 11 (which relate to certain development or acquisition of land);
  - (b) the following provisions of this Act, namely, sections. . . <sup>F2</sup>, 10(1)(viii), (xi), (xx)(b) and (xxii), 25(e) and (f), 26(1)(e)(ii), (f) and (k), 48(2), 49(1) to (4), 50(1) (so far as it relates to the provision of facilities at additional premises), and 50(2) to (5).

#### Textual Amendments

**F1** Words commencing “area which is” substituted (E.W.S.) for words commencing “designated” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 17](#)

**F2** Words repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), [Sch. 9 Pt. III](#)

*Status: Point in time view as at 15/07/2003.*

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

### 135 Compensation for loss of employment etc. **E+W+S**

- (1) The Minister shall by regulations require the payment by such person as may be determined by or under the regulations, in such cases and to such extent as may be so determined, of compensation to or in respect of any person who is on the date of the happening of any of the following events, namely—
- (a) a transfer of any property, rights or liabilities under section 4, 5, <sup>F3</sup> . . . 28, 29, 53 or 144 of this Act; or
  - (b) any change in the manner in which the carrying on of the activities of the Railways Board or the Freight Corporation is organised made—
    - (i) in pursuance of a direction under section 6(1) or 45(5) of this Act; or
    - (ii) with the consent of the Minister in order to give effect to conclusions reported under the said section 45; or
  - (c) the making of any adaptations such as are mentioned in paragraph 5(4) of Schedule 16 to this Act; or
  - (d) the revocation under paragraph 10(1) of Schedule 6 to this Act of a consent granted under that Schedule,
- or who has before that date been, in any employment so determined and who suffers any loss of employment, or loss or diminution of emoluments or pension rights, or worsening of his position, which is properly attributable to the happening of that event.
- (2) Any such regulations may apply in relation to any such person whether or not he continues in the employment determined as aforesaid until the date of the happening of the relevant event aforesaid, and whether or not he is a party to an agreement for the rendering of personal services which is affected by the happening of that event.
- (3) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect from a date prior to the making thereof, so, however, that so much of any such regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the person required to pay the compensation in a worse position than he would have been in if the regulations had been made to have effect only as from the making thereof.
- (4) Regulations under this section—
- (a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined; and
  - (b) may in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, before [<sup>F4</sup>an [<sup>F5</sup>employment tribunal]].
- (5) No regulations shall be made under this section unless a draft thereof has been approved by a resolution of each House of Parliament.
- (6) Where any of the following authorities, namely the Boards, the new authorities and the Holding Company, are required by any such regulations to pay compensation thereunder, any other of those authorities may arrange to make to the compensating authority payments by way of contributions towards their liability under the regulations; and if the compensating authority satisfy the Minister that any of the other authorities have not made a proper contribution towards that liability, whether by payment of money or by finding employment for persons to or in respect of whom

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the compensation has become payable, the Minister may require that other authority to make such payment to the compensating authority as appears to the Minister to be just.

- (7) In relation to regulations under this section in connection with a transfer such as is mentioned in paragraph (a) of subsection (1) thereof to or from the Scottish Group or a subsidiary of theirs, references in the said subsection (1) to the Minister shall be construed as references to the Minister and the Secretary of State acting jointly; and for the purposes of any payment by the Scottish Group under subsection (6) of this section, references to the Minister in the said subsection (6) shall be construed as references to the Secretary of State.

#### Extent Information

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

#### Textual Amendments

- F3** Words in s. 135(1)(a) repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), 152(3), **Sch. 14**; S.I. 1994/571, **art. 5**
- F4** Words substituted for words “a tribunal established under section 12 of the Industrial Training Act 1964” by **Employment Protection (Consolidation) Act 1978** (c. 44), **Sch. 16 para. 6** and shall continue to have effect by 1996 c. 17, s. 43, ss. 43, 46, **Sch. 1 para. 1** (with s. 38)  
Amendment continued (22.8.1996) by 1996 c. 17, ss. 43, 46, **Sch. 1 para. 1** (with s. 38)
- F5** Words in s. 135(4) substituted (1.8.1998) by 1998 c. 8, **s. 1(2)**, (with s. 16(2)); S.I. 1998/1658, **art. 2, Sch. 1**

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

- C1** S. 135(1) extended by **Transport Act 1978** (c. 55), **s. 15(3)**

### 135 Compensation for loss of employment etc. **N.I.**

- (1) The Minister shall by regulations require the payment by such person as may be determined by or under the regulations, in such cases and to such extent as may be so determined, of compensation to or in respect of any person who is on the date of the happening of any of the following events, namely—
- (a) a transfer of any property, rights or liabilities under section 4, 5, <sup>F89</sup> . . . 28, 29, 53 or 144 of this Act; or
  - (b) any change in the manner in which the carrying on of the activities of the Railways Board or the Freight Corporation is organised made—
    - (i) in pursuance of a direction under section 6(1) or 45(5) of this Act; or
    - (ii) with the consent of the Minister in order to give effect to conclusions reported under the said section 45; or
  - (c) the making of any adaptations such as are mentioned in paragraph 5(4) of Schedule 16 to this Act; or
  - (d) the revocation under paragraph 10(1) of Schedule 6 to this Act of a consent granted under that Schedule,

or who has before that date been, in any employment so determined and who suffers any loss of employment, or loss or diminution of emoluments or pension rights, or worsening of his position, which is properly attributable to the happening of that event.

*Status: Point in time view as at 15/07/2003.*

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- (2) Any such regulations may apply in relation to any such person whether or not he continues in the employment determined as aforesaid until the date of the happening of the relevant event aforesaid, and whether or not he is a party to an agreement for the rendering of personal services which is affected by the happening of that event.
- (3) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect from a date prior to the making thereof, so, however, that so much of any such regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the person required to pay the compensation in a worse position than he would have been in if the regulations had been made to have effect only as from the making thereof.
- (4) Regulations under this section—
- (a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined; and
  - (b) may in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, before [<sup>F90</sup>an industrial tribunal].
- (5) No regulations shall be made under this section unless a draft thereof has been approved by a resolution of each House of Parliament.
- (6) Where any of the following authorities, namely the Boards, the new authorities and the Holding Company, are required by any such regulations to pay compensation thereunder, any other of those authorities may arrange to make to the compensating authority payments by way of contributions towards their liability under the regulations; and if the compensating authority satisfy the Minister that any of the other authorities have not made a proper contribution towards that liability, whether by payment of money or by finding employment for persons to or in respect of whom the compensation has become payable, the Minister may require that other authority to make such payment to the compensating authority as appears to the Minister to be just.
- (7) In relation to regulations under this section in connection with a transfer such as is mentioned in paragraph (a) of subsection (1) thereof to or from the Scottish Group or a subsidiary of theirs, references in the said subsection (1) to the Minister shall be construed as references to the Minister and the Secretary of State acting jointly; and for the purposes of any payment by the Scottish Group under subsection (6) of this section, references to the Minister in the said subsection (6) shall be construed as references to the Secretary of State.

#### Extent Information

- E4** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### Textual Amendments

- F89** Words in s. 135(1)(a) repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), 152(3), **Sch. 14**; S.I. 1994/571, **art. 5**
- F90** Words substituted for words “a tribunal established under section 12 of the Industrial Training Act 1964” by **Employment Protection (Consolidation) Act 1978** (c. 44), **Sch. 16 para. 6**

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

**C12** S. 135(1) extended by [Transport Act 1978 \(c. 55\)](#), s. 15(3)

**136 Pensions.**

- (1) Subject to subsection (3) of this section, sections 73 and 74 of the Act of 1962 (which relate respectively to the powers of the Boards and the Holding Company as regards pensions and pension schemes and to the Minister's power to make orders about pensions) shall have effect—
  - (a) as if the expression “Board” in each of those sections included each of the new authorities; and
  - (b) as if the reference in subsection (2)(a) of the said section 74 to a pension scheme in which employees of the Commission or a subsidiary of the Commission participated before the vesting date included a reference to a pension scheme in which employees of, or of a subsidiary of, the Railways Board or the Holding Company participated before any relevant transfer date such as is mentioned in subsection (4) of this section.
- (2) If in the case of any transfer such as is mentioned in subsection (4) of this section an order under the said section 74 as applied by this section is made before the transfer date which provides for the transfer on that date from the transferor to some other person of property, rights and liabilities of the transferor relating to any pensions or pension schemes—
  - (a) that order may apply to the transfer under the order such of the provisions of Schedule 4 to this Act subject to such modifications as the Minister may consider appropriate; and
  - (b) save as may be provided by that order, the provisions of this Act with respect to the transfer mentioned in the said subsection (4) shall not apply in relation to the property, rights and liabilities to which the order relates.
- (3) In relation to the Scottish Group, references to the Minister—
  - (a) in the said section 73 and, for the purposes of orders relating only to that Group, in the said section 74 and in subsection (2) of this section shall be construed as references to the Secretary of State;
  - (b) in the said section 74 and subsection (2), for the purposes of orders relating both to that Group and to other authorities, shall be construed as references to the Minister and the Secretary of State acting jointly.
- (4) Any person who—
  - (a) on the transfer date for the purposes of a transfer under any of the following provisions of this Act, namely, sections 4(1), 4(4), 5(3) (a) or (b),<sup>F6</sup> . . . 28(1), (2) or (5) and 29(2), ceases to be employed by one, and becomes employed by another, of the following bodies, namely, the Railways Board, the Holding Company, the new authorities and any body which is a subsidiary of that Board or Company or of any of the new authorities;
  - (b) on the transfer date for the purposes of any transfer under subsection (2) of section 53 of this Act ceases to be employed by the Holding Company and becomes employed by any publicly-owned body within the meaning of subsection (1)(a) of that section or under the Crown; or
  - (c) on any such transfer date as aforesaid is employed by a body which immediately before that date was a subsidiary of one, but on that date becomes

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a subsidiary of another, of the following bodies, namely, the Railways Board, the Holding Company and the new authorities,

shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before that transfer date.

- (5) In the application of subsection (4) of this section to a pension scheme the benefits under which are or will be receivable as of right, persons who have obtained pension rights under the scheme without having contributed under the scheme shall be regarded as participants in the scheme; and the reference in that subsection to being eligible to participate in a pension scheme shall be construed accordingly.
- (6) Subsections (4) and (5) of this sections shall have effect subject to any order under section 74 of the Act of 1962 made by virtue of subsection (1) of this section, being an order taking effect on or at any time after the relevant transfer date referred to in the said subsection (4).

#### Textual Amendments

- F6** Words in s. 136(4)(a) repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), 152(3), **Sch.14**; S.I. 1994/571, **art. 5**

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

- C2** S. 136(2)(4) extended by **Transport Act 1978 (c. 55), s. 15(4)**

### 137 Machinery for negotiation and consultation with staff. **E+W+S**

- (1) This section applies to the following authorities, namely—
- (a) <sup>F7</sup>. . .the Waterways Board. . . <sup>F8</sup>;
  - (b) the new authorities;
  - (c) the Executive for any [<sup>F9</sup>area which is a passenger transport area for the purposes of Part II] of this Act.
- (2) In the case of each authority to whom this section applies, except so far as the authority are satisfied that adequate machinery exists for achieving the purposes of this section, being machinery for operation at national level or local level or a level falling between those levels and appearing to the authority to be appropriate, it shall be the duty of the authority, either directly, or indirectly by exercising control over subsidiaries, to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the authority and that organisation or, if the authority so decide, between subsidiaries of theirs and that organisation, of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance, for operation at any such level as aforesaid, of machinery for—
- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the authority and by their subsidiaries with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements;
  - (b) the promotion and encouragement of measures affecting efficiency, in any respect, in the carrying on by the authority and by their subsidiaries of their activities, including in particular the promotion and encouragement of the training of persons employed as aforesaid; and

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- (c) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed as aforesaid.
- (3) Every authority to whom this section applies shall send—
- (a) except in the case of such an Executive as aforesaid, to the Minister and to the Secretary of State for Employment and Productivity;
- (b) in the case of such an Executive, to the [<sup>F10</sup>Passenger Transport Authority for the passenger transport area in question (referred to below in this section as the relevant Passenger Transport Authority)],
- copies of any such agreement as aforesaid and of any instrument varying the terms of any such agreement.
- (4) Every authority to whom this section applies shall from time to time, at such times and within such period as—
- (a) except in the case of such an Executive as aforesaid, the Minister; or
- (b) in the case of such an Executive, the [<sup>F11</sup>relevant Passenger Transport Authority],
- may direct, report to the Minister and to the Secretary of State aforesaid or, as the case may be, to the Authority so established as to the progress or lack of progress made in arriving at such agreements as aforesaid.
- (5) Where it falls to any authority to whom this section applies or any subsidiary of theirs to participate in the operation of machinery established under this section, and the operation involves discussion of a subject by other persons participating therein, the authority or subsidiary shall make available to those persons, at a reasonable time before the discussion is to take place, such information in their possession relating to the subject as, after consultation with those persons, appears to the authority, or as the case may be, to the subsidiary to be necessary to enable those persons to participate effectively in the discussion.
- (6) Nothing in this section shall be construed as prohibiting any of the authorities to whom this section applies or any subsidiary of theirs from taking part together with other employers or organisations of employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment and the promotion and encouragement of measures affecting the health, safety and welfare of persons employed by them and the discussion of other matters of mutual interest to the authority or subsidiary and persons employed by them.
- [<sup>F12</sup>(7) In this section “the Minister”—
- <sup>F13</sup>(a) . . . . .
- (b) in relation to the Scottish Group, means the Secretary of State for Scotland; and
- [ in relation to the British Waterways Board or any other authority, means [<sup>F15</sup>the
- <sup>F14</sup>(c) Secretary of State for Transport].]
- (8) Section 72 of the Act of 1962 shall cease to apply to the Railways Board, the Waterways Board. . . <sup>F8</sup>

#### Extent Information

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

*Status: Point in time view as at 15/07/2003.*

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

#### Textual Amendments

- F7** Words in s. 137(1)(a) repealed (6.1.1994) by ss. 150(1)(o), 152(1)(3), Sch. 12 para. 6(7), Sch. 14; [S.I. 1993/3237](#), [art 2\(2\)](#)
- F8** Words repealed by [S.I. 1973/338](#), [Sch. 2](#)
- F9** Words commencing “area which is” substituted (E.W.S.) for words commencing “designated” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 18](#)
- F10** Words commencing “Passenger Transport Authority” substituted (E.W.S.) for words commencing “Authority” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 18\(b\)](#)
- F11** Words commencing “relevant” substituted (E.W.S.) for words commencing “Authority established” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 18\(c\)](#)
- F12** S. 137(7) substituted by [S.I. 1976/1775](#), [Sch. 3 para. 8](#)
- F13** S. 137(7)(a) repealed (26.1.1998) by [S.I. 1997/2971](#), [art. 6\(1\)](#), [Sch. para. 3\(a\)](#)
- F14** S. 137(7)(c) substituted (26.1.1998) by [S.I. 1997/2971](#), [art. 6\(1\)](#), [Sch. para. 3\(b\)](#)
- F15** Words in s. 137(7)(c) substituted (25.11.2002) by [S.I. 2002/2626](#), [art. 20](#), [Sch. 2 para. 5](#)

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

- C3** S. 137 extended by [Transport \(London\) Act 1969 \(c. 35\)](#), [s. 13](#)

### 137 Machinery for negotiation and consultation with staff. N.I.

- (1) This section applies to the following authorities, namely—
  - (a) <sup>F91</sup> . . . , the Waterways Board. . . <sup>F92</sup>;
  - (b) the new authorities;
  - (c) the Executive for any designated area within the meaning of section 9(1) of this Act.
  
- (2) In the case of each authority to whom this section applies, except so far as the authority are satisfied that adequate machinery exists for achieving the purposes of this section, being machinery for operation at national level or local level or a level falling between those levels and appearing to the authority to be appropriate, it shall be the duty of the authority, either directly, or indirectly by exercising control over subsidiaries, to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the authority and that organisation or, if the authority so decide, between subsidiaries of theirs and that organisation, of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance, for operation at any such level as aforesaid, of machinery for—
  - (a) the settlement by negotiation of terms and conditions of employment of persons employed by the authority and by their subsidiaries with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements;
  - (b) the promotion and encouragement of measures affecting efficiency, in any respect, in the carrying on by the authority and by their subsidiaries of their activities, including in particular the promotion and encouragement of the training of persons employed as aforesaid; and
  - (c) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed as aforesaid.
  
- (3) Every authority to whom this section applies shall send—
  - (a) except in the case of such an Executive as aforesaid, to the Minister and to the Secretary of State for Employment and Productivity;



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- (b) in the case of such an Executive, to the Authority established under the said section 9(1) for the designated area in question,  
copies of any such agreement as aforesaid and of any instrument varying the terms of any such agreement.
- (4) Every authority to whom this section applies shall from time to time, at such times and within such period as—
- (a) except in the case of such an Executive as aforesaid, the Minister; or
- (b) in the case of such an Executive, the Authority established as aforesaid,  
may direct, report to the Minister and to the Secretary of State aforesaid or, as the case may be, to the Authority so established as to the progress or lack of progress made in arriving at such agreements as aforesaid.
- (5) Where it falls to any authority to whom this section applies or any subsidiary of theirs to participate in the operation of machinery established under this section, and the operation involves discussion of a subject by other persons participating therein, the authority or subsidiary shall make available to those persons, at a reasonable time before the discussion is to take place, such information in their possession relating to the subject as, after consultation with those persons, appears to the authority, or as the case may be, to the subsidiary to be necessary to enable those persons to participate effectively in the discussion.
- (6) Nothing in this section shall be construed as prohibiting any of the authorities to whom this section applies or any subsidiary of theirs from taking part together with other employers or organisations of employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment and the promotion and encouragement of measures affecting the health, safety and welfare of persons employed by them and the discussion of other matters of mutual interest to the authority or subsidiary and persons employed by them.
- [<sup>F93</sup>(7) In this section “the Minister”—
- <sup>F94</sup>(a) .....  
(b) in relation to the Scottish Group, means the Secretary of State for Scotland;  
and  
[ in relation to the British Waterways Board or any other authority, means [<sup>F96</sup>the  
<sup>F95</sup>(c) Secretary of State for Transport].]]
- (8) Section 72 of the Act of 1962 shall cease to apply to the Railways Board, the Waterways Board. . . <sup>F92</sup>

#### Extent Information

- E5** This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland only

#### Textual Amendments

- F91** Words in s. 137(1) repealed (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1)(3), Sch. 12 para. 6(7), Sch. 14; S.I. 1993/3237, art. 2(2)
- F92** Words repealed by S.I. 1973/338, Sch. 2
- F93** S. 137(7) substituted by S.I. 1976/1775, Sch. 3 para. 8
- F94** S. 137(7)(a) repealed (26.1.1998) by S.I. 1997/2971, art. 6(1), Sch. para. 3(a)
- F95** S. 137(7)(c) substituted (26.1.1998) by S.I. 1997/2971, art. 6(1), Sch. para. 3(b)
- F96** Words in s. 137(7)(c) substituted (25.11.2002) by S.I. 2002/2626, art. 20, Sch. 2 para. 5

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

**C13** S. 137 extended by [Transport \(London\) Act 1969 \(c. 35\), s. 13](#)

**138 Travel concessions.**

F16

**Textual Amendments**

**F16** S. 138 repealed with saving for subsection (2) by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(1\)\(3\), Sch. 6 para. 23\(1\), Sch. 8](#)

**[F17]139 Land required as service area for special road: compensation in certain cases of compulsory acquisition.**

- (1) Where land is compulsorily acquired—
- (a) by virtue of . . . <sup>F18</sup>[<sup>F19</sup>section 239(4)(c) of the Highways Act <sup>M1</sup>1980][<sup>F20</sup>section 30(2)(c) of the <sup>M2</sup>Roads (Scotland) Act 1970] (which relate to land required for the provision of service stations or other buildings or facilities for use in connection with a special road) in a case where the acquisition is authorised by a compulsory purchase order which does not also authorise the acquisition of land required for the provision of the adjacent length of special road; or
  - (b) in pursuance of a notice under . . . <sup>F18</sup>[<sup>F21</sup>section 169, 177 or 178 of the <sup>M3</sup>Town and Country Planning (Scotland) Act 1972] (which relate to the protection of owners of land affected by certain planning decisions) in a case where the person by whom the compensation in respect of the acquisition falls to be assessed is satisfied that there are proposals for using the whole or part of the relevant land for such purposes in connection with a special road as are mentioned in the said section. . . <sup>F18</sup>[<sup>F20</sup>30(2)(c)] and that the amount of the compensation would apart from this section be affected by the provision or proposed provision of the special road; or
  - (c) in pursuance of a notice under . . . <sup>F18</sup>[<sup>F21</sup>section 182 of the said Act of 1972] (which relate to the protection of owner-occupiers of land affected by planning proposals) in a case where the appropriate enactment for the purposes of . . . <sup>F18</sup>[<sup>F21</sup>section 185 of the said Act of 1972] is or includes the said section. . . <sup>F18</sup>[<sup>F20</sup>30(2)(c)]

then, for the purpose of assessing compensation in respect of the compulsory acquisition, the value of the relevant interest shall be ascertained—

- (i) so far as it is attributable to any relevant planning permission, on the assumption that traffic carried by the special road will not have direct or indirect access to the relevant land; and
- (ii) so far as it is not attributable to any such planning permission, on the assumption that traffic carried by the special road will not have direct access to the relevant land.

- (2) In this section—

“direct access” means access otherwise than by means of a highway which is not a special road and “indirect access” means access by means of such a highway as aforesaid;

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“relevant planning permission” means any planning permission for service area development which is in force on the date of service of the notice to treat, or as to the grant of which any assumption is required to be made by virtue. . . <sup>F18</sup> section 23 or 24 of the <sup>M4</sup>Land Compensation (Scotland) Act 1963, or the possibility of the grant of which is taken into account in assessing the compensation;

“service area development” means development of the relevant land, or of any part thereof, for the purpose of providing such service stations or other buildings or facilities as are mentioned in. . . <sup>F18</sup> the said section [<sup>F20</sup>30(2)(c)] or of providing any other buildings or facilities designed to cater to a significant extent for traffic carried or to be carried by the special road;

and any expression which is also used in the said Act of. . . <sup>F18</sup> 1963 has the same meaning,. . . <sup>F18</sup> and, as respects Scotland, as in the said Act of 1963.

- (3) This section shall not affect any compulsory acquisition in pursuance of a notice to treat served or deemed to have been served before the day on which this section comes into force.]

#### Textual Amendments

- F17** S. 139 repealed (S.) (1.1.1985) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss. 156(3), 157(2), **Sch. 11**
- F18** Words repealed by Highways Act 1980 (c. 66), **Sch. 25**
- F19** Words substituted (E.W.) by virtue of Highways Act 1980 (c. 66, SIF 59), **Sch. 23 para. 19** and Interpretation Act 1978 (c. 30, SIF 115:1), **s. 17(2)(a)**
- F20** Words substituted by virtue of Roads (Scotland) Act 1970 (c. 20), **Sch. 1 para. 13**
- F21** Words substituted by Town and Country Planning (Scotland) Act 1972 (c. 52), **Sch. 21 Pt. II**

#### Marginal Citations

- M1** 1980 c. 66(59.)
- M2** 1970 c. 20.
- M3** 1972 c. 52.
- M4** 1963 c. 51.

**140** ..... <sup>F22</sup>

#### Textual Amendments

- F22** S. 140 repealed by Highways Act 1980 (c. 66 SIF 59), Sch. 25

### **141 Application of Town and Country Planning Acts.**

- (1) Section 86 of the Act of 1962 (application of Town and Country Planning Acts) shall have effect as if the expression “Board” therein included each of the new authorities and the Executive for any [<sup>F23</sup>area which is a passenger transport area for the purposes of Part II].
- (2) Where in the case of any company—
- (a) the company is a wholly-owned subsidiary of one of the following bodies, namely, a board, a new authority, or such an Executive as aforesaid; or

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- (b) two or more such bodies as aforesaid are members of the company and, if those bodies were a single body corporate, the company would be a wholly-owned subsidiary of that body corporate,

the said section 86 shall have effect as if the expression “Board” therein included that company and, so far as the activities of the company consist of the carrying on of any such undertaking as is mentioned in the definition of “statutory undertakers” in [F<sup>24</sup>section 336(1) of the Town and Country Planning Act 1990] or in [F<sup>25</sup>section 214 of the Town and Country Planning (Scotland) Act 1997], the company shall be deemed for the purposes of the said section 86 and any other enactment relating to statutory undertakers or statutory undertakings to be such undertakers carrying on such an undertaking.

(3) Subsection (1) of the said section 86 shall apply—

- (a) to anything done by a Board or new authority in the exercise of the powers conferred by section 49(3) or (4) of this Act; and
- (b) to anything done by such an Executive as aforesaid in the exercise of the powers conferred by paragraph (xxii) of section 10(1) of this Act; and
- (c) to anything done by such a company as aforesaid which, if that company were a Board or such an Executive as aforesaid, would be an exercise of—
- (i) the powers referred to in paragraph (a) or (b) of the said subsection (1); or
- (ii) the powers conferred by the said section 49(3) or (4); or
- (iii) the powers conferred by the said paragraph (xxii),

as it applies to anything done by a Board in the exercise of the powers referred to in paragraph (a) or (b) of the said subsection (1).

#### Textual Amendments

**F23** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 19](#)

**F24** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 22\(4\)](#)

**F25** Words in s. 141(2) substituted (27.5.1997) by [1997 c. 11, s. 4, Sch. 2 para. 17\(3\)](#)

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

**C4** S. 141 amended by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 3 para 1\(1\)\(2\)](#)

## 142 Powers of Minister in connection with channel tunnel.

- (1) The Minister may acquire by agreement any land which in his opinion is likely to be required for the provision in England of a terminal for, or of other works for the purposes of, a railway linking England with France and passing under the English Channel.
- (2) Where compensation is payable by a local authority under [F<sup>26</sup>the Town and Country Planning Act 1990 or the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990] in consequence of any decision or order given or made under [F<sup>26</sup>Part III or Part VIII of the Town and Country Planning Act 1990 or the provisions of Part VI of that Act relating to purchase notices or the Planning (Listed Buildings and Conservation Areas) Act 1990 or the Planning (Hazardous Substances) Act 1990], then if that decision or order was given or made wholly or partly in consequence of the land to which it relates being likely to be

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required as mentioned in subsection (1) of this section the Minister may pay to that authority a contribution of such amount as he may with the consent of the Treasury determine.

**Textual Amendments**

**F26** Words substituted by virtue of [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, [Sch. 2 para. 22\(5\)\(a\)\(b\)](#)

**143** ..... **F27**

**Textual Amendments**

**F27** S. 143 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s 1(1), [Sch. 1 Part X](#)

**144 Transfer and disposal of historical records and relics.**

- (1) Subject to subsections (2) to (4) of this section, the Railways Board may, with the consent of the Minister—
  - (a) transfer without consideration to the Secretary of State for Education and Science any of the historical records and relics which were vested in the Board by section 31(2)(f) of the Act of 1962 and are for the time being in the possession of the Board, and any premises of the Board in which any significant collection of those records or relics is housed;
  - (b) transfer, without consideration or by way of sale, to any other person, or otherwise dispose of, any of those records or relics.
- (2) No record vested in the Railways Board by the said section 31(2)(f) which is housed by the Board in premises in Scotland shall under subsection (1) of this section be transferred to any person other than the Secretary of State for Scotland or otherwise disposed of unless that record—
  - (a) has been previously offered by the Board to that Secretary of State; and
  - (b) has not been claimed by that Secretary of State within six months of the date on which the offer was made;and if the record is claimed as aforesaid the Board shall transfer it without consideration to that Secretary of State.
- (3) No record having special associations with the undertaking of [<sup>F28</sup>Transport for London], and no relic having special associations with the undertaking of any relevant authority (that is to say, [<sup>F28</sup>Transport for London] any of the Boards other than the Railways Board, any of the new authorities or the Holding Company) shall under subsection (1) of this section be transferred to any person other than the authority in question or otherwise disposed of unless—
  - (a) it has been previously offered by the Railways Board to that authority; and
  - (b) it has not been claimed by that authority within six months of the date on which the offer was made;and if the record or relic is claimed as aforesaid the Railways Board shall transfer it without consideration to that authority.

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- (4) There shall be no transfer or disposal of any record or relic under subsection (1)(b) of this section, except in pursuance of subsection (2) or (3) of this section, unless—
- (a) the record or relic has been previously offered by the Railways Board to the Secretary of State for Education and Science; and
  - (b) it has not been claimed by him within six months of the date on which the offer was made;
- and, in the case of a record, before consenting to a transfer or disposal to which the foregoing provisions of this subsection apply, the Minister shall consult with such persons as the Minister and the Secretary of State for Education and Science acting jointly may consider—
- (i) to possess appropriate qualifications for advising on the treatment of records of the class or description to which the particular record in question belongs; and
  - (ii) to be the appropriate persons to consult with respect to that particular record.
- (5) Where any record or relic has been transferred to any relevant authority under subsection (3) of this section or under paragraph 4 of the British Transport Historical Relics Scheme 1963, that relevant authority shall, in respect of that record or relic, have the same powers, exercisable subject to the same conditions, as the Railways Board have under subsection (1) of this section in respect of the records and relics there mentioned.
- (6) Subsections (1) to (5) of this section shall have effect notwithstanding anything in the schemes in force under paragraph 1(5) of Schedule 6 to the Act of 1962 (which impose duties as to the preservation of the historical records and relics vested in the Railways Board by that Act) and the Railways Board may, with the approval of the Minister, vary or revoke any such scheme so far as appears to the Board and the Minister to be expedient in consequence of those subsections; but, where any record or relic which has been transferred to a relevant authority under subsection (3) of this section or under paragraph 4 of the said Scheme of 1963 is for the time being in the possession of that or any other relevant authority, then (without prejudice to the powers conferred by subsection (5) of this section and to any relevant requirement of any scheme made under the said paragraph 1(5) which remains in force with or without variations made under this subsection) it shall be the duty of the relevant authority for the time being having possession of that record or relic to preserve it in suitable accommodation.
- (7) Neither the Railways Board nor [<sup>F28</sup>Transport for London] shall dispose of any document or object for the time being in their possession which was not vested in them by the said section 31(2)(f) but falls within a class of documents or objects for the time specified by an agreement between the Board concerned and the Secretary of State for Education and Science as of sufficient interest to warrant preservation in any collection maintained or proposed to be maintained by him, unless—
- (a) it has been previously offered by the Board to that Secretary of State; and
  - (b) it has not been claimed by him within six months of the date on which the offer was made;
- and if that document or object is claimed as aforesaid the Board concerned shall transfer it without consideration to that Secretary of State.
- [<sup>F29</sup>In relation to any document or object in the possession of London Regional Transport, references above in this subsection to the Board concerned are references to [<sup>F28</sup>Transport for London] .]

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- <sup>F30</sup>(7A) Neither subsection (4) nor subsection (7) above shall apply to a transfer by London Regional Transport of any record or relic or (as the case may be) of any document or object to any subsidiary of theirs; but in relation to any such record, relic, document or object for the time being in the possession of a subsidiary or former subsidiary of <sup>F28</sup>Transport for London] —
- (a) references to a relevant authority in subsections (5) and (6) of this section and references to London Regional Transport in subsection (7) of this section (except in the reference to an agreement between <sup>F28</sup>Transport for London] and the Secretary of State) shall be read as including that subsidiary or former subsidiary; and
  - (b) the foregoing provisions of this subsection shall apply for the purposes of subsection (4) of this section (as it applies by virtue of subsection (5)) and for the purposes of subsection (7) of this section as if the reference to a transfer by <sup>F28</sup>Transport for London] to any subsidiary in question to any subsidiary of <sup>F28</sup>Transport for London].]
- (8) Any offer or claim for the purposes of this section shall be in writing; and any such claim shall be of no effect unless—
- (a) it contains a statement of the time (which shall be not more than three months after the date of the claim) when the claimant proposes to remove what he has claimed; and
  - (b) the claimant removes what he has claimed in accordance with that statement or at such later time as may be allowed by the authority to whom the claim was made.
- (9) Nothing in Schedule 1 to the <sup>M5</sup>Public Records Act 1958 shall cause any records transferred under this section to become, by reason of that or any subsequent transfer, public records within the meaning of that Act; but any records so transferred which at any time are for the time being in the custody of the Secretary of State for Scotland may be treated for the purposes of section 5(1) of the <sup>M6</sup>Public Records (Scotland) Act 1937 as records belonging to Her Majesty.

#### Textual Amendments

- F28** Words in s. 144 substituted (15.7.2003) by [Greater London Authority Act 1999 \(c. 29\), ss. 301\(2\), 425\(2\)](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2003/1920, art. 2(d)
- F29** Paragraph inserted by [London Regional Transport Act 1984 \(c. 32, SIF 126\), Sch. 4 Pt. I para. 5\(c\)](#)
- F30** S. 144(7A) inserted by [London Regional Transport Act 1984 \(c. 32, SIF 126\), Sch. 4 Pt. I para. 5\(d\)](#)

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

- C5** S. 144: Functions of the Secretary of State for Education and Science transferred (3.7.1992) to the Secretary of State for National Heritage by [S.I. 1992/1311, art.5\(1\)](#).  
S. 144 shall cease to have effect in relation to transfers or other disposals by the Board (2.9.1994) by [S.I. 1994/2032, art. 3](#)
- C6** S. 144 restricted (1.1.1993) by [S.I. 1992/3060, reg.4\(2\)](#).
- C7** S. 144 restricted (*prosp*) by [1993 c. 43, ss. 125\(8\), 154\(2\)](#) which was repealed and superseded (18.9.1996) by [1996 c.42, s. 8\(2\)](#)

#### Marginal Citations

- M5** [1958 c. 51.](#)
- M6** [1937 c. 43.](#)

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## 145 Minor amendments of Road Traffic Act 1960.

- (1) .....<sup>F31</sup>
- (2) The power of the Minister under subsection (2) of section 123 of the Act of 1960 to appoint a deputy or an additional deputy to . . .<sup>F32</sup> the chairman of the traffic commissioners for any . . .<sup>F32</sup> traffic area (being a power exercisable if the Minister considers that, owing to the number of applications under Parts III and IV of that Act, the duties to be performed by those persons cannot conveniently or efficiently be performed by them alone) shall include power to appoint two or more deputies, or as the case may be, additional deputies to . . .<sup>F32</sup> those persons.
- (3) .....<sup>F33</sup>

### Textual Amendments

**F31** S. 145(1) repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. I**

**F32** Words repealed by [Transport \(London\) Act 1969 \(c. 35, SIF 126\)](#), **Sch. 6**

**F33** S. 145(3)(4) repealed by [Road Traffic Act 1972 \(c. 20, 107:1\)](#), s. 205, **Sch. 9 Pt I**

## [<sup>F34</sup>146 Approval marks.

- (1) Section 47 of the <sup>M7</sup>Road Traffic Act 1962 (which relates to approval marks for motor vehicle parts for the purposes of certain international agreements) shall apply where any international agreement to which the United Kingdom is a party provides—
- (a) for markings to be applied to a motor vehicle to indicate that the vehicle is fitted with motor vehicle parts within the meaning of that section of any description and either—
- (i) that the parts conform with a type approved by any country; or
- (ii) that the vehicle is such that as so fitted it conforms with a type so approved; and
- (b) for motor vehicles bearing those markings to be recognised as complying with the requirements imposed by the law of another country,
- as it applies where such an agreement provides as mentioned in paragraphs (a) and (b) of subsection (1) of that section.
- (2) In the said section 47, the expression “motor vehicle part” shall include any equipment for the protection of drivers or passengers in or on a motor vehicle notwithstanding that it does not form part of, or of the equipment of, that vehicle.
- (3) In this section, the expression “motor vehicle” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle.]

### Textual Amendments

**F34** S. 146 repealed (E.W.)(S.) by [Road Traffic Act 1972 \(c. 20, SIF 107:1\)](#), s. 205, **Sch. 9 Pt. I**

### Marginal Citations

**M7** 1962 c. 59.



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147 ..... F35

**Textual Amendments**

F35 S. 147 repealed by [Vehicles \(Excise\) Act 1971 \(c. 10, SIF 107:2\)](#), s. 39, **Sch. 8 Pt. I**

148 ..... F36

**Textual Amendments**

F36 S. 148 repealed by [Road Traffic Act 1972 \(c. 20, SIF 107:2\)](#), s. 205, **Sch. 9 Pt. I**

149 ..... F37

**Textual Amendments**

F37 S. 149 repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 144, **Sch. 14**

150 ..... F38

**Textual Amendments**

F38 S. 150 repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. II**

151 ..... F39

**Textual Amendments**

F39 S. 151 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65, SIF 81:2\)](#), **Sch. 29**

152 ..... F40

**Textual Amendments**

F40 S. 152 repealed by [Harbours, Piers and Ferries \(Scotland\) Act 1972 \(c. 29, SIF 58\)](#), **s. 1(1)**

153 ..... F41

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**Textual Amendments**

**F41** S. 153 repealed by [Dock Work Act 1989 \(c. 13, SIF 43:1\)](#), s. 7(1), **Sch. 1 Part I**

**154** ..... <sup>F42</sup>

**Textual Amendments**

**F42** S. 154 repealed by [Statute Law Repeals Act 1981 \(c. 19\)](#), **Sch. 1, Pt. VII**

**155** ..... <sup>F43</sup>

**Textual Amendments**

**F43** S. 155 repealed by [House of Commons Disqualification Act 1975 \(c. 24, SIF 89\)](#), **Sch. 3** and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25, SIF 29:3\)](#), **Sch. 3 Pt. I**

**156 Miscellaneous, supplementary and consequential provisions.**

- (1) With a view to giving the public advance notice of plans for the discontinuance of any rail or shipping services provided by. . . <sup>F44</sup> the Scottish Group or any subsidiary of. . . <sup>F44</sup> or Group, that. . . <sup>F44</sup> Group shall from time to time publish in such manner and in such places in the United Kingdom as. . . <sup>F44</sup> the Secretary of State may direct such information as to their plans as. . . <sup>F44</sup> the Secretary of State may determine.
- (2) The enactments referred to in Schedule 16 to this Act shall have effect subject to the provisions of that Schedule, being provisions supplementary to or consequential on provisions of this Act.

**Textual Amendments**

**F44** Words repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. III**

**157 Orders and regulations.**

Any power to make orders or regulations conferred on any Minister by any provision of this Act shall, except in the case of an order under section 124, be exercisable by statutory instrument; and any power to make an order under any provision of this Act shall include power to make such an order varying or revoking any previous order under that provision.

**158 Inquiries.**

- (1) The Minister may hold inquiries for the purposes of his functions under any provision of this Act <sup>F45</sup>. . . as if those purposes were purposes of the <sup>M8</sup>Ministry of Transport Act 1919 and section 20 of that Act shall apply accordingly.

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- (2) For the purposes of any functions under this Act of the Secretary of State for Scotland or the Secretary of State for Wales, subsection (1) of this section, the said section 20 and section 90(2) to (7) of the Act of 1962 shall have effect as if for any reference therein to the Minister there were substituted a reference to that Secretary of State.

#### Textual Amendments

**F45** Words in s. 158 repealed (1.4.1995) by 1995 c. 23, s. 60(1)(2), Sch. 7 para. 4 Sch. 8 Pt. I; S.I. 1994/3188, art. 4

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

**C8** S. 158(1) modified (1.6.1993) by S.I. 1993/1119, reg. 4(1)(a), Sch. 1 para. 2

#### Marginal Citations

**M8** 1919 c. 50.

### 159 Interpretation—general.

- (1) In this Act, except where the context otherwise requires, and except in any Part as respects which the expression in question is separately defined, the following expressions have the following meanings respectively, that is to say—

“the Act of 1960” means the <sup>M9</sup>Road Traffic Act 1960;

“the Act of 1962” means the <sup>M10</sup>Transport Act 1962;

“appointed day” means the relevant day appointed under section 166(2) of this Act;

[<sup>F46</sup>“area bus service” means a bus service which is, or so far as it is, a service on which passengers may be taken up and set down at different places within the same area designated under section 9(1) of this Act, whether or not any passengers on that service may also be taken up or set down outside that area;]

“the Boards” means the Boards established under section 1 of the Act of 1962, namely, the British Railways Board, . . . <sup>F47</sup> the British Transport Docks Board and the British Waterways Board, and references to a Board shall be construed accordingly;

[<sup>F48</sup>“the Bus Company” means the National Bus Company established under section 24 of this Act;

[<sup>F49</sup>[<sup>F50</sup>“bus service” means a stage carriage service within the meaning of Part I of [<sup>F51</sup>the Public Passenger Vehicles Act <sup>M11</sup>] which is neither—

- (a) an excursion or tour; nor  
(b) a service as regards which the condition specified in [<sup>F51</sup>section 2(3)(a) of the Public Passenger Vehicles Act 1981] (long journeys only) is satisfied;]]

[<sup>F49</sup>“bus service” means a local service other than one on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more places and back]

[<sup>F52</sup>“carriageway” has the same meaning as in the Roads (Scotland) Act <sup>M12</sup>1984;]

“charges” includes fares, rates, tolls and dues of every description;

“the Docks Board” means the British Transport Docks Board established under section 1 of the Act of 1962;

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[<sup>F53</sup>[<sup>F50</sup>“excursion or tour” means a stage or express carriage service on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more other places and back;]

“express carriage” and “stage carriage” have the same meanings respectively as for the purposes of the [<sup>F51</sup>Public Passenger Vehicles Act 1981];]

“ferry service” means a transport service by water (including such a service by means of a hovercraft) which carries passengers and operates regularly between two or more points both or all of which are in Great Britain;

<sup>F54</sup>“functions” includes powers, duties and obligations;

“goods” includes animals and mails;

“harbour” has the same meaning as in the Act of 1962;

“highway authority” in relation to any highway means—

- (a) for the purposes of the application of this Act to England or Wales, the highway authority for that highway under Part I of [<sup>F55</sup>the <sup>M13</sup>Highways Act 1980];

- [<sup>F56</sup>(b) for the purposes of the application of this Act to Scotland—

(i) where the highway is a trunk road, the Secretary of State; and

(ii) in any other case, the [<sup>F57</sup>regional or islands council];]

“the Holding Company” means the Transport Holding Company established under section 29 of the Act of 1962;

“hovercraft” has the same meaning as in the <sup>M14</sup>Hovercraft Act 1968;

“inland waterway” includes every such waterway whether natural or artificial;

“land” includes land covered by water and any interest or right in, over or under land;

“lease” includes an agreement for a lease;

“liability” includes an obligation;

[<sup>F58</sup>“local roads authority” has the same meaning as in the Roads (Scotland) Act 1984;]

[<sup>F59</sup>“local service” has the same meaning as in the Transport Act 1985;]

<sup>F60</sup>“the Minister” means, save as otherwise expressly provided and in particular subject to sections <sup>F61</sup>. . . 9(6), 17(6)(a) and 28(6) of this Act, [<sup>F62</sup>the Secretary of State];

“the new authorities” means. . . <sup>F63</sup>[<sup>F64</sup>the Bus Company and][<sup>F65</sup>the Scottish Group];

“participant”, in relation to a pension scheme, means a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise) contributes or has contributed under the scheme and has pension rights thereunder and “participate” shall be construed accordingly;

“pension”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto and any sums payable on or in respect of the death of that person;

“pension fund” means a fund established for the purposes of paying pensions;

“pension rights” includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension, and any expectation

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of the accruer of a pension under any customary practice, and includes a right of allocation in respect of the present or future payment of a pension;

“pension scheme” includes any form of arrangement for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise;

“plated weight”, in relation to a vehicle, means a weight required to be marked on it by means of a plate in pursuance of regulations made by virtue of [<sup>F66</sup>section 41 of the Road Traffic Act 1988 or required to be so marked by section 57 or 58 of that Act.];

[<sup>F67</sup>“public road” has the same meaning as in the Roads (Scotland) Act 1984;]

“public service vehicle” has the same meaning as for the purposes of the [<sup>F51</sup>Public Passenger Vehicles Act 1981];

“the Railways Board” means the British Railways Board established under section 1 of the Act of 1962;

[<sup>F68</sup>“road” and “roads authority” have the same meanings as in the Roads (Scotland) Act 1984;]

[<sup>F69</sup>“road service licence” has the same meaning as for the purposes of the Act of 1960. . . <sup>F70</sup>.];

[<sup>F71</sup>“Scottish Group” means the Scottish Transport Group established under section 24 of this Act;]

“securities”, in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature, of the body corporate;

“subsidiary” and “wholly-owned subsidiary”, [<sup>F72</sup>subject to sections 23A(2) and 51(5)] of this Act, have the same meanings respectively as in the Act of 1962;

“vehicle” includes a hovercraft;

“the Waterways Board” means the British Waterways Board established under section 1 of the Act of 1962;

“Wales” includes Monmouthshire, and references to England shall be construed accordingly.

- (2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

[<sup>F73</sup>(3) In this Act—

- (a) any reference to a county (other than one to a metropolitan county) shall be construed in relation to Wales as including a reference to a county borough;
- (b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and
- (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.]

#### Textual Amendments

**F46** Definition repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

**F47** Words repealed by [Transport \(London\) Act 1969 \(c. 35, SIF 126\)](#), [Sch. 6](#)

**F48** S. 159(1): definition of “the bus company” repealed (E.W.) (1.4.1991) by [S.I. 1991/510](#), [reg. 5](#), [Sch.](#)

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- F49** Definition commencing “ “bus service” means a local service” substituted (E.W.S.) for the definition commencing “ “bus service” means a stage” by Transport Act 1985 (c. 67, SIF 126), s. 1, **Sch. 1 para. 1(a)**
- F50** Definitions substituted by Transport Act 1980 (c. 34), **Sch. 5 Pt. II**
- F51** Words substituted by Public Passenger Vehicles Act 1981 (c. 14, SIF 108), s. 157(2), **Sch. 9 para. 66(10)(a)**
- F52** Definition inserted (S.) (1.1.1985) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 157(2), **Sch. 9 para. 66(10)(a)**
- F53** Definitions repealed (E.W.S.) by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F54** Definition repealed by Transport Act 1980 (c. 34), **Sch. 9 Pt. III**
- F55** Words substituted by Highways Act 1980 (c. 66), **Sch. 24 para. 18**
- F56** Paragraph (b) repealed (S.) (1.1.1985) by Roads (Scotland) Act 1984 (c. 54, SIF 108), ss 156(3), 157(2), **Sch. 11**
- F57** Words substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 14 para. 76**
- F58** Definition inserted (S.) (1.1.1985) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 157(2), **Sch. 9 para. 66(10)(c)**
- F59** Definition inserted (E.W.S.) by Transport Act 1985 (c.67, SIF 126), s. 1, **Sch. 1 para. 1(b)**
- F60** Definition repealed by Transport (London) Act 1969 (c. 35), **Sch. 6**
- F61** S. 159(1): words in definition of “the Minister” repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), 152(3), **Sch. 14; S.I. 1994/571, art. 5**
- F62** Words substituted by virtue of S.I. 1981/238, **arts. 2(2), 3(2)-(4)**
- F63** Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. III**
- F64** S. 159(1): words in definition of “the new authorities” repealed (E.W.) (1.4.1991) by S.I. 1991/510, art. 5, **Sch.**
- F65** S. 159(1): words in definition repealed (S.) (7.6.2002) by S.S.I. 2002/263, art. 5(2), **Sch.**
- F66** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 6(8)**
- F67** Definition inserted (S.) (1.1.1985) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 157(2), **Sch. 9 para. 66(10)(d)**
- F68** Definition inserted (S.) (1.1.1985) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 157(2), **Sch. 9 para. 66(10)(e)**
- F69** Definition repealed (E.W.S.) by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F70** Words repealed by Transport Act 1980 (c. 34), **Sch. 9 Pt. I**
- F71** S. 159(1): definition repealed (S.) (7.6.2002) by S.S.I. 2002/263, art. 5(2), **Sch.**
- F72** S. 159(1): words in definition of “subsidiary” substituted (1.4.1994) by 1993 c. 43, s. **36(5)**; S.I. 1994/571, **art. 5**
- F73** S. 159(3) added (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 35** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

#### Marginal Citations

- M9** 1960 c. 16.  
**M10** 1962 c. 46.  
**M11** 1981 c. 14(107:1).  
**M12** 1984 c. 54(108).  
**M13** 1980 c. 66.  
**M14** 1968 c. 59.

#### 160 Stamp duty. **E+W+S**

- (1) Nothing in section 12 of the <sup>M15</sup>Finance Act 1895 (which requires Acts to be stamped as conveyances on sale in certain cases) or in section 52 of the <sup>M16</sup>Finance Act 1946

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(which exempts from stamp duty certain documents connected with nationalisation schemes) shall be taken as applying to this Act.

- (2) ..... <sup>F74</sup>
- (4) ..... <sup>F75</sup>
- (5) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the appropriate Board or new authority or appropriate Executive [<sup>F76</sup>for any area which is a passenger transport area for the purposes of Part II] of this Act as having been made or executed in pursuance of Schedule 4 to this Act <sup>F77</sup> . . . ; but no such instrument shall be deemed to be duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section 12 of the <sup>M17</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

#### Extent Information

**E3** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Textual Amendments

- F74** S. 160(2)(3) repealed by [Finance Act 1988 \(c. 39, SIF 114\)](#), s. 148, [Sch. 14 Part XI](#)
- F75** S. 160(4) repealed by [Finance Act 1973 \(c. 51, 63:1:2\)](#), s. 59(7), [Sch. 22 Pt. V](#)
- F76** Words in s. 160 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 20](#)
- F77** Words in s. 160(5) repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), 152(3), [Sch.14](#); S.I. 1994/571, [art. 5](#)

#### Marginal Citations

- M15** 1895 c. 16.
- M16** 1946 c. 64.
- M17** 1891 c. 39.

### <sup>F97</sup>160 Stamp duty. **N.I.**

- (1) Nothing in section 12 of the <sup>M22</sup>Finance Act 1895 (which requires Acts to be stamped as conveyances on sale in certain cases) or in section 52 of the <sup>M23</sup>Finance Act 1946 (which exempts from stamp duty certain documents connected with nationalisation schemes) shall be taken as applying to this Act.
- (2) ..... <sup>F98</sup>
- (4) ..... <sup>F99</sup>
- (5) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the appropriate Board or new authority or appropriate Executive established under section 9(1) of this Act as having been made or executed in pursuance of Schedule 4 to this Act <sup>F100</sup> . . . ; but no such instrument shall be deemed to be duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section 12 of the <sup>M24</sup>Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

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*Changes to legislation: There are currently no known outstanding effects  
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### Textual Amendments

- F97** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only
- F98** S. 160(2)(3) repealed by [Finance Act 1988 \(c. 39, SIF 114\)](#), s. 148, **Sch. 14 Part XI**
- F99** S. 160(4) repealed by [Finance Act 1973 \(c. 51, 63:1:2\)](#), s. 59(7), **Sch. 22 Pt. V**
- F100** Words in s. 160(5) repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), 152(3), **Sch. 14**; S.I. 1994/571, **art. 5**

### Marginal Citations

- M22** 1895 c. 16.
- M23** 1946 c. 64.
- M24** 1891 c. 39.

## 161 Income tax, etc.

- (1) ..... **F78**
- (2) ..... **F79**
- (3) ..... **F80**
- (4) In the Selective Employment Payments Act 1966, in Part I of Schedule 1 (which sets out the bodies to which section 3 of that Act applies)—
- (a) in paragraph 14, after the words “paragraphs 9 to 13” there shall be inserted the words “ or paragraphs 23 to 25 ”;
- (b) at the end there shall be added the following paragraphs—

“23           The National Freight Corporation.

24           The National Bus Company.

25           The Scottish Transport Group.”;

and in subsection (3) of the said section 3 after the words “paragraphs 9 to 13” there shall be inserted the words “ and 23 to 25 ”.

### Textual Amendments

- F78** S. 161(1) repealed by [Capital Allowances Act 1990 \(c. 1, SIF 63:1\)](#), s. 164, **Sch. 2**
- F79** S. 161(2) repealed by [Income and Corporation Taxes Act 1970 \(c. 10, SIF 63:1\)](#), ss. 537(1), 538, 539, **Sch. 16**
- F80** S. 161(3) repealed by [Capital Allowances Act 1990 \(c. 1, SIF 63:1\)](#), s. 164, **Sch. 2**

### Modifications etc. (not altering text)

- C9** The text of s. 103(8), 161(4), 162(5), Sch. 16, paras. 8(1)(3), 9, 10 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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## 162 Rating.

[<sup>F81</sup>(1) Where any premises are occupied wholly or partly—  
(a) for purposes of a subsidiary of the Railways Board, [<sup>F82</sup>the London Transport Executive] or the Waterways Board which, if the undertaking of that subsidiary formed part of the undertaking of that Board, would be non-rateable purposes within the meaning of subsection (6) of section 32 of the <sup>M18</sup>General Rate Act 1967;. . . <sup>F83</sup>

(b) . . . . . <sup>F84</sup>

then, for the purposes of the rating of those premises so far as they are occupied for such purposes as are mentioned in paragraph (a). . . <sup>F85</sup> of this subsection, the undertaking of that subsidiary of that Board. . . <sup>F85</sup> shall be deemed to form part of the undertaking of that Board and the premises so far as so occupied shall be deemed to be occupied for non-rateable purposes of that Board.]

(2) . . . . . <sup>F86</sup>

[<sup>F81</sup>(3) Notwithstanding anything in subsection (6) or (7) of the said section 32, purposes of the exercise by any of the Boards aforesaid. . . <sup>F85</sup> of any powers conferred by section 48 or subsections (1) to (7) of section 50 of this Act or purposes of the exercise by a subsidiary of any of those Boards. . . <sup>F85</sup> of corresponding powers shall not be treated as non-rateable purposes within the meaning of the said section 32(6).]

(4) Where any premises are occupied partly for such purposes as are mentioned in subsection (1)(a). . . <sup>F85</sup> of this section and partly for other purposes. . . <sup>F85</sup> of such a subsidiary as is so mentioned, then—

[<sup>F81</sup>(a) where those premises are a hereditament in England or Wales—

- (i) there shall be ascribed to the hereditament under section 19 of the said Act of 1967 such net annual value as may be just having regard to the extent to which it is occupied for those other purposes; and
- (ii) if under any scheme for the time being in force such as is mentioned in section 117(7) of that Act any deduction falls to be made from the net annual value of the hereditament in arriving at its rateable value, that deduction shall be calculated with regard only to those other purposes;]

(b) where those premises are lands and heritages within the meaning of the <sup>M19</sup>Lands Valuation (Scotland) Act 1854—

- (i) it shall be the duty of the Assessor of Public Undertakings (Scotland) to ascertain and fix such net annual value as may be just, having regard to the extent to which the premises are occupied for those other purposes, and for the foregoing purpose subsections (2) and (3) of section 124 of the <sup>M20</sup>Local Government Act 1948 (subjects to be valued by Assessor of Public Undertakings (Scotland) shall apply as they apply for the purposes of subsection (1) of that section; and
- (ii) the deduction, if any, to be made by the Assessor from the net annual value in arriving at the rateable value shall be calculated with regard only to those other purposes.

[<sup>F81</sup>(5) Section 32(4) of the said Act 1967 (which provides for the rating of railway or canal premises in England and Wales occupied partly for certain specified purposes) shall have effect as if after paragraph (b) thereof there were inserted the following paragraph:

—

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- “(c) purposes of the exercise by a transport Board of any powers conferred by section 48 or subsections (1) to (7) of section 50 of the Transport Act 1968”.]
- (6) Section 87(1) of the said Act of 1948 (which provides for the rating of railway or canal premises in Scotland occupied partly for non-rateable purposes and partly for other purposes) shall have effect in relation to the Railways Board and the Waterways Board as if references to other purposes included only references to other purposes being—
- (a) purposes of any parts of the undertaking of either of those Boards which, within the meaning of section 86 of that Act, are concerned with the carriage of goods or passengers by road transport or sea transport or with harbours; or
  - (b) purposes of any parts of the said undertakings which are subsidiary or incidental to any such part as aforesaid; or
  - (c) purposes of the exercise by those Boards of any powers conferred by section 48 or subsections (1) to (7) of section 50 of this Act.
- (7) In the application of this section to Scotland—
- (a) for any reference to subsection (6) of section 32 of the said Act of 1967 there shall be substituted a reference to section 86(2) of the <sup>M21</sup>Local Government Act 1948;
  - (b) for the reference to subsection (5) of the said section 32 there shall be substituted a reference to section 66(3) of the Act of 1962.

#### Textual Amendments

- F81** S. 162(1)(3)(4)(a)(5) repealed (E.W.) (*prosp*) by Rates Act 1984 (c. 33, SIF 103:1), **Sch. 1 para. 6(7)(b)(8)** and expressed to be repealed (E.W.) by S.I. 1990/776, art. 3, **Sch. 1**
- F82** Words substituted for reference to the London Board by virtue of Transport (London) Act 1969 (c. 35), s. 45(1), **Sch. 3 para. 1(1)(2)**
- F83** Word repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. III**
- F84** S. 162(1)(b) repealed by Transport Act 1980 (c. 34), **Sch. 9 Pt. III**
- F85** Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. III**
- F86** S. 162(2) repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. III**

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

- C10** The text of s. 103(8), 161(4), 162(5), Sch. 16, paras. 8(1)(3), 9, 10 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.

#### Marginal Citations

- M18** 1967 c. 9.  
**M19** 1854 c. 91.  
**M20** 1948 c. 26.  
**M21** 1948 c. 26.

## 163 Expenses.

There shall be paid out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister under or in consequence of the provisions of this Act;

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- (b) any increase attributable to any of the provisions of this Act in the sums so payable under any other Act.

#### **164 Application to Northern Ireland.**

- (1) The provisions of this Act set out in Part I of Schedule 17 to this Act shall extend to Northern Ireland subject to the modifications set out in Part II of that Schedule, but save as aforesaid this Act shall not extend to Northern Ireland.

- (2) ..... <sup>F87</sup>

##### **Textual Amendments**

**F87** S. 164(2) repealed by [Northern Ireland Constitution Act 1973 \(c. 36, SIF 29:3\)](#), **Sch. 6 Pt. I**

#### **165** ..... <sup>F88</sup>

##### **Textual Amendments**

**F88** S. 165 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. VI**

#### **166 Short title and commencement.**

- (1) This Act may be cited as the Transport Act 1968.
- (2) Section 93 of this Act shall come into force on the passing of this Act and the other provisions of this Act shall come into force on such day as, subject to subsection (3) of this section, the Minister may by order appoint, and different days may be appointed for different purposes and different provisions of this Act.
- (3) The reference to the Minister in subsection (2) of this section shall be construed—
  - (a) in relation to—
    - (i) the provisions of Part II of this Act; and
    - (ii) any of the following provisions of this Act, namely, sections 34, 36, 37, 44, 56, 116 to 119, 121, 122 and 126 to 130; and
    - (iii) the bringing into force with respect to the Scottish Group of any provision of this Act which refers to that Group,  
as a reference to the Minister and the Secretary of State acting jointly;
  - (b) in relation to section 131 of this Act and to any section of this Act which relates only to Scotland, as a reference to the Secretary of State.

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

**C11** Power of appointment conferred by s. 166(2) not fully exercised

**Status:**

Point in time view as at 15/07/2003.

**Changes to legislation:**

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