



# Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

An Act to provide for the re-organisation of the nationalised transport undertakings now carried on under the Transport Act 1947, and for that purpose to provide for the establishment of public authorities as successors to the British Transport Commission, and for the transfer to them of undertakings, parts of undertakings, property, rights, obligations and liabilities; to repeal certain enactments relating to transport charges and facilities and to amend in other respects the law relating to transport, inland waterways, harbours and port facilities; and for purposes connected with the matters aforesaid. [1st August 1962]

## Extent Information

E1 For extent see [s. 93\(1\)](#)

## Modifications etc. (not altering text)

C1 Act excluded by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 5(4), [Sch. 4 Pt. I para. 2\(1\)\(2\)](#)

C2 Act extended by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 5(4), [Sch. 4 Pt. I para. 4\(2\)](#)

C3 Power to amend and repeal conferred by [Transport \(Scotland\) Act 1989 \(c. 23, SIF 126\)](#), [s. 14\(3\)\(d\)](#)

## Commencement Information

I1 Act not in force at Royal Assent see [s. 96\(2\)](#); Act wholly in force by 1.1.1965

## PART I

### THE BOARDS AND THE HOLDING COMPANY

#### *Preliminary*

#### **1 The four Boards.**

(1) For the purposes of this Act there shall be . . . <sup>F1</sup> public authorities to be called—

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the British Railways Board (in this Act referred to as the “Railways Board”);

F1

.....  
the British Transport Docks Board (in this Act referred to as the “Docks Board”); and

the British Waterways Board,

among whom the functions and (subject to the provisions of this Act relating to the Holding Company) the property of the British Transport Commission (hereinafter referred to as “the Commission”) shall be divided in accordance with this Act.

- (2) The chairman of each Board shall be appointed by the Minister, and the other members of each Board (including any vice chairman) shall be appointed by the Minister after consultation with the chairman of that Board.

[F2(2A) In the case of the British Waterways Board–

- (a) before appointing the chairman the Minister shall consult the Scottish Ministers; and  
(b) two of the members shall be appointed by the Scottish Ministers after consultation with the Minister and the chairman.]

(3) .....

(4) ..... F3

(5) ..... F4

- (6) The British Waterways Board shall consist of a chairman, a vice chairman and not more than nine nor less than four other members; the chairmen and other members of the Board shall be appointed from among persons who appear to the Minister [F5or, as the case may be, the Scottish Ministers]to have had wide experience of, and to have shown capacity in, the operation, management or administration of inland navigations or related matters or who appear to him [F6or them]to have special knowledge relating to some important aspect of the Board’s work or to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, administration, applied science or the organisation of workers F7. . . .

[F8(6A) In appointing persons to the British Waterways Board–

- (a) the Minister shall have regard to the desirability of having members who are familiar with the special requirements and circumstances of particular regions and areas served by the Board in England and Wales; and  
(b) the Scottish Ministers shall have regard to the desirability of having members who appear to them to have special knowledge of Scotland.]

- (7) Part I of the First Schedule to this Act shall have effect as regards the constitution and proceedings of the Boards, and as regards their members.

#### Textual Amendments

- F1** Words repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 6](#)  
**F2** [S. 1\(2A\)](#) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(2\)](#) (with transitional provisions and savings in art. 4)  
**F3** [S. 1\(4\)](#) repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 6](#)  
**F4** [S. 1\(5\)](#) repealed by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 5(4), [Sch. 12 Pt. I](#)

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- F5** Words in s. 1(6) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(3)(a)** (with transitional provisions and savings in art. 4)
- F6** Words in s. 1(6) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(3)(b)** (with transitional provisions and savings in art. 4)
- F7** Words in s. 1(6) omitted (1.4.2001) by virtue of S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(3)(c)** (with transitional provisions and savings in art. 4)
- F8** **S. 1(6A)** inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(4)** (with transitional provisions and savings in art. 4)

**2** ..... **F9**

#### Textual Amendments

- F9** S. 2 repealed by Transport Act 1968 (c. 73), **Sch. 18 Pt. 1**

### *The Railways Board*

## **3 Duty and powers of Railways Board.**

- (1) [<sup>F10</sup>Subject to subsection (1A) of this section,]it shall be the duty of the Railways Board in the exercise of their powers under this Act to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation.

[<sup>F11</sup>(1A) The Board shall be discharged from the duty imposed by subsection (1) of this section with respect to the provision of railway services in Great Britain if and to the extent that such services are, or have at any time since the coming into force of this subsection been,—

- (a) provided by the Board, or a subsidiary of the Board, pursuant to any agreements or arrangements falling within subsection (1B) of this section; or
- (b) provided (whether under or by virtue of the Railways Act 1993 or otherwise) by persons other than the Board and their subsidiaries;

but, notwithstanding anything in this subsection, it shall be the duty of the Board to have, as respects any railway services provided as mentioned in paragraph (a) of this subsection (and any other services or facilities provided in connection therewith) due regard to efficiency, economy and safety of operation.

(1B) The agreements or arrangements mentioned in subsection (1A)(a) of this section are as follows, namely—

- (a) an agreement or arrangement made pursuant to the Railways Act 1993, to which the Franchising Director and the Board, or a subsidiary of the Board, are parties;
- (b) an agreement made between—
  - (i) the Board or a subsidiary of the Board, and
  - (ii) a person who is the owner or operator of a railway asset or track,

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being an agreement under which the Board or a subsidiary of the Board operates that railway asset or track or uses it to provide network, station or light maintenance services.

(1C) For the purposes of subsection (1B) above and this subsection—

- (a) any reference to a railway asset includes a reference to any part of a railway asset;
- (b) “operator”, in relation to a railway asset or track, means the person having the management of that railway asset or track for the time being;
- (c) “owner”, in relation to a railway asset or track, means any person—
  - (i) who has an estate or interest in, or right over, the railway asset or track in question; and
  - (ii) whose permission to use that railway asset or track is needed by another before that other may use it;

and, subject to that, expressions used in either subsection and in Part I of the Railways Act 1993 have the same meaning in that subsection as they have in that Part.]

(2) ..... F12

(3) Subject to this Act, the Railways Board shall have power—

- [<sup>F13</sup>(a) to carry goods and passengers by rail within, to or from Great Britain,
- (aa) to carry goods and passengers by rail between places outside Great Britain in so far as they consider it expedient to do so in connection with the exercise of their powers under paragraph (a) above,]
- [<sup>F14</sup>(b) in the circumstances specified in sections 4 and 4A of this Act respectively, to carry goods by road and to secure the provision by other persons of services for the carriage of passengers by road]
- (c) to operate the harbours owned or managed by the Railways Board, and to provide port facilities at those harbours,
- (d) to consign goods on behalf of other persons from any place in Great Britain, or from any place to which the Railways Board have themselves carried the goods in question to any other place, whether in Great Britain or elsewhere,
- (e) to store within Great Britain goods which have been or are to be carried by the Railways Board, and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods,
- (f) to enter into and carry out agreements—
  - (i) with carriers outside Great Britain for the through carriage of goods and passengers under one contract or at a through charge or in the same vehicles or containers, and
  - (ii) with any person engaged in coastal shipping for co-ordinating the activities of that person with those of the Board, and in particular for facilitating the through carriage of goods, for the quoting of through rates and for the pooling of receipts or expenses.
- [<sup>F15</sup>(g) to do anything which appears to the Board to be expedient for the purposes of or in connection with the provision by the Board of railway services outside Great Britain.]

(4) Subsections (1) and (2) of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

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[<sup>F16</sup>(5) Subject to subsection (6) of this section, section 82 of the Railways Act 1993 (meaning of “railway services”) shall apply for the purposes of this section as it applies for the purposes of Part I of that Act.

- (6) If it appears to the Secretary of State that the Board—
- (a) have ceased to provide railway services of a description falling within any paragraph (“the relevant paragraph”) of subsection (1) of that section, or
  - (b) have ceased to provide such services otherwise than as mentioned in subsection (1A)(a) of this section,

he shall by order provide that, as from the date on which the order comes into force, subsection (1) of that section shall, in its application for the purposes of this section, have effect as if the relevant paragraph (which shall be specified in the order) were omitted therefrom.

(7) An order under subsection (6) of this section may make such consequential amendments or repeals of or in this section or any other enactment as may appear to the Secretary of State to be necessary or expedient for the purposes of, or in connection with, the order.

(8) The power to make an order under subsection (6) of this section shall be exercisable by statutory instrument; and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

- F10** Words in S.3(1) inserted (6.1.1994) by 1993 c. 43, s. 126(1); S.I. 1993/3237, art. 2(2)
- F11** S.3(1A)(1B) and (1C) inserted (6.1.1994) by 1993 c. 43, s. 126(1); S.I. 1993/3237, art. 2(2)
- F12** S. 3(2) repealed by Transport (London) Act 1969 (c. 35), Sch. 6
- F13** S. 3(3)(a) substituted by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 39(1)
- F14** S. 3(3)(b) substituted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 6
- F15** S. 3(3)(g) added by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 39(1)
- F16** S. 3(5)-(8) added (6.1.1994) by 1993 c. 43, s. 126(2); S.I. 1993/3237, art. 2(2)

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

- C4** S. 3(1) excluded by Transport Act 1981 (c. 56, SIF 126), s. 3(2); excluded (24.12.1993 ) by 1993 c. 43, ss. 144(1)(a), 150(1)(j); S.I. 1993/3237, art. 2(1).
- C5** S. 3(1) excluded (6.1.1994) by 1993 c. 43, s. 88(8); S.I. 1993/3237, art. 2(2)
- C6** S. 3(3)(e) extended by Transport Act 1968 (c. 73), s. 50(1)

## 4 Railways Board’s road services.

- (1) Subject to this section, the Railways Board shall have power—
- (a) to provide transport services by road—
    - (i) for the carriage of goods which have been or are to be carried by rail or water by the Railways Board, and
    - (ii) for the carriage of goods where a railway service has been temporarily interrupted, . . . <sup>F17</sup>
    - (iii) . . . . . <sup>F18</sup>
- and to carry goods . . . <sup>F18</sup> by those services;
- <sup>F19</sup>(b) . . . . .

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- F19(2) .....
- (3) ..... F20
- (5) ..... F21
- (6) Except as provided by this section the Railways Board shall not have power to provide services for the transport of goods . . . F22 by road.
- F19(7) .....

#### Textual Amendments

- F17** Word repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F18** [S. 4\(1\)\(a\)](#) sub-paragraph (iii) and the words “and passengers” repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **ss. 118(2)(a)(i)**, 139(3), Sch. 8
- F19** [S. 4\(1\)\(b\)](#), (2) and (7) repealed (6.1.1994) by [1993 c. 43, ss. 150\(1\)\(o\), 152\(1\)\(3\)](#), Sch. 12 para. 5(2) (a), **Sch. 14**; [S.I. 1993/3237](#), **art. 2(2)**
- F20** [Ss. 4\(3\)\(4\)](#), 6 repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**
- F21** [S. 4\(5\)](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **ss. 118(2)(b)**, 139(3), Sch. 8
- F22** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **ss. 118(2)(c)**, 139(3), Sch. 8

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

- C7** [S. 4](#) restricted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 118(2)**

#### [<sup>F23</sup>4A **Railways Board’s road passenger transport services.**

- (1) Subject to this section, the Railways Board shall have power to secure the provision by other persons of services for the carriage of passengers by road where a railway service has been temporarily interrupted, or has been discontinued.
- (2) The route (and stopping places) of any such service provided where a railway service has been discontinued need not correspond precisely with the route of the discontinued service (even where it is practicable to do so), so long as the service so provided broadly corresponds with the discontinued service, in terms of the localities it serves.
- (3) Subsection (2) above is not to be taken as prejudicing the power of the Board under subsection (1) above to secure the provision of a service which deviates in any respect from the route of a railway service which has been interrupted or discontinued where it is not practicable for a service by road to correspond precisely to the railway service in question.
- (4) Before entering into any agreement in pursuance of subsection (1) above for the provision by any other person of a service for the carriage of passengers by road in a case where a railway service has been discontinued, the Board shall invite other persons to submit tenders to provide that service for such period and on such basis as may be specified in the invitation to tender.
- (5) Subsection (4) above shall not apply in relation to an agreement for the provision of such a service on a temporary basis in a case where a service for the carriage of passengers by road provided under an agreement entered into by the Board in pursuance of subsection (1) above has been temporarily interrupted.

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- (6) Nothing in subsection (4) above shall be read as requiring the Board to accept any tender submitted in response to an invitation to tender issued under that subsection.
- (7) The Railways Board may not under this section secure the provision by any person of a service for the carriage of passengers by road provided otherwise than by means of public service vehicles or licensed taxis.
- (8) The Railways Board may not themselves directly provide services for the carriage of passengers by road.
- (9) In this section—
  - (a) “licensed taxi” means—
    - (i) in England and Wales, a vehicle licensed under section 37 of the Town Police Clauses Act <sup>M1</sup>1847 or section 6 of the Metropolitan Public Carriage Act <sup>M2</sup>1869 or under any similar enactment; and
    - (ii) in Scotland, a taxi licensed under section 10 of the Civic Government (Scotland) Act <sup>M3</sup>1982; and
  - (b) “stopping place” means a point at which passengers are taken up or set down in the course of the service in question.]

**Textual Amendments**

**F23** S. 4A inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 118(1)**

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

**C8** S. 4A: functions of the Board transferred (E.W.S.) (1.4.1994) to the Franchising Director by [1993 c. 43, s. 47\(1\)\(a\)](#); [S.I. 1994/571](#), **art. 5**.

**C9** S. 4A(2) modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 119(2)**;  
S. 4A modified (E.W.S.) (1.4.1994) by [1993 c. 43, ss. 47\(2\), 152\(2\)](#), **Sch. 13 para. 3(2)**; [S.I. 1994/571](#), **art. 5**.

**Marginal Citations**

**M1** [1847 c.89 \(107:1\)](#).

**M2** [1869 c.115 \(107:1\)](#).

**M3** [1982 c.45 \(81:2\)](#).

**F24** **5** .....

**Textual Amendments**

**F24** S. 5 repealed (6.1.1994) by [1993 c. 43, ss. 150\(1\)\(o\), 152\(1\)\(3\)](#), [SCh. 12 para. 5\(2\)\(b\)](#), [Sch. 14](#); [S.I. 1993/3237](#), **art. 2(2)**

**6** ..... **F25**

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.....  
**Textual Amendments**  
**F25** Ss. 4(3)(4), 6 repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

**7, 8.** ..... **F26**

.....  
**Textual Amendments**  
**F26** Ss. 7, 8 repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 6](#)

*The Docks Board*

**9** ..... **F27**

.....  
**Textual Amendments**  
**F27** S. 9 repealed by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 5(4), [Sch. 12 Pt. I](#)

*The British Waterways Board*

**10 Duty and powers of British Waterways Board.**

- (1) It shall be the duty of the British Waterways Board in the exercise of their powers under this Act to provide to such extent as they may think expedient—
  - (a) services and facilities on the inland waterways owned or managed by them, and
  - (b) port facilities at any harbour owned or managed by them,
 and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them.

(2) ..... **F28**

- (3) Subject to this Act, the British Waterways Board shall have power—
  - (a) to carry goods and passengers by inland waterway and to provide facilities for traffic on the inland waterways owned or managed by them,
  - (b) to operate the harbours owned or managed by them and to provide port facilities at those harbours,
  - (c) to provide transport services by road—
    - (i) for the carriage of goods which have been or are to be carried by the Board by inland waterway, and
    - (ii) for the carriage of goods where the use of an inland waterway owned or managed by the Board has been temporarily interrupted,
 and to carry goods by those services,
  - (d) to abstract and sell untreated water from any inland waterway owned or managed by the Board for any purpose,



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- [<sup>F29</sup>(dd) except in Scotland—
- (i) to abstract water from any source other than that mentioned in paragraph (d),
  - (ii) to purchase water,
  - (iii) to treat water;
  - (iv) to sell any water other than that mentioned in paragraph (d),
  - (v) to treat and dispose of effluent;]
- (e) to consign goods on behalf of other persons on routes wholly or partly over any of the inland waterways owned or managed by them or to or from, or on routes through, any of the harbours owned or managed by them,
- (f) to store goods which have been or are to be carried on any of the inland waterways owned or managed by the Board, or which have been or are to be loaded or unloaded in or carried through any of the harbours owned or managed by them, and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods,
- (g) to enter into and carry out agreements—
- (i) with carriers outside Great Britain for the through carriage of goods and passengers under one contract or at a through rate or in the same vessels or containers, and
  - (ii) with any person engaged in coastal shipping for co-ordinating the activities of that person with those of the Board and, in particular, for facilitating the through carriage of goods, for the quoting of through rates and for the pooling of receipts or expenses.
- (4) Subsections (1) . . . <sup>F30</sup> of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

#### Textual Amendments

**F28** Ss. 10(2), 13(2) repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

**F29** [S. 10\(3\)\(dd\)](#) inserted (13.6.2003) by [Regulatory Reform \(British Waterways Board\) Order 2003 \(S.I. 2003/1545\)](#), arts. 1, 2

**F30** Words repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

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

**C10** [S. 10\(1\)](#) restricted by [Transport Act 1968 \(c. 73\)](#), **s. 107(1)**

**C11** [S. 10\(3\)\(f\)](#) and (4) extended by [Transport Act 1968 \(c. 73\)](#), **ss. 50(1)** and 107(3) respectively

### *Provisions concerning all the Boards*

## 11 Development of land.

- (1) Subject to this section, each Board shall have power to develop their land in such manner as they may think fit.
- (2) Each Board may, in particular, and subject to this section,—
- (a) retain any part of their land which is not required for the purposes of their business and develop it for use by other persons, and

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- (b) where the use of their land for the purposes of their business can be combined with its use for other purposes, develop the land by constructing or adapting buildings thereon for use wholly or partly by other persons, with a view to selling or otherwise disposing of any right or interest in the land or, as the case may be, the buildings or any part of the buildings, after the development is carried out.
- (3) A Board shall not incur any substantial item of expenditure in developing their land for use for purposes which are not the purposes of their business without the consent of the Minister, and the Minister may from time to time give directions to the Boards indicating what is to be treated for the purposes of this section as a substantial item of expenditure.
- (4) Where a Board propose under this section to develop any land for use otherwise than for the purposes of their business they shall have power, with the consent of the Minister, to acquire by agreement adjoining land for the purpose of developing it together with the other land . . . <sup>F31</sup>

Except as provided by the foregoing provisions of this subsection, a Board shall not have power to acquire land for purposes which are not related to any of the activities of the Board other than the development of land.

- [<sup>F32</sup>(5) In the application of this section to the British Waterways Board, in relation to land situated in Scotland the references to the Minister are to be read as references to the Scottish Ministers.]

#### Textual Amendments

**F31** Words repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

**F32** [S. 11\(5\)](#) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(5\)](#) (with transitional provisions and savings in [art. 4](#))

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

**C12** [Ss. 11-17](#) extended by [Transport Act 1968 \(c. 73\)](#), [s. 471](#)

**C13** [Ss. 11, 12, 14\(1\)-\(4\), 15, 16, 17\(1\)\(2\)](#) extended by [Transport \(London\) Act 1969 \(c. 35\)](#), [s. 6\(2\)](#)

**C14** [S. 11\(2\)-\(4\)](#) amended by [Transport Act 1968 \(c. 73\)](#), [s. 134](#)

**C15** [S. 11\(3\)\(4\)](#) restricted (E.W.S.) (1.1.1993) by [S.I. 1992/3060](#), [reg. 4\(2\)](#)

**C16** [S. 11\(4\)](#) amended by [Transport Act 1968 \(c. 73\)](#), [s. 49](#)

## 12 Pipe-lines.

- (1) Subject to this section, the Boards [<sup>F33</sup>, other than the Railways Board,] shall have power—
- (a) to construct and operate pipe-lines in Great Britain, and
  - (b) to enter into transactions with other persons for the construction or operation by those other persons of pipe-lines on land in Great Britain belonging to the Boards.
- (2) The Boards shall not have power to acquire land for the purpose of constructing pipe-lines except—
- (a) where the pipe-line is or is to be mainly on land belonging to the Boards and acquired for other purposes, or

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- (b) where the pipe-line is required for the purposes of the business of the Board other than the operation of pipe-lines.
- (3) A Board shall not without the consent of the Minister construct any pipe-line unless the pipe-line is required for the purposes of the business of the Board other than the operation of pipe-lines.
- [<sup>F34</sup>(3A) The British Waterways Board shall not without the consent of—
- (a) in the case of a proposed pipe-line in England and Wales, the Minister; or
  - (b) in the case of a proposed pipe-line in Scotland, the Scottish Ministers,
- construct any pipe-line unless the pipe-line is required for the purposes of the business of the Board other than the operation of pipe-lines.]
- (4) In this section the expression “pipe-line” means any main or pipe for the transmission of any substance, together with any works provided in connection with the operation of such a main or pipe.

#### Textual Amendments

**F33** Words in s. 12(1) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), **Sch.12 para. 5(3)**; S.I. 1993/3237, **art. 2(2)**

**F34** S. 12(3A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(6)** (with transitional provisions and savings in art. 4)

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

**C17** Ss. 11-17 extended by Transport Act 1968 (c. 73), **s. 471**

**C18** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), **s. 6(2)**

**C19** S. 12(3) restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, **reg. 4(2)**

### 13 The Boards’ powers of manufacture and production.

- (1) Each of the Boards shall have power to construct, manufacture, produce, purchase, maintain and repair anything required for the purposes of the business—
- (a) of that Board,
  - (b) of any other Board, or
  - (c) of a subsidiary of any of the Boards or of a subsidiary of the Holding Company,
- and, subject to section eleven of this Act and to the following provisions of this section, the Boards shall not have power to construct, manufacture, produce, purchase, maintain or repair anything not required for any of those purposes.
- <sup>F35</sup>[(1A) Subsection (1) of this section shall have effect, in relation to the Railways Board, with the insertion after paragraph (c) of the following—
- ”(d) of the [<sup>F36</sup>Office of Rail Regulation],
- (e) of any person who provides, or secures the provision of, railway services, within the meaning of Part I of the Railways Act 1993, or
  - (f) of any person carrying on any undertaking which was, immediately before 1st April 1993, carried on by the Railways Board or any wholly owned subsidiary of that Board,”
- and with the omission of the word or immediately preceding that paragraph.]

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- (2) ..... F37
- <sup>F38</sup>(3) .....
- <sup>F39</sup>(4) Each of the Boards shall from time to time submit to the Minister proposals as to the manner in which their powers of construction, manufacture and production under the foregoing provisions of this section are to be exercised, and shall exercise those powers in accordance with those proposals as approved by the Minister with or without modification; but the Minister may, after consultation with a Board, direct that Board to discontinue any of the activities which they are carrying on in accordance with proposals so approved.]
- (5) ..... F40
- <sup>F41</sup>[(9) If the Secretary of State is of the opinion that it is no longer necessary, or no longer desirable, for the Railways Board to conduct any of the activities mentioned in subsection (1) of this section for the purposes of the business of any persons, or of persons of any class or description, mentioned in that subsection, he may by order provide that, as from the date on which the order comes into force, that Board shall cease to have power to conduct the activity in question in relation to the person in question.
- (10) An order under subsection (9) of this section may make such consequential amendments or repeals in any enactment as may appear to the Secretary of State to be necessary or expedient for the purposes of, or in connection with, the order.
- (11) Any order made under subsection (9) of this section shall be made by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (12) Any reference in this section to “ business ” includes, in the case of the <sup>F36</sup>Office of Rail Regulation], a reference to the carrying on of any activity in the exercise of his powers or the performance of his duties. ]

#### Textual Amendments

- F35** S. 13(1A) inserted (6.1.1994) by 1993 c. 43, s. 128(2); S.I. 1993/3237, art. 2(2)
- F36** Words in s. 13 substituted (5.7.2004) by Railways and Transport Safety Act 2003 (c. 20), Sch. 2 para. 19(a); S.I. 2004/827, art. 4(g)
- F37** Ss. 10(2), 13(2) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I
- F38** S. 13(3) repealed (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1)(3), Sch. 12 para. 5(2)(c), Sch. 14; S.I. 1993/3237, art. 2(2).
- F39** S. 13(4) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I except as respects proposals approved thereunder before 18.11.68 for the purposes of *ibid.*, s. 48
- F40** Ss. 13(5)–(8), 18(1) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I
- F41** S.13(9)–(12) added (6.1.1994) by 1993 c. 43, s. 128(3); S.I. 1993/3237, art. 2(2)

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

- C20** Ss. 11-17 extended by Transport Act 1968 (c. 73), s. 471
- C21** The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), 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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#### **14 Supplemental provisions relating to the Boards' powers.**

- (1) Subject to this Act, the Boards shall have power—
- (a) to enter into and carry out agreements with any person for the carrying on by that person, whether as agent for the Board or otherwise, of any of the activities which the Board may themselves carry on,
  - (b) without prejudice to the foregoing paragraph, to enter into agreements with the other Boards and with any subsidiary of any of the Boards or of the Holding Company, for the management, working and use by one party to the agreement of works, land or other property belonging to the other party, and with respect to the rendering of services and the pooling of receipts or expenses,
  - (c) to acquire land for the purposes of their business,
  - (d) in places where those using the services and facilities provided by the Board may require them, to provide both for them and for other persons facilities for the purchase and consumption of food and drink, places for refreshment and such other amenities and facilities as it may appear to the Board requisite or expedient to provide,
  - (e) to dispose (whether absolutely or for a term of years) of any part of the undertaking of the Board or any property which in their opinion is not required by them for the purposes of their business, and, in particular, to dispose of an interest in, or right over, any property, which, subject to the interest or right, is retained by the Board,
  - (f) to do anything for the purposes of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or of the manner in which that equipment is operated, including the provision by the Board, and the assistance of the provision by others, of facilities for training, education and research,
  - (g) to provide houses, hostels and other like accommodation for persons employed by the Board,
  - (h) to make housing loans to persons employed by the Board to assist them to acquire housing accommodation and to guarantee loans made by building societies and other bodies to such persons for housing purposes,
  - (j) to invest any sums which are not immediately required by the Board for the purposes of their business,
  - (k) to turn their resources to account so far as not required for the purposes of their business, and
  - (l) to do all other things which in the opinion of the Board are necessary to facilitate the proper carrying on of their business.
- (2) The Boards shall have power to acquire any undertaking or part of an undertaking if the assets comprised in the undertaking or the part of the undertaking are wholly or mainly assets which the Board require for the purposes of their business.
- (3) Each of the Boards shall have power with the consent of the Minister, and for the purposes of their business, to lend money to, or give a guarantee for the benefit of, any person for the purposes of an undertaking carried on by him, or, where that person is a body corporate, any undertaking carried on by a subsidiary of that body corporate.
- (4) Each of the Boards [<sup>F42</sup>, except the Railways Board,] shall have power with the consent of the Minister, and for the purposes of their business, to subscribe for or acquire any securities of a body corporate.

<sup>F43</sup>(4A) Subsections (3) and (4) above do not apply to the British Waterways Board.

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- (4B) The British Waterways Board shall have the power—
- (a) for the purposes of the Board’s business in England and Wales, with the consent of the Minister; and
  - (b) for the purposes of the Board’s business in Scotland, with the consent of the Scottish Ministers,
- to lend money to, or give a guarantee for the benefit of, any person for the purposes of an undertaking carried on by that person, or, where that person is a body corporate, any undertaking carried on by a subsidiary of that body corporate.
- (4C) The British Waterways Board shall have the power—
- (a) for the purposes of the Board’s business in England and Wales, with the consent of the Minister; and
  - (b) for the purposes of the Board’s business in Scotland, with the consent of the Scottish Ministers,
- to subscribe for or acquire any securities of a body corporate.
- (4D) The Minister shall consult the Scottish Ministers before giving consent under paragraph (a) of subsection (4B) or (4C) above and the Scottish Ministers shall consult the Minister before giving consent under paragraph (b) of either of those subsections.]
- (5) Subsections (3) [<sup>F44</sup>, (4), (4B) and (4C).] of this section shall not affect the power of a Board—
- (a) to lend money by way of investment or to subscribe for or acquire securities by way of investment, or
  - (b) to leave outstanding any loan made or guarantee given, or to retain any securities acquired, by the Commission before the vesting date.
- (6) Each of the powers conferred on any Board by the foregoing provisions of this Act shall be deemed to be in addition to, and not in derogation of, any other powers so conferred; and it is hereby declared that those provisions relate only to the capacity of the Boards as statutory corporations, and nothing in those provisions shall be construed as authorising the disregard by any of the Boards of any enactment or rule of law.

#### Textual Amendments

- F42** Words in s. 14(4) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), **Sch. 12 para. 5(4)**; S.I. 1993/3237, **art. 2(2)**
- F43** S. 14(4A)-(4D) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(7)** (with transitional provisions and savings in art. 4)
- F44** Words in s. 14(5) substituted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(8)** (with transitional provisions and savings in art. 4)

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

- C22** Ss. 11-17 extended by Transport Act 1968 (c. 73), **s. 471**
- C23** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), **s. 6(2)**
- C24** S. 14(1) amended by Transport Act 1968 (c. 73), **ss. 50(9)**, 51(2)
- C25** S. 14(3)(4) restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, **reg. 4(2)**
- C26** S. 14(6) extended by Transport Act 1968 (c. 73), **s. 52(1)**

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## 15 Compulsory purchase of land.

- (1) Subject to this section, the Minister may authorise any Board to purchase compulsorily any land in Great Britain which they require for the purposes of their business and the [<sup>F45</sup>Acquisition of Land Act 1981], shall apply [<sup>F46</sup>as if each Board were a local authority within the meaning of that Act] and as if this Act had been in force immediately before the commencement of that Act:

Provided that this subsection shall not be taken as authorising a Board to purchase compulsorily land which they have power to acquire by agreement under subsection (4) of section eleven of this Act.

- (2) The Minister shall not under this section authorise a Board to purchase land for the purpose of constructing a pipe-line if the construction of that pipe-line requires the consent of the Minister under subsection (3) of section twelve of this Act.
- (3) The power of purchasing land compulsorily in this section shall include power to acquire an easement or other right over land by the creation of a new right:

Provided that this subsection shall not apply to an easement or other right over any land which would for the purposes of the [<sup>F47</sup>Acquisition of Land Act 1981], form part of a common, open space or fuel or field garden allotment.

- (4) In the application of this section to Scotland, there shall be substituted, for any reference to the [<sup>F47</sup>Acquisition of Land Act 1981], a reference to the <sup>M4</sup>Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947, and, for any reference to an easement, a reference to a servitude; and the reference in the last foregoing subsection to a fuel or field garden allotment shall be omitted.

### Textual Amendments

- F45** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(1\), Sch. 4 para. 1](#)
- F46** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(3\), Sch. 6 Pt. I](#)
- F47** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(1\), Sch. 4, para. 1](#)

### Modifications etc. (not altering text)

- C27** Ss. 11-17 extended by [Transport Act 1968 \(c. 73\), s. 471](#)
- C28** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by [Transport \(London\) Act 1969 \(c. 35\), s. 6\(2\)](#)
- C29** S. 15 amended by [Transport Act 1968 \(c. 73\), s. 52\(2\)](#)
- C30** S. 15(1) extended by [Transport Act 1968 \(c. 73\), s. 51\(2\)](#)

### Marginal Citations

- M4** 1947 c. 42.

## [<sup>F48</sup>15A Compulsory purchase of land: British Waterways Board in Scotland

- (1) Section 15 of this Act does not apply to the compulsory purchase of land in Scotland by the British Waterways Board.
- (2) The Scottish Ministers may authorise the British Waterways Board (in this section “the Board”) to purchase compulsorily any land in Scotland which the Board require for the purposes of their business there, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply as if the Board were a local authority within the meaning of that Act.



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- (3) Subsection (2) does not authorise the Board to purchase compulsorily land which they have power to acquire by agreement under section 11(4) of this Act.
- (4) The Scottish Ministers shall not under this section authorise the Board to purchase land for the purpose of constructing a pipe-line if the construction of the pipe-line requires their consent under section 12(3A)(b) of this Act.
- (5) The power of purchasing land compulsorily in this section includes power to acquire a servitude or other right over land by the creation of a new right; but this subsection does not apply to a servitude or other right over any land which would, for the purposes of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 form part of a common or open space.

#### Textual Amendments

**F48** S. 15A inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(9) (with transitional provisions and savings in art. 4)

### 16 Working agreements involving the delegation of special statutory powers. ]

- (1) A Board may enter into any working agreement to which this section applies notwithstanding that it involves the delegation of the functions of the Board under any enactment relating to any part of their undertaking.
- (2) In the foregoing subsection the reference to a working agreement to which this section applies is a reference to an agreement of one of the kinds described in paragraph (f) of subsection (3) of section three or paragraph (g) of subsection (3) of section ten or paragraph (b) of subsection (1) of section fourteen of this Act.

#### Textual Amendments

**F48** S. 15A inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(9) (with transitional provisions and savings in art. 4)

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

**C31** Ss. 11-17 extended by Transport Act 1968 (c. 73), s. 471

**C32** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), s. 6(2)

### 17 Power to promote and oppose Bills.

- (1) Each Board may, with the consent of the Minister, promote Bills in Parliament and may oppose any Bill in Parliament.
- [<sup>F49</sup>( 1A ) The British Waterways Board may, with the consent of the Scottish Ministers, promote Bills in the Scottish Parliament and may oppose any Bill in the Scottish Parliament]
- (2) The power conferred by subsection (1) of this section shall be in lieu of any power to promote or oppose Bills which a Board might otherwise possess under the provisions of this Act as successors to the persons carrying on any undertaking, and, in particular, the persons carrying on any undertaking transferred to the Commission by the <sup>M5</sup>Transport Act 1947, but nothing in this section shall be construed as prejudicing



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any power exercisable by any Board as successors to apply for orders, and oppose applications for orders, including orders subject to special parliamentary procedure.

- (3) In the application of this section to Scotland “Bill in Parliament” includes an order under the <sup>M6</sup>Private Legislation Procedure (Scotland) Act 1936.

#### Textual Amendments

**F49** S. 17(1A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(10)** (with transitional provisions and savings in art. 4)

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

**C33** Ss. 11-17 extended by **Transport Act 1968 (c. 73), s. 471**

**C34** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by **Transport (London) Act 1969 (c. 35), s. 6(2)**

**C35** S. 17(1) restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, **reg. 4(2)**

**C36** S. 17(1)(1A) restricted (S.) (28.12.2007) by **Transport and Works (Scotland) Act 2007 (asp 8), ss. 17(3), 30(4); S.S.I. 2007/516, art. 2**

#### Marginal Citations

**M5** 1947 c. 49.

**M6** 1936 c. 52.

### *Financial provisions*

## 18 Financial duty of Boards.

- (1) ..... <sup>F50</sup>
- (2) Each Board shall charge to revenue in every year all charges which are proper to be made to revenue, including, in particular, proper provision for the depreciation or renewal of assets and proper allocations to general reserve, and the reference in subsection (1) of this section and other references in this Act to charges properly chargeable to revenue shall be construed accordingly.
- (3) Without prejudice to the Board’s powers to establish specific reserves, each Board shall establish and maintain a general reserve.
- (4) The management by each Board of their general reserve, the sums to be carried from time to time to the credit thereof, and the application of the moneys comprised therein shall be as the Board may determine:

Provided that—

- (a) no part of the moneys comprised in the general reserve shall be applied otherwise than for the purposes of the Board; and
- (b) the Minister may, with the approval of the Treasury, give to the Board directions as to any matter relating to the establishment or management of the general reserve or the carrying of sums to the credit thereof, or the application thereof.
- (5) Each of the Boards may, with the consent of the Minister given with the approval of the Treasury, make charges to capital account representing interest on expenditure of a capital nature (including expenditure of a capital nature incurred by the Commission before the vesting date), being interest for any period which ends on or before the

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end of the accounting period in which the project or scheme to which the expenditure relates is in the opinion of the Minister completed.

- (6) This section shall have effect subject to the following provisions of this Part of this Act relating to the Railways Board and the British Waterways Board.

#### Textual Amendments

**F50** Ss. 13(5)–(8), 18(1) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I

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

**C37** Ss. 18-21, 24 extended by Transport Act (c. 73), s. 27(1)

**C38** S. 18(4) proviso (a) excluded by Transport Act 1968 (c. 73), s. 41(4)

## 19 Borrowing powers of Boards.

- (1) Subject to the limit in subsection (3) of this section, each of the Boards may borrow temporarily, by way of overdraft or otherwise, either from the Minister or, with the consent of the Minister, from any other person, such sums as the Board may require for meeting their obligations or discharging their functions under this Act, but the aggregate of the amounts outstanding in respect of any temporary loans raised by a Board under this subsection shall not exceed such limit as the Minister may for the time being have imposed on that Board for the purposes of this subsection by a direction given to the Board.
- (2) Subject to the limit in subsection (3) of this section, each of the Boards may borrow (otherwise than by way of temporary loan) from the Minister [<sup>F51</sup>or, with the consent of [<sup>F52</sup>the Minister] and the approval of the Treasury, may borrow (otherwise than by way of temporary loan) in a currency other than sterling from any person, or in sterling from the Commission of the European Communities or from the European Investment Bank] such sums as the Board may require for all or any of the following purposes—
- (a) for meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets in connection with the business of the Board,
  - (b) for the provision of working capital,
  - (c) for acquiring an undertaking or part of an undertaking,
  - (d) for lending money to, or meeting a guarantee given for the benefit of, any person for the purpose of an undertaking carried on by him, or where that person is a body corporate, an undertaking carried on by a subsidiary of that body corporate,
  - (e) for subscribing for or acquiring securities of a body corporate, otherwise than by way of investment,
  - (f) for the payment of interest charged to capital account under subsection (5) of the last foregoing section,
  - (g) to pay off—
    - (i) any part of the commencing capital debt of the Board,
    - (ii) any money borrowed by the Board,
    - (iii) any liability transferred to the Board from the Commission under or in pursuance of this Act,
  - (h) for any purpose for which capital moneys are properly applicable (whether or not specified in the foregoing paragraphs).

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- (3) The aggregate amount outstanding in respect of—
- (a) the principal of any money borrowed by a Board under this section, and
  - (b) the Board's commencing capital debt, as defined in Part II of this Act . . . <sup>F53</sup>
- taken together shall not exceed—
- (i) . . . . . <sup>F54</sup>
  - (ii) . . . . . <sup>F55</sup>
  - (iii) . . . . . <sup>F56</sup>
- [<sup>F57</sup>(iv) for the British Waterways Board £25 million or such greater sum not exceeding £35 million as the Secretary of State may by order made by statutory instrument specify.]
- . . . . . <sup>F58</sup>
- [<sup>F59</sup>(3A) An order made under paragraph (iv) of subsection (3) above shall be made by statutory instrument, and no such order shall be made unless a draft of the order has been approved by resolution of the House of Commons.]
- (4) A Board shall not have power to borrow money except in accordance with this section.
- (5) References in this section to borrowing do not include—
- (a) borrowing by a Board from a body corporate which is a subsidiary of that Board; or
  - (b) the receipt of money by a Board in the course of the carrying on of a savings bank operated by the Board or the use by the Board of money so received, or
  - (c) the receipt or use by a Board of money of a pension fund established for the purposes of a pension scheme in which employees of the Board or of a subsidiary of the Board participate.
- (6) This section shall have effect subject to the following provisions of this Part of this Act relating to the Railways Board and the British Waterways Board.
- [<sup>F60</sup>(7) This section applies to the British Waterways Board in connection with the exercise of their functions in Scotland subject to the following modifications—
- (a) in subsection (1), references to the Minister are to be read as references to the Scottish Ministers;
  - (b) in subsection (2), the references to the Minister are to be read as references to the Scottish Ministers, and the approval of the Treasury is not required in connection with the borrowing of any sums for any purpose mentioned in paragraphs (a) to (h); and
  - (c) for subsections (3) and (3A) there is substituted—
- (3) In any financial year the net amount of sums borrowed by the British Waterways Board under this section for discharging their functions under this Act within Scotland or for meeting their obligations in connection with the discharge of their functions there shall not exceed the amount specified for that year for the purposes of this subsection in a Budget Act.
- (3A) In subsection (3) above—
- (a) “net amount” means the amount of sums borrowed in the financial year less any repayments made during that year (otherwise than by way of interest) in respect of sums borrowed in that year or any other year, and

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- (b) “Budget Act” has the same meaning as in the Public Finance and Accountability (Scotland) Act 2000 <sup>M7</sup>..]

#### Textual Amendments

- F51** Words inserted by [Statutory Corporations \(Financial Provisions\) Act 1974 \(c. 8\)](#), [Sch. 2 para. 1](#)
- F52** Words substituted by virtue of [S.I. 1976/1775](#), [art. 2\(1\)](#) and [1979/571](#), arts. 2(1), 3(5)
- F53** Words repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)
- F54** [S. 19\(3\)\(i\)](#) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)
- F55** [S. 19\(3\)\(ii\)](#) repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 6](#)
- F56** [S. 19\(3\)\(iii\)](#) repealed by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 5(4), [Sch. 12 Pt. I](#)
- F57** [S. 19\(3\)\(iv\)](#) substituted by [Water Act 1981 \(c. 12, SIF 130\)](#), [s. 1\(i\)](#)
- F58** Words repealed by [Transport \(Financial Provisions\) Act 1977 \(c. 20\)](#), [s. 3\(2\)\(a\)](#)
- F59** [S. 19\(3A\)](#) inserted by [Water Act 1981 \(c. 12, SIF 130\)](#), [s. 1\(2\)](#)
- F60** [S. 19\(7\)](#) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(11\)](#) (with transitional provisions and savings in [art. 4](#))

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

- C39** [Ss. 18-21, 24](#) extended by [Transport Act \(c. 73\)](#), s. 27(1)
- C40** [Ss. 19-21A](#): power conferred (6.1.1994) by [1993 c. 43](#), [s. 110\(1\)\(2\)](#); [S.I. 1993/3237](#), [art. 2\(2\)](#)

#### Marginal Citations

- M7** [2000 asp 1](#).

## 20 Exchequer loans.

- (1) Subject to this Act the Minister may with the approval of the Treasury lend to a Board any sums which that Board have power to borrow under subsection (1) or subsection (2) of the last foregoing section.
- (2) Any loans which the Minister makes under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.
- (3) The Treasury may issue out of the [<sup>F61</sup>National Loans Fund] to the Minister such sums as are necessary to enable him to make loans under subsection (1) of this section.
- [<sup>F62</sup>(4) For the purpose of providing sums to be issued under the last foregoing subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.]
- (5) Any sums received by the Minister under subsection (2) of this section shall be paid into the [<sup>F61</sup>National Loans Fund] . . . <sup>F63</sup>
- (6) . . . . . <sup>F64</sup>
- [<sup>F65</sup>(7) This section applies to the British Waterways Board in connection with the exercise of their functions in Scotland subject to the following modifications—
- (a) references to the Minister are to be read as references to the Scottish Ministers;
  - (b) references to the approval of the Treasury are omitted;

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- (c) in subsection (1) at the end there is inserted “as modified by subsection (7) of that section”; and
- (d) subsections (3) and (5) are omitted.]

#### Textual Amendments

- F61** Words substituted by [National Loans Act 1968 \(c. 13\)](#), [Sch. 1](#)
- F62** [S. 20\(4\)](#) repealed by [National Loans Act 1968 \(c. 13\)](#), [Sch. 16 Pt. I](#) but not so as to affect any money borrowed before 1.4.1968 or any requirement as respects any account or statement for the year ending on 31.3.1968 or any earlier year
- F63** Words repealed by [National Loans Act 1968 \(c. 13\)](#), [Sch. 6 Pt. I](#) but not so as to affect any money borrowed before 1.4.1968 or any requirement as respects any account or statement for the year ending on 31.3.1968 or any earlier year
- F64** [S. 20\(6\)](#) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)
- F65** [S. 20\(7\)](#) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(12\)](#) (with transitional provisions and savings in [art. 4](#))

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

- C41** [Ss. 18-21, 24](#) extended by [Transport Act \(c. 73\)](#), s. 27(1)
- C42** [Ss. 19-21A](#): power conferred (6.1.1994) by [1993 c. 43](#), [s. 110\(1\)\(2\)](#); [S.I. 1993/3237](#), [art. 2\(2\)](#)
- C43** [S. 20\(2\)](#) amended by [National Loans Act 1968 \(c. 13\)](#), s. 2, [Sch. 1](#) and [Transport Act 1968 \(c. 73\)](#), [s. 53\(6\)](#)
- C44** The text of [ss. 13\(4\), 20\(4\), 36\(4\), 37, 61\(2\), 68\(1\), 84\(2\)\(4\)](#), the reference in [Sch. 2](#) to [London Passenger Transport Act 1933](#) and [Sch. 11 Pt. II para 8](#), (which para. is now spent), 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.

## 21 Treasury guarantees.

- (1) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, [<sup>F66</sup>the payment of interest on and the discharge of any other financial obligation in connection with], any sums which a Board borrow from a person other than the Minister in exercise of their powers under . . . <sup>F67</sup> section nineteen of this Act.
- (2) Immediately after any guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued for fulfilling such a guarantee the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.
- (3) Any sums required by the Treasury for fulfilling any guarantee under this section shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of any guarantee given under this section in favour of a Board, that Board shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury may so direct in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Treasury may so direct.

*Status: Point in time view as at 06/04/2008.*

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

- (5) Any sums received by the Treasury under the last foregoing subsection shall be paid into the Exchequer.

**Textual Amendments**

**F66** Words substituted by [Miscellaneous Financial Provisions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(1), **Sch. 2**

**F67** Words repealed by [Statutory Corporations \(Financial Provisions\) Act 1974 \(c. 8\)](#), **Sch. 2 para. 1**

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

**C45** [Ss. 18-21, 24](#) extended by [Transport Act \(c. 73\)](#), s. 27(1)

**C46** [Ss. 19-21A](#): power conferred (6.1.1994) by [1993 c. 43](#), **s. 110(1)(2)**

**[<sup>F68</sup>21A British Waterways Board: guarantees by the Scottish Ministers**

- (1) The Scottish Ministers may guarantee, in such manner and on such conditions as they may think fit—
- (a) the repayment of the principal of;
  - (b) the payment of interest on; and
  - (c) the discharge of any other financial obligation in connection with,
- any sums which the British Waterways Board, in connection with the exercise of their functions in Scotland, borrow from a person other than the Scottish Ministers in exercise of their powers under section 19 of this Act.
- (2) As soon as possible after any guarantee is given under this section by the Scottish Ministers, the Scottish Ministers shall lay a statement of the guarantee before the Scottish Parliament, and where any sum is issued for fulfilling such a guarantee the Scottish Ministers shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before the Scottish Parliament a statement relating to that sum.
- (3) Any sums required by the Scottish Ministers for fulfilling any guarantee under this section shall be charged on the Scottish Consolidated Fund.
- (4) If any sums are issued in fulfilment of any guarantee given under this section by the Scottish Ministers in favour of the British Waterways Board, that Board shall make to the Scottish Ministers, at such times and in such manner as the Scottish Ministers may from time to time direct, payments of such amounts as the Scottish Ministers may so direct in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Scottish Ministers may so direct.

**Textual Amendments**

**F68** [S. 21A](#) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, **Sch. 2 para. 2(13)** (with transitional provisions and savings in [art. 4](#))

*Status: Point in time view as at 06/04/2008.*

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[<sup>F69</sup>**21A Grants to the Railways Board.**]

- (1) The Secretary of State may, with the approval of the Treasury, make to the Railways Board grants of such amounts, at such times and in such manner, as he may with the approval of the Treasury determine—
  - (a) towards the expenditure of that Board; or
  - (b) without prejudice to paragraph (a) of this subsection, for the purpose of enabling that Board to make any payment (whether by way of repayment of principal or payment of interest or of any other description) in respect of any loan made to them under section twenty of this Act.
- (2) Grants under this section may be made subject to such conditions as the Secretary of State may with the approval of the Treasury determine.
- (3) Any sums required by the Secretary of State for making grants under this section shall be paid out of money provided by Parliament.
- (4) This section is without prejudice to any other power to make grants to the Railways Board.]

**Textual Amendments**

**F68** S. 21A inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(13\)](#) (with transitional provisions and savings in [art. 4](#))

**F69** [S.21A](#) inserted (6.1.1994) by [1993 c. 43, s.109](#); [S.I. 1993/3237](#), [art. 2\(2\)](#)

**22 Special provisions for Railways Board.**

- (1) ..... <sup>F70</sup>
- (2) .....
- (4) ..... <sup>F71</sup>
- (5) ..... <sup>F72</sup> for the purposes of subsection (1) of section eighteen of this Act as it applies to the Railways Board, the Railways Board shall take into consideration deficits on revenue account arising at any time after the vesting date, except so far as the Minister has, under subsection (1) of this section, made a grant to meet any such deficit.
- (6) ..... <sup>F73</sup>

**Textual Amendments**

**F70** S. 22(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

**F71** S. 22(4) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

**F72** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

**F73** S. 22(6)(7) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)



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### Textual Amendments

**F74** S. 23 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. VI

## 24 Accounts.

- (1) Each Board—
- (a) shall cause proper accounts and other records in relation thereto to be kept, and
  - (b) shall prepare an annual statement of accounts in such form and containing such particulars, compiled in such manner, as the Minister may from time to time direct with the approval of the Treasury [<sup>F75</sup>and, in the case of the British Waterways Board, the Scottish Ministers].
- (2) The accounts of each Board shall be audited by an auditor or auditors to be appointed annually by the Minister [<sup>F76</sup>after, in the case of the British Waterways Board, consultation with the Scottish Ministers] and a person [<sup>F77</sup>shall not be so appointed unless he is eligible for appointment as a [<sup>F78</sup>statutory auditor under Part 42 of the Companies Act 2006].]
- (3) So soon as the accounts of a Board have been audited as aforesaid, they shall send a copy of the statement of accounts referred to in paragraph (b) of subsection (1) of this section to the Minister [<sup>F79</sup>and, in the case of the British Waterways Board, to the Scottish Ministers], together with a copy of the report made by the auditor or auditors on that statement, and a copy of that statement and of any such report shall be included in the report which is under this Act to be laid by the Minister annually before each House of Parliament [<sup>F80</sup>and in the report which is, under this Act, to be laid by the Scottish Ministers annually before the Scottish Parliament].
- (4) Section thirty-nine of the <sup>M8</sup>Railway and Canal Traffic Act 1888, and the <sup>M9</sup>Railway Companies (Accounts and Returns) Act 1911 (which relate to the making of returns and the keeping of statistics by railway and canal companies), and, except so far as the Minister may by order made by statutory instrument otherwise provide, so much of any statutory provision as relates to the accounts, statistics and returns to be kept or made by the owners of undertakings which were by the <sup>M10</sup>Transport Act 1947, transferred to the Commission, or as relates to the audit or publication of any such accounts, shall not apply to any of the Boards.

### Textual Amendments

- F75** Words in s. 24(1)(b) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(14) (with transitional provisions and savings in art. 4)
- F76** Words in s. 24(2) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(15) (with transitional provisions and savings in art. 4)
- F77** Words in s. 24(2) substituted (1.10.1991) by S.I. 1991/1997, regs. 2, 4, Sch. para. 10
- F78** Words in s. 24(2) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments etc) Order 2008 (S.I. 2008/948), art. 2(2), Sch. 1 para. 1(c) (with arts. 6, 11, 12)
- F79** Words in s. 24(3) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(16)(a) (with transitional provisions and savings in art. 4)
- F80** Words in s. 24(3) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(16)(b) (with transitional provisions and savings in art. 4)



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

- C47 Ss. 18-21, 24 extended by Transport Act (c. 73), s. 27(1)
- C48 S. 24 explained by Transport Act 1981 (c. 56, SIF 126), s. 5(4), **Sch. 4 Pt. II para. 12**
- C49 S. 24 applied (6.1.1994) by 1993 c. 43, **s. 94(6)**; S.I. 1993/3237, **art. 2(2)**

**Marginal Citations**

- M8 1888 c. 25.
- M9 1911 c. 34.
- M10 1947 c. 49.

*Supplemental provisions relating to the Boards*

**25 The Boards' subsidiaries.**

- (1) It shall be the duty of a Board which has a subsidiary to exercise its control over the subsidiary so as to ensure that the subsidiary—
  - (a) does not engage in activities in which the Board has no power to engage (including activities in which the Board has no power to engage because the consent of the Minister has not been obtained), and
  - (b) does not do anything which the Minister has directed the Board not to do, and
  - (c) does not, except with the consent of the Minister, borrow money from any person other than the Board, and
  - (d) does not, except with the consent of the Minister, raise money by the issue of shares or stock to any person other than the Board.
- (2) The Minister may give to a Board such directions as appear to him appropriate for ensuring that the Board carry out the duty imposed on them by the foregoing subsection.

[<sup>F81</sup>(2A) In the application of this section to the exercise by the British Waterways Board of their functions in Scotland—

- (a) in paragraphs (a) and (b) of subsection (1) and in subsection (2) any reference to the Minister includes a reference to the Scottish Ministers; and
- (b) where the purpose of the borrowing or raising of money relates wholly or partially to the exercise of the Board's functions in Scotland, any reference in paragraph (c) and (d) of subsection (1) above to the Minister is to be read as a reference to the Scottish Ministers.]

(3) ..... <sup>F82</sup>

**Textual Amendments**

- F81 S. 25(2A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(17)** (with transitional provisions and savings in art. 4)
- F82 S. 25(3)(4) repealed by Transport Act 1968 (c. 73), **Sch. 18 Pt. I**

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

- C50 S. 25 extended by Transport Act 1968 (c. 73), **s. 47**
- C51 S. 25(1) excluded by Transport Act 1968 (c. 73), **s. 51(6)**

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26 ..... F83

**Textual Amendments**

**F83** S. 26 repealed by [Finance Act 1967 \(c. 54\)](#), [Sch. 16 Pt. VII](#)

**27 Powers of Minister in relation to Boards.**

- (1) The Minister may, after consultation with any Board, give to that Board directions of a general character as to the exercise and performance by the Board of their functions [<sup>F84</sup>(including the exercise of rights conferred by the holding of interests in companies)] in relation to matters which appear to him to affect the national interest.
- (2) A Board, [<sup>F85</sup>other than the Railways Board]] in framing and carrying out proposals involving substantial outlay on capital account by the Board or by a subsidiary of the Board, shall act on lines settled from time to time with the approval of the Minister.
- (3) In the exercise and performance of their functions as to training, [<sup>F86</sup>and education], each Board shall act on lines settled as aforesaid.
- (4) Without prejudice to the foregoing provisions of this section, the Minister may, after consultation with any Board, direct the Board to discontinue any of their activities, dispose of any part of their undertaking, dispose of any assets held by them, call in any loan made by them or exercise any power they may possess to revoke any guarantees given by them:

Provided that the Minister shall not give any such directions unless he is satisfied that the carrying on of the activities or the retention of the part of the undertaking or the assets or the continuance of the loan or guarantee, as the case may be, is unnecessary for the proper discharge of the duties of the Board under this Act.

- (5) The Minister may, after consultation with any Board, direct the Board to exercise their control over a subsidiary of the Board so as to require the subsidiary to discontinue any of their activities, dispose of any part of their undertaking, dispose of any assets held by them, call in any loan made by them or exercise any power they may possess to revoke any guarantees given by them.
- (6) If it appears to the Minister that there is anything which a Board ought in the interests of national defence to have power to do, or which a Board ought in the interests of national defence to be required to do, and that it would be consistent with the duties imposed on that Board by this Act, he may authorise or direct the Board to do that thing; and no limitation on the powers of the Board contained in this Act or in any local enactment shall prevent the Board from acting in accordance with the authorisation or direction.
- (7) Each Board [<sup>F85</sup>(other than the Railways Board)] shall furnish the Minister with such returns, accounts and other information with respect to their property and activities, and the property and activities of any company which is their subsidiary, as he may from time to time require.
- (8) Without prejudice to the provisions of the last foregoing subsection, each Board [<sup>F85</sup>(other than the Railways Board)] shall, as soon as possible after the end of each accounting year of the Board, make to the Minister a report on the exercise and performance by them of their functions during that year and on their policy and

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programme, and the Minister shall lay a copy of every such report before each House of Parliament.

The report for any year shall set out any direction given by the Minister under this Act [<sup>F87</sup>or section 3 of the Transport Act 1982] to the Board during that year, unless the Minister has notified to the Board his opinion that it is against the interests of national security to do so, and shall include a statement of the salaries or fees and of the emoluments of each of the members of the Board during that year.

- [<sup>F88</sup>(8A) The functions conferred on the Minister by subsections (1) to (5) above:–
- (a) so far as relating to the exercise or performance by the British Waterways Board of their functions and activities in Scotland, shall be exercisable by the Scottish Ministers instead of by the Minister, but only after consultation with the Minister; and
  - (b) otherwise, shall be exercisable by the Minister only after consultation with the Scottish Ministers.
- (8B) The British Waterways Board shall furnish the Scottish Ministers with such returns, accounts and other information with respect to their property and activities in or as regards Scotland, and the property and activities in or as regards Scotland of any company which is their subsidiary, as the Scottish Ministers may from time to time require.
- (8C) Without prejudice to the provisions of subsection (8B) above, the British Waterways Board shall, as soon as possible after the end of each accounting year, make to the Scottish Ministers a report on the exercise and performance by them of their functions in Scotland during that year and on their policy and programme, and the Scottish Ministers shall lay a copy of every such report before the Scottish Parliament.]

#### Textual Amendments

- F84** Words inserted by [Transport Act 1968 \(c. 73\), s. 51\(3\)](#)  
**F85** Words inserted by [Railways Act 1974 \(c. 48\), s. 4\(6\)](#)  
**F86** Words substituted by [Transport Act 1968 \(c. 73\), s. 46\(5\)](#)  
**F87** Words inserted by [Transport Act 1982 \(c. 49, SIF 126\), s. 3\(4\)](#)  
**F88** S. 27(8A)-(8C) inserted (1.4.2001) by [S.I. 2000/3251, arts. 1\(2\)\(b\), 2, Sch. 2 para. 2\(18\)](#) (with transitional provisions and savings in [art. 4](#))

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

- C52** S. 27 extended by [Transport Act 1968 \(c. 73\), s. 52\(3\)](#)  
**C53** S. 27(1) excluded (6.1.1994) by [1993 c. 43, s. 90\(3\)](#); [S.I. 1993/3237, art. 2\(2\)](#)  
**C54** S. 27(3)(4)(5) restricted (E.W.S.) (1.1.1993) by [S.I. 1992/3060, reg. 4\(2\)](#)  
**C55** S. 27(4) excluded (6.1.1994) by [1993 c. 43, s. 89\(5\)](#); [S. 1993/3237, art. 2\(2\)](#)  
**C56** S. 27(5) excluded (6.1.1994) by [1993 c. 43, s. 90\(4\)](#); [S.I. 1993/3237, art. 2\(2\)](#)  
**C57** S. 27(6) restricted (1.4.1994) by [1993 c. 43, ss. 118\(12\), 150\(1\)\(f\)](#); [S.I. 1994/571, art. 5](#).  
**C58** S. 27(8) amended by [Transport Act 1968 \(c. 73\), ss. 39\(5\), 40\(5\), 48\(6\)](#)  
**C59** S. 27(8) explained by [Transport Act 1981 \(c. 56, SIF 126\), s. 5\(4\), Sch. 4 Pt. II para. 12](#)

## 28 Powers exercisable subject to Minister's consent.

- (1) Any consent which the Minister is [<sup>F89</sup>or, as the case may be, the Scottish Ministers are] authorised to give under the foregoing provisions of this Act may be given for

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any case or description of cases specified in the consent, or may be general, and may be given subject to conditions.

- (2) Nothing done by a Board shall be unlawful on the ground that it was done without the consent of the Minister [<sup>F90</sup>or, as the case may be, the Scottish Ministers,] and that under the foregoing provisions of this Act it required the consent of the Minister [<sup>F90</sup>or, as the case may be, the Scottish Ministers,].
- (3) If it appears to the Minister that a Board propose to do anything, or have done anything, without the consent of the Minister which in his opinion requires his consent under this Act, he shall, after consultation with the Board, give to the Board such directions as appear to the Minister to be appropriate.
- (4) The directions which the Minister may give under the last foregoing subsection in a case where a Board have already done anything without the Minister’s consent may in particular require the Board to discontinue any activity or to dispose of any assets, and directions may be so given notwithstanding that they make it necessary for the Board to dispose of assets at a loss.
- [<sup>F91</sup>(5) If it appears to the Scottish Ministers that the British Waterways Board propose to do anything, or have done anything, without their consent which, in their opinion, requires their consent under this Act, they shall, after consultation with that Board, give to the Board such directions as appear to the Scottish Ministers to be appropriate.
- (6) The directions which may be given under subsection (5) in a case where the Board have already done anything without the consent of the Scottish Ministers may in particular require the Board to discontinue any activity or to dispose of any assets, and directions may be so given notwithstanding that they make it necessary for the Board to dispose of assets at a loss.]

**Textual Amendments**

- F89** Words in s. 28(1) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(19)** (with transitional provisions and savings in art. 4)
- F90** Words in s. 28(2) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(20)** (with transitional provisions and savings in art. 4)
- F91** S. 28(5)(6) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(21)** (with transitional provisions and savings in art. 4)

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

- C60** S. 28 extended by **Transport Act 1968 (c. 73), s. 52(3)**

**Textual Amendments**

- F92** S. 29 repealed by S.I. 1973/338, **Sch. 2**

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### *Status of the Boards and the Holding Company*

#### **30 Status of Boards and the Holding Company.**

It is hereby declared that neither any of the Boards nor . . . <sup>F93</sup> 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 express provisions of this Act relating to stamp duty and income tax) 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**

**F93** Words repealed by [S.I. 1973/338, Sch. 2](#)

## **PART II**

### **DIVISION OF COMMISSION'S UNDERTAKING**

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

**C61** [Pt. II](#) extended by [Mines \(Working Facilities and Support\) Act 1966 \(c. 4\), s. 12\(2\)](#)

### *Property and functions*

#### **31 Distribution of Commission's assets.**

- (1) Subject to this Act, on such date as the Minister may by order contained in a statutory instrument appoint (in this Act referred to as "the vesting date") all the property, rights and liabilities of the Commission shall by virtue of this Act be transferred to and vest in the Boards and the Holding Company in accordance with this Part of this Act; and the property, rights and liabilities so transferred shall by virtue of this Act vest in those bodies respectively.
- (2) There shall be transferred to the Railways Board the property, rights and liabilities comprised in the part of the Commission's undertaking which constitutes—
  - (a) the Commission's railway system, except for so much of it as is carried on through or managed by the London Transport Executive or is within any of the harbours listed in Part II or Part III of the Third Schedule to this Act,
  - (b) the shipping services provided by the Commission in exercise of the powers conferred on them by the Railway Shipping Acts as defined in paragraph 2 of Part II of the Second Schedule to this Act,
  - (c) the harbours listed or described in Part I of the Third Schedule to this Act,
  - (d) the road passenger services provided by the Commission, except those carried on through or managed by the London Transport Executive,
  - (e) the British Transport Commission Police Force, and
  - (f) the Commission's Historical Records Department, the department for which their Curator of Historical Relics is responsible and their Films Service,

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and any property, rights and liabilities not falling to be transferred under any other provision in this Act.

- (3) There shall be transferred to the London Board the property, rights and liabilities comprised in the part of the Commission's undertaking which is carried on through, or managed by, the London Transport Executive.
- (4) There shall be transferred to the Docks Board the property, rights and liabilities comprised in the part of the Commission's undertaking constituted by the harbours listed in Part II of the Third Schedule to this Act.
- (5) There shall be transferred to the British Waterways Board the property, rights and liabilities comprised in the part of the Commission's undertaking constituted by—
  - (a) their invalid waterways (other than the Lower Ouse Improvement, which under the last foregoing subsection vests in the Docks Board), and
  - (b) the harbours listed in Part III of the Third Schedule to this Act.
- (6) Notwithstanding anything in the foregoing provisions of this section, there shall be transferred to—
  - the Railways Board,
  - the Docks Board,
  - the British Waterways Board, and
  - the Holding Company,

the securities of the bodies listed in Parts I, II, III, and IV of the Fourth Schedule to this Act respectively (so far as beneficially owned by the Commission), and the rights and liabilities specified in Part V of that Schedule so, however, that where such securities are beneficially owned by the Commission, but held by a nominee, this subsection shall operate only to transfer the beneficial interest in the securities.

The references in this subsection to Parts I, II, III and IV of the Fourth Schedule to this Act shall have effect subject to Part VI of that Schedule.

- (7) Notwithstanding anything in the foregoing provisions of this section, there shall be transferred to the Boards and the Holding Company the property, rights and liabilities of the Commission specified for them respectively in the Fifth Schedule to this Act.
- (8) Any property, rights or liabilities held or subsisting partly for the purpose of a part of the Commission's undertaking which is under this Part of this Act transferred to one Board, and partly for the purpose of a part which is transferred to another Board, shall—
  - (a) where the nature of the property, right or liability permits, be divided or apportioned between those Boards in such proportions as may be just, and
  - (b) in any other case, be transferred to those Boards jointly,
 and, where any estate or interest in land falls to be so divided, any rent payable under a lease in respect of that estate or interest, and any rent charged on that estate or interest, shall be correspondingly apportioned or divided so that the one part is payable in respect of, or charged on, only the one part of the estate or interest and the other part is payable in respect of, or charged on, only the other part of the estate or interest.
- (9) The last foregoing subsection shall apply, with any necessary modifications, in relation to any feu duty payable in respect of an estate or interest in land in Scotland, as it applies in relation to any rent charged on an estate or interest in land.

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

C62 S. 31(2)(f) amended by [Transport Act 1968 \(c. 73\), s. 144\(1\)](#)

**32 Distribution of Commission's statutory functions.**

- (1) The provisions of the Second Schedule to this Act shall as from the vesting date have effect with respect to the distribution among the Boards of the Commission's functions under the enactments there mentioned.
- (2) Subject to that Schedule, and to any other provision in this Act, the functions of the Commission under any statutory provision, other than the <sup>M11</sup>Transport Act 1947, the <sup>M12</sup>Transport Act 1953, and this Act, shall be transferred to the Board or Boards specified in the following provisions of this section.
- (3) If and so far as the statutory provision relates to an undertaking, or a part of an undertaking, or property transferred to a Board by this Part of this Act, the functions of the Commission under that statutory provision shall be transferred to that Board.
- (4) If and so far as the statutory provision authorises the carrying out of works designed to be used in connection with an undertaking or part of an undertaking transferred to a Board, or the acquisition of land for the purpose of carrying out such works, the functions of the Commission under that statutory provision shall be transferred to that Board.
- (5) If the statutory provision authorises the Commission to appoint, nominate, or concur in or approve the appointment or nomination of, a member of some body or the holder of some other office—
  - (a) this Act shall not affect the tenure of office of any person appointed or nominated under the statutory provision before the vesting date, and
  - (b) subject to that, the functions of the Commission under the statutory provision shall be transferred to such Board as the Minister may direct by order contained in a statutory instrument.

An order under this subsection may provide for the function so transferred being exercised jointly by two or more Boards or separately by two or more Boards.
- (6) Subject to the foregoing provisions of this section, the functions of the Commission under any statutory provision, other than the <sup>M13</sup>Transport Act 1947, the <sup>M14</sup>Transport Act 1953, and this Act, shall be transferred to the Railways Board.
- (7) In this section references to the Commission include references to any Executive of the Commission, and references to statutory provisions include those passed or made between the passing of this Act and the vesting date.

**Marginal Citations**

**M11** 1947 c. 49.  
**M12** 1953 c. 13.  
**M13** 1947 c. 49.  
**M14** 1953 c. 13.



*Status: Point in time view as at 06/04/2008.*

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

33 ..... F94

**Textual Amendments**

**F94** Ss. 33, 34(1)–(7) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

**34 Transfer of staff.**

(1) ..... F95

- (8) Any right to services transferred by this section shall have effect on and after the vesting date as a right not only to the service to which the agreement relates but also to any reasonably comparable service under the Board or company, to be selected by that body.

Any dispute between a Board or company and the other party to a service agreement as to what are reasonably comparable services for the purposes of this subsection may be reported to [<sup>F96</sup>the Secretary of State] by the Board or company or the other party to the agreement and, if a dispute so reported is not otherwise disposed of, [<sup>F96</sup>the Secretary of State] shall refer it for determination by [<sup>F97</sup>the Central Arbitration Committee].

- (9) Any of the Boards and the said companies, and any person who is a party to any agreement which is modified by this section, may apply to the Minister to determine to which of the Boards or companies the rights and liabilities under any such agreement are transferred and the Minister’s decision on the application shall be final.

**Textual Amendments**

**F95** Ss. 33, 34(1)–(7) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

**F96** Words substituted by virtue of S. I. 1968/729, **arts. 2(1), 3(2)**

**F97** Words substituted by virtue of Industrial Relations Act 1971 (c. 72), **s. 124** and Employment Protection Act 1975 (c. 71), **s. 10(2)**

**35 Supplementary provisions relating to distribution of Commission’s undertaking.**

- (1) The Sixth Schedule to this Act (which contains further provisions regarding the distribution of the Commission’s undertaking) shall have effect for the purposes of this Act.
- (2) In the said Schedule the expression “the principal sections” means the foregoing sections of this Part of this Act, and references to those sections include references to any Schedule to this Act referred to in those sections.

*Capital debts and other financial provisions*

**36 Treasury to take over liability for Transport Stock.**

- (1) Subject to this section, all the rights and liabilities which, under the terms of issue of the stock created and issued under section eighty-nine of the <sup>M15</sup>Transport Act 1947, were immediately before the vesting date rights and liabilities of the Commission shall, as from the vesting date, be rights and liabilities of the Treasury and as from the vesting



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date the said stock (which consists of the issues set out in the first column of the following Table and which is in this and the next following section referred to as “the Stock”) shall be renamed as shown in the second column of that Table.

TABLE

<i>Old name</i>	<i>New name</i>
British Transport 3% Guaranteed Stock, 1967—72.	British Transport 3% Stock, 1967—72.
British Transport 3% Guaranteed Stock, 1968—73.	British Transport 3% Stock, 1968—73.
British Transport 4% Guaranteed Stock, 1972—77.	British Transport 4% Stock, 1972—77.
British Transport 3% Guaranteed Stock, 1978—88.	British Transport 3% Stock, 1978—88.

- (2) Notwithstanding anything in this section, the Stock shall be regarded on and after the vesting date as the same stock and held in the same right and on the same trusts and subject to the same powers, privileges, charges, restraints and liabilities as before, and any provision of any deed, will, disposition or other instrument which immediately before the vesting date was applicable to any such Stock shall continue to be applicable to the same Stock as re-named under this section.
- (3) As from the vesting date the Stock shall, subject to this section, be deemed for all purposes to have been created and issued under the <sup>M16</sup>National Loans Act 1939, and that Act and any other enactment, regulation or rule relating to securities issued under that Act shall apply accordingly to the Stock.
- [<sup>F98</sup>(4) Not later than the vesting date the Commission shall pay to the Treasury an amount equal to the interest (without any deduction for income tax) which has accrued on the Stock in the period from the date when the last instalment of interest became payable on the Stock down to the vesting date (making separate calculations for any issues of the Stock with different interest dates), and that amount shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

Any question arising between the Commission and the Treasury as to the manner in which interest accrued on the Stock is to be calculated shall be determined by the Treasury.]

- (5) ..... <sup>F99</sup>

The Bank of England shall deal with the money so paid to them, and with the money already in their hands which represents such unclaimed interest, as money entrusted to them for payment to holders of the Stock and section five of the <sup>M17</sup>Miscellaneous Financial Provisions Act 1955 (which relates to unclaimed dividends on Government Stock), shall apply accordingly.

- (6) Any unclaimed Stock which is held by the Commission immediately before the vesting date on behalf of persons who became entitled thereto in substitution for securities of the bodies whose undertakings were transferred to the Commission by the <sup>M18</sup>Transport Act 1947, shall be held on and after that date on behalf of those persons by the National

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Debt Commissioners; and each of the Boards shall give to the Commissioners such information and such assistance as the Commissioners may reasonably require in connection with any claim to that Stock.

(7) The transitional provisions set out in Part I of the Seventh Schedule to this Act shall apply in relation to the Stock.

(8) ..... <sup>F100</sup>

#### Textual Amendments

**F98** S. 36(4) repealed by [National Loans Act 1968 \(c. 13\)](#), [Sch. 6 Pt. I](#) but not so as to affect any money borrowed before 1.4.1968 or any requirement as respects any account or statement for the year ending on 31.3.1968 or any earlier year

**F99** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

**F100** S. 36(8) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

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

**C63** The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), 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

**M15** 1947 c. 49.

**M16** 1939 c. 117.

**M17** 1955 c. 6 (4 & 5 Eliz. 2).

**M18** 1947 c. 49.

### [<sup>F101</sup>37] **Transfer of redemption funds.**

(1) Subsection (1) of the last foregoing section shall not impose on the Treasury any liability to establish or maintain any redemption fund, and—

- (a) the cash and investments which immediately before the vesting date represent the Redemption Fund established under the British Transport Stock Regulations, 1947, and
- (b) the right to receive any interest or dividends which are payable in respect of any such investments but which have not been received by the Commission before the vesting date,

shall vest by virtue of this subsection in the Treasury or in such nominees as the Treasury may appoint.

(2) Not later than the vesting date the Treasury shall pay to the Commission out of the Consolidated Fund an amount equal to the interest or dividends (without any deduction of income tax) which have accrued on the investments transferred under the foregoing subsection in the period from the date when the last instalment of interest became payable on those investments respectively down to the vesting date (making separate calculations for different investments).

Any question arising between the Commission and the Treasury as to the manner in which accrued interest or dividends are to be calculated shall be determined by the Treasury.

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- (3) Such of the investments transferred from the Commission under subsection (1) of this section as are securities the principal of and interest on which are charged on the Consolidated Fund shall be cancelled, and the remainder of those investments shall be sold.
- (4) The net proceeds of the sale, and all other sums received by the Treasury or their nominees by virtue of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and applied by the Treasury in redeeming or paying off debt of such description as the Treasury see fit.]

**Textual Amendments**

**F101** S. 37 repealed by [National Loans Act 1968 \(c. 13\)](#), [Sch. 6 Pt. I](#) but not so as to affect any money borrowed before 1.4.1968 or any requirement as respects any account or statement for the year ending on 31.3.1968 or any earlier year

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

**C64** The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), 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.

38 ..... **F102**

**Textual Amendments**

**F102** S. 38 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

**39 Commencing capital debts of the new bodies.**

- (1) Each of the Boards, . . . <sup>F103</sup> shall severally assume, on the transfer to them by this Act of their part of the property, rights and liabilities of the Commission, a debt due to the Minister on such terms as may be imposed under this section.

The said debts are in this Act referred to as the “commencing capital debts”.

- (2) The amount of the commencing capital debts taken together shall be equal to—
  - (a) the nominal value of all the stock to which subsection (1) of section thirty-six of this Act applies, and
  - (b) the amount of the liability extinguished by the last foregoing section, and
  - (c) the amount of the Capital Redemption Accounts as shown in the final accounts of the Commission,with the deduction to be made under the next following subsection.
- (3) The amount to be deducted under the last foregoing subsection shall be—
  - (a) the total shown in the special account under section three of the <sup>M19</sup>Transport (Railway Finances) Act 1957, as included in the final accounts of the Commission, and

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- (b) the amount shown in the final accounts of the Commission in respect of the total discounts on the issue of British Transport Guaranteed Stock, less premiums on issue and less amounts written off, and
- (c) the amount shown in the final accounts of the Commission in respect of the book value of the cash and investments which are under paragraph (a) of subsection (1) of section thirty-seven of this Act to be transferred to the Treasury,

after deducting from the total of the amounts under paragraph (a), paragraph (b) and paragraph (c) of this subsection—

- (i) the amount shown in the final accounts of the Commission in respect of the net surplus on revenue account for the Commission’s activities, excluding British Railways, for the period from the beginning of the year nineteen hundred and fifty-six to the end of the period for which the final accounts of the Commission are made up, and
  - (ii) the sums paid by the Minister to the Commission by way of grant to meet deficits on revenue account, being sums paid out of money provided by Parliament since the beginning of April, nineteen hundred and sixty (and including sums so paid under Part IV of this Act).
- (4) The commencing capital debt of each of the said bodies shall be such part of the total ascertained under subsection (2) of this section as the Minister may prescribe having regard to the manner in which the Commission’s property, rights and liabilities are by this Act divided among those bodies.
- (5) The Minister’s power of prescribing the amount mentioned in the last foregoing subsection shall be exercisable by order, and he shall make such an order as soon as may be after the vesting date but may from time to time, but not more than five years after the vesting date, vary an order under this subsection by a further order, where that appears to him expedient to take account of some change in the manner in which the Commission’s property, rights and liabilities are so divided (whether in consequence of an order under the Sixth Schedule to this Act or otherwise), and any such order may contain such transitional provisions as appear to him expedient to take account of any interest underpaid or overpaid on the commencing capital debt of any of the said bodies.

The Minister’s power of making orders under this section shall be subject to the approval of the Treasury and shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Commons House of Parliament.

- (6) . . . <sup>F104</sup>, the rate of interest payable on the commencing capital debt of each of the said bodies, the time when the principal is to be paid off and the other terms of the debt shall be such as the Minister may with the approval of the Treasury from time to time direct.
- (7) The Minister may, in the period before the first order is made under subsection (5) of this section, estimate what the commencing capital debt of the Boards . . . <sup>F103</sup> will be, and require those bodies to make to him provisional payments by way of interest on those estimated amounts; and those provisional payments shall be on account of the payments of interest becoming due under subsection (6) of this section.
- (8) Any sums received by the Minister by way of interest on, or repayment of, the commencing capital debt of any of the Boards . . . <sup>F103</sup> shall be paid into the [<sup>F105</sup>National Loans Fund] . . . <sup>F106</sup>

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

**Textual Amendments**

- F103** Words repealed by [S.I. 1973/338](#), **Sch. 2**
- F104** Words repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**
- F105** Words substituted by [National Loans Act 1968 \(c. 13\)](#), **Sch. 1**
- F106** Words repealed by [National Loans Act 1968 \(c. 13\)](#), **Sch. 6 Pt. I** but not so as to affect any money borrowed before 1.4.1968 or any requirement as respects any account or statement for the year ending on 31.3.1968 or any earlier year

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

- C65** Power to amend s. 39 conferred by [Transport Act 1968 \(c. 73\)](#), **s. 53(5)**
- C66** [S. 39](#) amended by [Transport Act 1968 \(c. 73\)](#), **ss. 42, 43** and [Railways Act 1974 \(c. 48\)](#), **s. 1**

**Marginal Citations**

- M19** [1957 c. 9](#).

**40** ..... **F107**

**Textual Amendments**

- F107** [S. 40](#) repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

*Miscellaneous*

**41 Exemptions from stamp duty.**

(1) Nothing in section twelve of the <sup>M20</sup>Finance Act 1895 (which requires Acts to be stamped as conveyances on sale in certain cases), or in section fifty-two of the <sup>M21</sup>Finance Act 1946 (which exempts from stamp duty certain documents connected with nationalisation schemes), shall be taken as applying to this Act.

(2) ..... **F108**

(3) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Commission or any of the Boards as having been made or executed in pursuance of section thirty-three of this Act or paragraph 1 of the Sixth Schedule to this Act:

Provided that no such instrument shall be deemed to be duly stamped unless either 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 twelve of the <sup>M22</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.

(4) If before the vesting date the Commission cause any company limited by shares to be formed under the <sup>M23</sup>Companies Act 1948, and any assets to be transferred to that company, for the purpose of facilitating the transfers to be effected by this Part of this Act—

(a) ..... **F109**

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- (b) stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Commission as having been made for effecting any transfer of assets for the purpose mentioned in this subsection:

Provided that no such instrument as is mentioned in paragraph (b) of this subsection 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 twelve of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

**Textual Amendments**

**F108** S. 41(2) repealed by Finance Act 1973 (c. 51), s. 59(7), **Sch. 22 Pt. V**

**F109** S. 41(4)(a) repealed by Finance Act 1973 (c. 51), s. 59(7), **Sch. 22 Pt. V**

**Marginal Citations**

**M20** 1895 c. 16.

**M21** 1946 c. 64.

**M22** 1891 c. 39.

**M23** 1948 c. 38.

42 ..... F110

**Textual Amendments**

**F110** S. 42 repealed by Capital Allowances Act 1968 (c. 3), s. 97(1), **Sch. 11**

**PART III**

TRANSPORT CHARGES AND FACILITIES

*General*

**43 Charges and facilities: general provisions.**

(1) Subject to this Act,—

- (a) all charges schemes under Part V of the <sup>M24</sup>Transport Act 1947, shall cease to have effect, and
- (b) no local enactment passed or made with respect to any particular undertaking so far as it limits the discretion of the persons carrying on that undertaking as to the charges to be made by them—
  - (i) for the carriage of passengers or goods,
  - (ii) for the use of any railway, or of any inland waterway by any ship or boat,
  - (iii) for services and facilities connected with the carriage of passengers or goods, or with the use of any railway, or of any inland waterway by any ship or boat, or

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- (iv) for services and facilities in or connected with a harbour, (whether by specifying, or providing for specifying, the charges to be made, or fixing, or providing for fixing, maximum charges, or otherwise) shall apply to the charges of the [F111British Waterways Board F112...].
- (2) Paragraph (b) of the foregoing subsection shall not be read as exempting the [F111British Waterways Board F112...] from any local enactment so far as it expressly provides for freedom from charges or otherwise prohibits the making of any charge.
- (3) Subject to this Act and to any such enactment as is mentioned in the last foregoing subsection, the [F113British Waterways Board F114...] shall have power to demand, take and recover [F115or waive] such charges for their services and facilities, and to make the use of those services and facilities subject to such terms and conditions, as they think fit.
- (4) [F116The British Waterways Board shall not] be subject to the enactments listed in the Eighth Schedule to this Act (which—
- (a) impose a duty to afford reasonable services and facilities, and
  - (b) regulate liability for negligence in the carriage of goods, and
  - (c) authorise the revision of railway freight charges on complaint by competitors or traders).
- (5) No local enactment passed or made with respect to any particular undertaking so far as it imposes on the persons carrying on that undertaking—
- (a) a duty to connect, or afford facilities for the connection of, any siding to a railway, or
  - (b) a duty to permit privately owned railway wagons to be used on a railway owned or operated by them, or
  - (c) a duty (otherwise than to a named person, or to the successors of a named person, or for the benefit of specified lands) to provide or maintain any other railway services or facilities (including the provision of stations, sidings or carriages and of any services, facilities or amenities connected therewith),
- or so far as it otherwise makes provision corresponding to any of the enactments listed in the Eighth Schedule to this Act, shall apply to any of the Boards F117....
- (6) [F118The British Waterways Board shall not] be regarded as common carriers by rail or inland waterway.
- (7) ..... F119
- (8) The services and facilities referred to in subsection (3) of this section include, in the case of the British Waterways Board, the use of any inland waterway owned or managed by them by any ship or boat.
- (9) ..... F120

#### Textual Amendments

**F111** Words in s. 43(1)(2) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 1(2)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)

**F112** Words in s. 43(1)(2) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(2)(a), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.; S.I. 2006/2911, art. 2, Sch.

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- F113** Words in s. 43(3) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 1(3)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F114** Words in s. 43(3) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(2)(b), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.
- F115** Words inserted by Transport Act 1968 (c. 73), **s. 50(10)**
- F116** Words in s. 43(4) substituted (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(2)** (e); S.I. 2006/2911, art. 2, Sch.
- F117** Words in s. 43(5) repealed (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(2)(a), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2006/2911, art. 2, Sch.
- F118** Words in s. 43(6) substituted (1.12.2006) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(2)** (e); S.I. 2006/2911, art. 2, Sch.
- F119** S. 43(7) repealed by Unfair Contract Terms Act 1977 (c. 50), **Sch. 4**
- F120** S. 43(9) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

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

- C67** S. 43 extended by Harbours Act 1964 (c. 40), **s. 32(8)** and Transport Act 1968 (c. 73), **s. 47**; amended by Transport (London) Act 1969 (c. 35), **s. 28**
- C68** S. 43(1)-(3) extended by Transport Act 1968 (c. 73), **s. 51(2)**
- C69** S. 43(3) amended by Harbours Act 1964 (c. 40), **s. 37**

#### Marginal Citations

- M24** 1947 c. 49.

44— ..... **F121**  
49.

#### Textual Amendments

- F121** Ss. 44–49 repealed by Transport (London) Act 1969 (c. 35), s. 27(1), **Sch. 6**

### *Charges and conditions at harbours*

#### 50 †Port charges and conditions at harbours.

- (1) The provisions of the Ninth Schedule to this Act shall have effect as regards the powers of the Boards to make . . . <sup>F122</sup> charges at the harbours specified in that Schedule.
- (2) Subsection (3) of section forty-three of this Act shall not authorise the Boards to make the use of their services and facilities at the said harbours subject to any term or condition which the Boards would not be able to impose apart from that subsection.
- (3) . . . . . <sup>F123</sup>

#### Textual Amendments

- F122** Word repealed by Harbours Act 1964 (c. 40), **Sch. 6**
- F123** Ss. 50(3), 51 repealed by Harbours Act 1964 (c. 40), **Sch. 6**

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

- C70** Unreliable marginal note



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

**C71** S. 50 excluded (27.2.2008) by Port of Weston Harbour Revision Order 2008 (S.I. 2008/230), arts. 1, 5(6)

**51** ..... **F124**

**Textual Amendments**

**F124** Ss. 50(3), 51 repealed by Harbours Act 1964 (c. 40), Sch. 6

*Miscellaneous*

**52 Independent railway and inland waterway undertakings.**

- (1) Sections three and four of the <sup>M25</sup>Transport Charges, &c. (Miscellaneous Provisions) Act 1954 (under which charges schemes under the <sup>M26</sup>Transport Act 1947, may be applied to independent undertakings), together with any orders under those sections, shall cease to have effect, and the enactments listed in the Eighth Schedule to this Act shall cease to have effect not only as regards the Boards but also as regards any other undertakings.
- (2) Paragraph (b) of subsection (1), and subsections (2), (3), (5) and (6) of section forty-three of this Act shall apply to any independent railway undertaking or independent inland waterway undertaking, subsection (7) of that section shall apply to any independent railway undertaking, and subsection (8) of that section shall apply to any independent inland waterway undertaking, as those subsections apply to the Boards.
- (3) Paragraph (b) of subsection (1) of section six of the <sup>M27</sup>Transport Charges &c. (Miscellaneous Provisions) Act 1954 (which relates to the revision of charges), shall not apply to any inland waterway undertaking which is an independent inland waterway undertaking within the meaning of this section.

(4) In this section—

“independent railway undertaking” means a railway undertaking not forming part of the undertaking of any of the Boards, being an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament;

“independent inland waterway undertaking” means an undertaking not forming part of the undertaking of any of the Boards, being an undertaking engaged in conserving, maintaining, improving or working a canal or other inland navigation or the navigation of a tidal water, but does not include—

- (a) an undertaking none of the charges of which has been the subject of a Provisional Order made, and confirmed by Parliament, in pursuance of sections twenty-four and thirty-six of the <sup>M28</sup>Railway and Canal Traffic Act 1888, or
- (b) an undertaking forming part of a harbour undertaking if the inland waterway is situated wholly within the limits of the harbour, or
- (c) an undertaking all or any of the charges of which are, under the statutory provisions relating to that undertaking, subject to revision by the Minister and some other Minister acting together;

“railway” does not include—

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

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

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

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

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

**C72** S. 52(4) amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. **67(2)(a)**, Sch. 4 para. 6(2)(5)

**C73** S. 52(4) modified (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), **Sch. 1 para. 2(2)(a)**

**Marginal Citations**

**M25** 1954 c. 64.

**M26** 1947 c. 49.

**M27** 1954 c. 64.

**M28** 1888 c. 25.

<sup>F125</sup>**53** .....

**Textual Amendments**

**F125** S. 53 repealed (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1)(3), Sch. 12 para. 5(2)(d), **Sch. 14**; S.I. 1993/3237, **art. 2(2)**

<sup>F126</sup>**54** **Advance information about railway and shipping closures.**

.....

**Textual Amendments**

**F126** S. 54 omitted (15.7.2003) by virtue of [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), **Sch. 1 para. 2(4)**

*Status: Point in time view as at 06/04/2008.*

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

## PART IV

### MISCELLANEOUS AND GENERAL

#### *The Nationalised Transport Advisory Council, the Consultative Committees and the Transport Tribunal*

55 ..... F127

#### Textual Amendments

F127 Ss. 53(2), 55, 56(11)(16)(18) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

56 The [F128 **Passengers' Council and London Transport Users' Committee**].

F129 (1) .....

F129 (2) .....

F129 (3) .....

(4) Subject to the following provisions of this section, it shall be the [F130 duty of the [F131 Passengers' Council] and [F132 the London Transport Users' Committee] to consider] and, where it appears to them to be desirable, make recommendations with respect to any matter affecting the services and facilities provided by any of the Boards—

- (a) which has been the subject of representations (other than representations appearing to the committee to be frivolous) made to the committee by or on behalf of users of those services or facilities, or
- (b) which has been referred to [F133 the [F131 Passengers' Council] or [F134 the London Transport Users' Committee]] by the Minister or by a Board, or
- (c) which appears to [F133 the [F131 Passengers' Council] or [F134 the London Transport Users' Committee]] to be a matter to which consideration ought to be given;

F135 ...

F136 (5) .....

(6) Where the Minister receives a recommendation under subsection (4) of this section he may give to the Board concerned such directions as he thinks fit with respect to the matters dealt with in the recommendation.

[F137 (6ZA) If the Secretary of State so directs F138 ..., subsections (4) to (6) of this section shall have effect in relation to F138 [F139 ... the [F131 Passengers' Council]] [F140 and the London Transport Users' Committee] as if the reference in subsection (4) of this section to services and facilities provided by any of the Boards included a reference to any such ferry service as may be specified in the direction, whether provided by a Board or by some other person; and, in the application of subsections (4) to (6) of this section in relation to any such ferry service, any reference in those subsections to a Board shall be taken to include a reference to the person providing the ferry service.]

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[<sup>F141</sup>( 6 A ) [<sup>F142</sup>Each of the Rail Passengers' Council and the London Transport Users' Committee] may consider, and if they think fit object to, any proposal for the discontinuance of railway services made in an application for an order under section 1 of the Transport and Works Act 1992 or made by the Secretary of State by virtue of section 7 of that Act.]

- <sup>F143</sup>(7) .....
- <sup>F143</sup>(8) .....
- <sup>F143</sup>(9) .....
- <sup>F143</sup>(10) .....
- <sup>F144</sup>(11) .....
- <sup>F143</sup>(12) .....
- <sup>F143</sup>(13) .....
- <sup>F143</sup>(14) .....
- <sup>F143</sup>(15) .....
- <sup>F144</sup>(16) .....
- <sup>F143</sup>(17) .....
- <sup>F144</sup>(18) .....
- <sup>F145</sup>(19) .....
- <sup>F146</sup>(20) .....

#### Textual Amendments

- F128** Words in heading to s. 56 substituted (25.2.2010) by The Passengers' Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), art. 1, **Sch. para. 2(3)**
- F129** S. 56(1)-(3) repealed (1.4.1994) by 1993 c. 43, s. 152(3), **Sch. 14**; S.I. 1994/571, **art. 5**.
- F130** Words in s. 56(4) substituted (1.2.2001) by 2000 c. 38, s. 227(2), **Sch. 22 para. 15(2)(a)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F131** Words in s. 56 substituted (25.2.2010) by The Passengers' Council (Non-Railway Functions) Order 2010 (S.I. 2010/439), art. 1, **Sch. para. 2(2)**
- F132** Words in s. 56(4) substituted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(3)(a)(i)**; S.I. 2005/1909, art. 2, Sch.
- F133** Words in s. 56(4)(b)(c) substituted (1.2.2001) by 2000 c. 38, s. 227(2), **Sch. 22 para. 15(2)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F134** Words in s. 56(4) substituted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(3)(a)(ii)**; S.I. 2005/1909, art. 2, Sch.
- F135** Words in s. 56(4) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(3)(a)(iii), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.
- F136** S. 56(5) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(3)(b), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.
- F137** S. 56(6ZA) inserted (E.W.S.)(1.4.1994) by 1993 c. 43, **s. 78(5)**; S.I. 1994/571, **art. 5**.
- F138** Words in s. 56(6ZA) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(3)(c)(i), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

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- F139** Words in s. 56(6ZA) substituted (1.2.2001) by 2000 c. 38, s. 227(2), **Sch. 22 para. 15(4)(b)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F140** Words in s. 56(6ZA) inserted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(3)(c)(ii)**; S.I. 2005/1909, art. 2, Sch.
- F141** S. 56(6A) inserted (E.W.S.) (1.1.1993) by Transport and Works Act 1992 (c. 42), **s. 21(1)**; S.I. 1992/2784, art. 2(a), **Sch. 1**
- F142** Words in s. 56(6A) substituted (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), **Sch. 12 para. 1(3)(d)**; S.I. 2005/1909, art. 2, Sch.
- F143** S. 56(7)-(10), (12)-(15), (17) repealed (1.4.1994) with savings and superseded in part by 1993 c. 43, ss. 49(1)(3), 152(2)(3), **Sch. 13 para. 3(2)**, **Sch. 14**; S.I. 1994/571, **art. 5**.
- F144** S. 56(11)(16)(18) repealed by Transport Act 1968 (c. 73), **Sch. 18 Pt. I**
- F145** S. 56(19) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**
- F146** S. 56(20) repealed (24.7.2005) by Railways Act 2005 (c. 14), s. 60(2), Sch. 12 para. 1(3)(e), **Sch. 13 Pt. 1** (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch.

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

- C74** S. 56 excluded (21.7.1994) by 1994 c. xv, **s. 17(4)**.
- C75** S. 56 extended (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), **s. 41(4)**
- C76** S. 56 amended by Transport Act 1968 (c. 73), **ss. 54, 55**
- C77** S. 56 excluded by Heathrow Express Railway Act 1991 (c. vii), **s. 41(1)** (with s. 36(1))
- C78** S. 56 (definition of "central committee") applied by Heathrow Express Railway Act 1991 (c. vii), **s. 41(2)** (with s. 36(1))
- C79** S. 56 excluded (16.3.1992) by London Underground Act 1992 (c. iii), **s. 38**
- C80** S. 56 excluded (27.7.1993) by 1993 c. xv, **s. 13(5)**
- C81** S. 56(4)-(6) applied (with modifications)(E.W.S.)(11.11.1996) by S.I.1996/2714, **arts. 1, 46**  
S. 56(4)-(6) excluded (30.11.2000) by 2000 c. 38, ss. 253, 275(4), **Sch. 28 para. 10**
- C82** S. 56(4) extended by Transport Act 1985 (c. 67, SIF 126), **s. 123(4)(6)**
- C83** S. 56(4) extended (with modifications) by Channel Tunnel Act 1987 (c. 53, SIF 102), **s. 41(1)(a)**
- C84** S. 56(4)-(6) excluded (E.W.S.) (1.4.1994) by 1993 c. 43, **s. 78(1)**; S.I. 1994/571, **art. 5**.
- C85** S. 56(4)-(6A) functions of the former Central Committee transferred (E.W.S.)(1.4.1994) to the Central Committee by 1993 c. 43, **s. 78(3)(4)**; S.I. 1994/571, **art. 5**.

**F147** **56A** .....

**Textual Amendments**

- F147** S. 56A repealed (1.4.1994) with saving and superseded by 1993 c. 43, ss. 49(1)(b), 152(3), **Sch. 14**; S.I. 1994/571, **art. 5**.

**57 The Transport Tribunal.**

- (1) ..... **F148**
- (7) Any objection or application which, before the date on which this section comes into force, was referable to the tribunal under the <sup>M29</sup>Railway Employment (Prevention of Accidents) Act 1900 (which relates to safety rules), shall be referred instead to a referee appointed (either generally or for the purpose of a particular case) by the Minister; and the said Act shall have effect with the necessary modifications.

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Any objection or application under the said Act which is pending before the tribunal on that date shall be proceeded with before a referee appointed under this subsection in such manner as the Minister may direct.

(8) ..... F148

**Textual Amendments**

F148 S. 57, except subsection (7), repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**Marginal Citations**

M29 1900 c. 27.

*Provisions relating to the Boards*

58, 59. .... F149

**Textual Amendments**

F149 Ss. 58, 59 repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), **Sch. 6**

60 ..... F150

**Textual Amendments**

F150 S. 60 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. VI**

**61 Amendment of enactments relating to inland waterways.**

(1) ..... F151

(2) Sections thirty-five and thirty-six of the Transport Act, 1947 (under which the Commission may apply a licensing system to canal carriers on an inland waterway belonging to them), shall cease to have effect.

(3) ..... F152

[<sup>F153</sup>(4) The definition of “statutory water undertakers” in subsection (1) of section fifty-nine of the <sup>M30</sup>Water Act 1945, shall not include the British Waterways Board. ]

**Textual Amendments**

F151 S. 61(1) repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

F152 S. 61(3) repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

F153 S. 61(4) repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), **Sch. 27 Part I** (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

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

**C86** The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), 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**

**M30** 1945 c. 42.

**62 Local enactments relating to the supply of water for canals.**

- (1) Any local enactment which authorises the British Waterways Board to take water for the purpose (whether express or implied) of using the water for a canal owned or managed by the British Waterways Board, or for purposes which include that purpose, shall have effect as if that purpose included the purpose of selling, or affording the use of, water from the canal; and the British Waterways Board may exercise their powers under Part I of this Act accordingly.
- (2) The foregoing subsection shall not be taken as authorising the British Waterways Board—
  - (a) to disregard any restriction, whether as regards quantity or rate or otherwise, on the water which may be taken from any source, or
  - (b) to affect the level or flow of water in any part of the canal, or in any river or watercourse fed from the canal, to a degree which conflicts with any of the Board's obligations, and in particular with any statutory obligation to maintain the canal in a navigable condition.

**63 Abstraction of water by British Waterways Board.**

- (1) Subject to this section the British Waterways Board shall not without the consent of the Minister sell water from an inland waterway—
  - (a) unless the water is abstracted at a point at which water was being abstracted before the passing of this Act, and
  - (b) unless the quantity of water sold in the period of twelve months beginning with the vesting date, and in each subsequent period of twelve months, does not exceed the quantity abstracted at that point in the period of twelve months ending with the passing of this Act, and
  - (c) unless the land or premises on which the water is used is the same as that on which the water was used before the passing of this Act.
- (2) If on the vesting date the British Waterways Board become subject to an obligation to sell water such that the quantity they are obliged to sell is limited, whether by reference to the average rate of abstraction, or the quantity abstracted in any period, or otherwise, then, so long as the terms of the obligation are not varied, subsection (1) of this section shall not apply to the sale of water in discharge of the obligation.
- (3) ..... <sup>F154</sup>
- (4) The British Waterways Board shall serve on the persons specified in this section notice of any application made by them for the consent of the Minister, giving sufficient particulars of their proposals and of the terms of the consent applied for, and stating that the person on whom the notice is served should submit any objections to the



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Minister within twenty-eight days of service of the notice and should within that time send a copy of any such objection to the Board.

- (5) The British Waterways Board shall publish in one or more newspapers circulating in the area in which the point of abstraction is situated a notice of any application made by them for the consent of the Minister, giving sufficient particulars of their proposals and of the terms of consent applied for.
- (6) ..... <sup>F154</sup>
- (7) In Scotland the persons on whom the notice is to be served shall be—
- (a) the council of the county or burgh in which the point of abstraction is situated,
  - (b) the river purification authority in whose area the point of abstraction is situated and any other river purification authority on whom the Minister after consultation with [<sup>F155</sup>the Secretary of State for Scotland] directs the notice to be served,
  - (c) any salmon fishery district board on whom the Minister after consultation with [<sup>F155</sup>the Secretary of State for Scotland] directs the notice to be served, and
  - (d) [<sup>F156</sup>Scottish Water.]
- (8) The British Waterways Board shall give the Minister such information as he may require to determine whether any directions should be given under the two last foregoing subsections.
- (9) The Minister shall not entertain the application unless he is satisfied that all the required notices have been duly given; and the Minister shall take into consideration any objections duly made by the persons on whom they have been served.
- (10) The Minister in considering the application and the terms in which any consent ought to be given shall have regard—
- (a) to the importance of the uses to which the abstracted water will be put and to the present and future needs of statutory water undertakers, industry and agriculture, and
  - (b) to the effect which the proposals may have on fisheries, land drainage or public health, or on the inland waterway directly affected or any other inland waterway or stream, and
  - (c) to the extent to which the abstracted water will be returned,
- and shall, before giving his consent as respects any inland waterway in Scotland, consult the Secretary of State.
- (11) The Minister may give his consent either in the terms requested in the application, or in any other terms, but shall not afford terms more favourable than those requested unless he is satisfied that all the authorities concerned have had an opportunity of considering those terms and making objections.
- (12) The terms of any consent given by the Minister shall be transmitted by the British Waterways Board to each of the persons on whom they are required in pursuance of this section to serve notice of their application for consent.
- (13) The Commission shall before the vesting date compile for the use of the British Waterways Board a record of all cases in which, in the period of twelve months ending with the passing of this Act, they were abstracting water from inland waterways for use on any land or premises, and shall include in the record particulars of the land or premises on which the water was used, of the points of abstraction, of the total

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quantities abstracted in the said period, and of any contract under which they were obliged to sell the water.

The British Waterways Board shall give reasonable facilities for the inspection of the record by representatives of the authorities described in subsections (6) and (7) of this section, and shall, at the request of any such authority, give them any information as to the contents of the record.

(14) In this section—

[<sup>F157</sup> “ local water authority ” has the meaning given by section five of the <sup>M31</sup>Water (Scotland) Act 1946; ]

“river purification authority” has the same meaning as in Part III of the <sup>M32</sup>Rivers (Prevention of Pollution) (Scotland) Act 1951;

“salmon fishery district board” means the district board for a fishery district for the purposes of the <sup>M33</sup>Salmon Fisheries (Scotland) Act 1862, and the Commissioners appointed under the <sup>M34</sup>Tweed Fisheries Act 1857;

“statutory water undertakers” has the meaning given by subsection (1) of section fifty-nine of the <sup>M35</sup>Water Act 1945;

“stream” includes any river or watercourse whether natural or artificial.

(15) ..... <sup>F154</sup>

(16) References in this section to the sale by the British Waterways Board of water from an inland waterway include references to any arrangements whereby the Board for valuable consideration abstract, or authorise the abstraction of, the water of an inland waterway for use by some other person, whether or not the water is returned after use.

(17) The granting of consent under this section shall not be taken as authorising the British Waterways Board to do anything which they would not have power to do apart from the provisions of this section.

**Textual Amendments**

**F154** S. 63(3)(6)(15) repealed by [Water Resources Act 1963 \(c. 38\)](#), **Sch. 14 Pt. II**

**F155** Words substituted by virtue of [S.I. 1970/1681](#), **Sch. 3 para. 20(1)**

**F156** S. 63(7)(d) substituted (S.) (14.7.2004) by [Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), art. 1(1), **Sch. para. 2(a)**

**F157** Definition "local water authority" in s. 63(14) repealed (S.) (14.7.2004) by [Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), art. 1(1), **Sch. para. 2(b)**

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

**C87** S. 63 repealed (E.W.) by [Water Resources Act 1963 \(c. 38\)](#), **Sch. 14 Pt. II**

**Marginal Citations**

**M31** 1946 c. 42.

**M32** 1951 c. 66.

**M33** 1862 c. 97.

**M34** 1857 c. cxlviii.

**M35** 1945 c. 42.

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### Textual Amendments

**F158** S. 64 repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

## 65 The railway savings banks.

(1) In this section—

“the railway savings banks” means the savings banks established under—  
section twenty-three of the <sup>M36</sup>Metropolitan Railway Act 1873,  
section forty-five of the <sup>M37</sup>Great Western Railway Act 1885,  
section eighteen of the <sup>M38</sup>Taff Vale Railway Act 1895,  
section sixty-one of the <sup>M39</sup>London, Midland and Scottish Railway Act 1924,  
section ninety-nine of the <sup>M40</sup>Southern Railway Act 1924, and  
section three of the <sup>M41</sup>London and North Eastern Railway Act 1944,

and any other savings bank for which the Commission was responsible before the vesting date and which primarily served those employed by the Commission on their railways;

“the appropriate Board” means—

- (a) in relation to the savings bank established under the <sup>M42</sup>Metropolitan Railway Act 1873, [<sup>F159</sup>the London Transport Executive]
- (b) in relation to any other railway savings bank, the Railways Board.

(2) Part II of this Act shall not apply to the property, rights and liabilities of the Commission so far as held and subsisting for the purposes of any railway savings bank, but all such property, rights and liabilities shall by virtue of this section be transferred on the vesting date to the appropriate Board and held assumed by that Board subject in all respects to the duties and obligations to which the Commission were subject immediately before the vesting date.

(3) As from the vesting date, for references to the Commission in the enactments listed in subsection (1) of this section and in any other statutory provision, so far as that provision relates to a railway savings bank, there shall be substituted references to the appropriate Board, and for references in any such enactment to any officer or servant of, or person appointed by, the Commission there shall be substituted a reference to such person as the appropriate Board may appoint or, in default of appointment, in the case of references to any officer or servant of the Commission, to the officer or servant of that Board who corresponds as nearly as may be to the first mentioned officer or servant.

(4) Subject to this section, the persons entitled to deposit money in the railway savings banks established under section forty-five of the <sup>M43</sup>Great Western Railway Act 1885, section sixty-one of the <sup>M44</sup>London Midland and Scottish Railway Act 1924, section ninety-nine of the <sup>M45</sup>Southern Railway Act 1924, and section three of the <sup>M46</sup>London and North Eastern Railway Act 1944, shall be—

- (a) existing depositors,
- (b) persons employed by the Railways Board,
- (c) persons who, owing to incapacity arising from ill health or on reaching retirement age, have retired from service with the Railways Board or

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- the Commission or the railway company by which the savings bank was established,
- (d) members of the families of persons of any of the foregoing descriptions,
  - (e) any group, society or association the members of which consist, or mainly consist, of persons of any of the foregoing descriptions.
- (5) The persons entitled to make deposits in any railway savings bank other than those to which the last foregoing subsection applies shall be the persons who are depositors in that bank on the vesting date, and, where any such depositor is a man who dies leaving a widow, his widow during her widowhood.
- (6) So much of the enactments listed in the definition of railway savings banks in subsection (1) of this section as relates to the charging of deposits on the undertaking or profits of any body shall cease to have effect.

**Textual Amendments**

**F159** Words substituted by virtue of [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 3 para. 3](#)

**Marginal Citations**

- M36** 1873 c. clxxxi.
- M37** 1885 c. cxlvii.
- M38** 1895 c. cxxii.
- M39** [1924 c. liv.](#)
- M40** [1924 c. lxvi.](#)
- M41** [1944 c. x.](#)
- M42** 1873 c. clxxxi.
- M43** 1885 c. cxlvii.
- M44** [1924 c. liv.](#)
- M45** [1924 c. lxvi.](#)
- M46** [1944 c. x.](#)

66 ..... **F160**

**Textual Amendments**

**F160** S. 66 repealed by (E.W.) [General Rate Act 1967 \(c. 9\)](#), [Sch. 14](#) and (S.) [S.I. 1978/1174](#), [art. 9](#)

**67 Byelaws for railways and railway shipping services. E+W**

- (1) The Railways Board [<sup>F161</sup>may] make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
- (a) with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
  - (b) with respect to interference or obstruction of the working of the railways,
  - (c) with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;

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- (d) with respect to the receipt and delivery of goods, and
  - (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the [F162Board] and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.
- <sup>F163</sup>[<sup>F164</sup>( 2A )] .....
- [<sup>F165</sup>(3) Any bylaws made under this section may provide—
- (a) in the case of bylaws made by virtue of subsection (1) above, that any person contravening them shall be liable on summary conviction to a penalty not exceeding [<sup>F166</sup>level 3 on the standard scale] for each offence; and
  - (b) in the case of bylaws made by virtue of subsection (2) above, that any person contravening them shall be liable on summary conviction to a fine not exceeding [<sup>F166</sup>level 2 on the standard scale] for each offence and, in the case of such a contravention which continues after conviction, to a fine not exceeding £10 for each day on which the offence so continues.]
- (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.
- (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.
- (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.
- (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
- (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [<sup>F167</sup>50p] as the Board shall determine.
- (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.
- [<sup>F168</sup>( 9A ) The Minister may charge the Board such fees in respect of any bylaws submitted for confirmation under this section as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.]
- (10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection

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

without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [<sup>F167</sup>50p] as the Board shall determine.

(11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—

- (a) that the bylaws were made by the Board or by the Commission,
- (b) that the copy is a true copy of the bylaws,
- (c) that on a specified date the bylaws were confirmed by the Minister, and
- (d) the date when the bylaws come into operation,

shall be prima facie evidence of the facts stated in the certificate.

(12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.

(13) Sections one hundred and eight and one hundred and nine of the <sup>M47</sup>Railways Clauses Consolidation Act 1845, sections one hundred and one and one hundred and two of the <sup>M48</sup>Railways Clauses Consolidation (Scotland) Act 1845, section thirty-two of the <sup>M49</sup>Railways Clauses Act 1863, and section seven of the <sup>M50</sup>Regulation of Railways Act 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.

<sup>F169</sup>(14) .....

(15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of [<sup>F170</sup>London Regional Transport] which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven,—

- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and

<sup>F171</sup>(b) .....

(16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board <sup>F172</sup>... have power to make under this section in relation to their railways.

(17) This section shall have effect as from the vesting date.

#### Extent Information

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

#### Textual Amendments

**F161** Word "may" substituted (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\), s. 67\(2\), Sch. 4 para. 2\(1\)\(a\)](#)

**F162** Word "Board" substituted (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\), s. 67\(2\), Sch. 4 para. 2\(1\)\(a\)](#)

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

- F163** S. 67(2A) omitted (E.W.) (15.7.2003) by virtue of The Transport for London (Consequential Provisions) Order 2003 (S.I. 2003/1615), art. 1(1), **Sch. 1 para. 2(4)**; Greater London Authority Act 1999 (c. 29), s. 425(2), **Sch. 34 Pt. II** (with Sch. 12 para. 9(1)); S.I. 2003/1920, art. 2(f)(h)
- F164** S. 67(2A) inserted (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 67(2), **Sch. 4 para. 2(1)(b)**
- F165** S. 67(3) substituted (E.W.S.) by Transport Act 1981 (c. 56, SIF 126), s. 37
- F166** Words substituted (E.W.) by Criminal Law Act 1982 (c. 48, SIF 39:1), s. 46
- F167** Words substituted by virtue of Decimal Currency Act 1969 (c. 19), s. 10(1)
- F168** S. 67(9A) inserted (1.4.1994) by 1993 c. 43, s. 129(3); S.I. 1994/571, art. 5.
- F169** S. 67(14) repealed (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), **Sch. 7**
- F170** S. 67(15): words "London Regional Transport" substituted (E.W.) for "the London Transport Executive" 1984 c. 32, s. 67(2)(3), **Sch. 4 para. 2(1)(c)**
- F171** S. 67(15)(b) repealed (E.W.S.N.I.) (15.7.2003) by Greater London Authority Act 1999 (c. 29), s. 425(2), **Sch. 34 Pt. II** (with Sch. 12 para. 9(1)); S.I. 2003/1920, art. 2(f)(h)
- F172** Words in s. 67(16) repealed (E.W.) (15.7.2003) by Greater London Authority Act 1999 (c. 29), s. 425(2), **Sch. 34 Pt. II** (with Sch. 12 para. 9(1)); S.I. 2003/1920, art. 2(f)(h)

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

- C88** S. 67 extended by Transport Act 1968 (c. 73), **Sch. 16 para. 4**  
S. 67 restricted (*prosp.*) by 1999 c. 29, ss. 245, 425, **Sch. 17 para. 8(1)(2)(3)(b)(4)** (with Sch. 12 para. 9(1))
- C89** S. 67(2) extended by S.I. 1972/971, **Sch. 1**, Pt. A (as amended by S.I. 1979/1309, art. 2(a))
- C90** S. 67(5)-(12) modified (*prosp.*) by 1999 c. 29, ss. 156(8), 425(2), Sch. 11 para. 26(6) (with Sch. 12 para. 9(1))
- C91** S. 67(5)-(11) applied (21.7.1994) by 1994 c. xi, s. 46(6). S. 67(5)-(11) applied (with modifications) (21.7.1994) by 1994 c. xv, s. 62(6).
- C92** S. 67(5)-(12) applied (with modifications) (E.W.S.) (30.4.2002) by The Heathrow Express Railway Extension Order 2002 (S.I. 2002/1064), art. 23(6)
- C93** S. 67(5)-(12) applied by Heathrow Express Railway Act 1991 (c. vii), s. 42(6) (with s. 36(1)); s. 67(5)-(11) applied with modifications (27.7.1993) by 1993 c. xv, s. 59(6)

#### Marginal Citations

- M47** 1845 c. 20.  
**M48** 1845 c. 33.  
**M49** 1863 c. 92.  
**M50** 1889 c. 57.

## 67 Byelaws for railways and railway shipping services. **S**

- (1) The Railways Board and [<sup>F287</sup>the London Transport Executive] may each make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
- (a) with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
  - (b) with respect to interference or obstruction of the working of the railways,
  - (c) with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;
  - (d) with respect to the receipt and delivery of goods, and



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- (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the Boards and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.
- [<sup>F288</sup>(3) Any byelaws made under this section may provide—
- (a) in the case of byelaws made by virtue of subsection (1) above, that any person contravening them shall be liable on summary conviction to a penalty not exceeding [<sup>F289</sup>level 3 on the standard scale] for each offence; and
- (b) in the case of byelaws made by virtue of subsection (2) above, that any person contravening them shall be liable on summary conviction to a fine not exceeding [<sup>F289</sup>level 2 on the standard scale] for each offence and, in the case of such a contravention which continues after conviction, to a fine not exceeding £10 for each day on which the offence so continues.]
- (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.
- (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.
- (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.
- (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
- (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [<sup>F290</sup>50p] as the Board shall determine.
- (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.
- [<sup>F291</sup>(9A) The Minister may charge the Board such fees in respect of any bylaws submitted for confirmation under this section as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.]
- (10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [<sup>F290</sup>50p] as the Board shall determine.

*Status: Point in time view as at 06/04/2008.*

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

- (11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—
- (a) that the bylaws were made by the Board or by the Commission,
  - (b) that the copy is a true copy of the bylaws,
  - (c) that on a specified date the bylaws were confirmed by the Minister, and
  - (d) the date when the bylaws come into operation,
- shall be prima facie evidence of the facts stated in the certificate.
- (12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.
- (13) Sections one hundred and eight and one hundred and nine of the <sup>M95</sup>Railways Clauses Consolidation Act 1845, sections one hundred and one and one hundred and two of the <sup>M96</sup>Railways Clauses Consolidation (Scotland) Act 1845, section thirty-two of the <sup>M97</sup>Railways Clauses Act 1863, and section seven of the <sup>M98</sup>Regulation of Railways Act 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.
- (14) In the bylaws made by the London Transport Executive under the <sup>M99</sup>Railways Clauses Consolidation Act 1845, which were confirmed by the Minister on the thirteenth day of December, nineteen hundred and fifty-seven—
- (a) for references to the Commission or the London Transport Executive there shall be substituted references to the London Board, and
  - (b) for references to the railways as there defined there shall be substituted references to the railways of the London Board.
- (15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of the London Transport Executive which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven,—
- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and
  - <sup>F171</sup>(b) .....
- (16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board and the London Board have power to make under this section in relation to their railways.
- (17) This section shall have effect as from the vesting date.

#### **Extent Information**

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

*Status: Point in time view as at 06/04/2008.*

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

#### Textual Amendments

- F171** S. 67(15)(b) repealed (E.W.S.N.I.) (15.7.2003) by [Greater London Authority Act 1999 \(c. 29\)](#), s. 425(2), **Sch. 34 Pt. II** (with [Sch. 12 para. 9\(1\)](#)); S.I. 2003/1920, art. 2(f)(h)
- F287** Words substituted by virtue of [Transport \(London\) Act 1969 \(c. 35\)](#), **Sch. 3 para. 5(1)**
- F288** S. 67(3) substituted (E.W.S.) by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 37
- F289** Words substituted (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G
- F290** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), s. 10(1)
- F291** S. 67(9A) inserted (1.4.1994) by 1993 c. 43, s. 129(3); S.I. 1994/571, art. 5.

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

- C135** S. 67 extended by [Transport Act 1968 \(c. 73\)](#), **Sch. 16 para. 4**
- C136** S. 67 restricted (*prosp.*) by 1999 c. 29, ss. 245, 425, **Sch. 17 para. 8 (1)(2)(3)(b)(4)** (with [Sch. 12 para. 9\(1\)](#))
- C137** S. 67(2) extended by [S.I. 1972/971](#), **Sch. 1**, Pt. A (as amended by [S.I. 1979/1309](#), art. 2(a))
- C138** S. 67(5)-(12) modified (*prosp.*) by 1999 c. 29, ss. 156(8), 425(2), [Sch. 11 para. 26\(6\)](#) (with **Sch. 12 para. 9(1)**)
- C139** S. 67(5)-(11) applied (21.7.1994) by 1994 c. xi, s. 46(6).  
S. 67(5)-(11) applied (with modifications) (21.7.1994) by 1994 c. xv, s. 62(6).
- C140** S. 67(5)-(12) applied by [Heathrow Express Railway Act 1991 \(c. vii\)](#), s. 42(6) (with s. 36(1)); s. 67(5)-(11) applied (27.7.1993) with modifications by 1993 c. xv, s. 59(6)
- C141** S. 67(5)-(12) applied (with modifications) (E.W.S.) (30.4.2002) by [The Heathrow Express Railway Extension Order 2002 \(S.I. 2002/1064\)](#), art. 23(6)

#### Marginal Citations

- M95** 1845 c. 20.  
**M96** 1845 c. 33.  
**M97** 1863 c. 92.  
**M98** 1889 c. 57.  
**M99** 1845 c. 20.

## 67 Byelaws for railways and railway shipping services. **N.I.**

- (1) The Railways Board and [<sup>F292</sup>the London Transport Executive] may each make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
- with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
  - with respect to interference or obstruction of the working of the railways,
  - with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;
  - with respect to the receipt and delivery of goods, and
  - for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the Boards and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.

*Status: Point in time view as at 06/04/2008.*

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

- (3) Any bylaws made under this section may provide that any person contravening them shall be liable on summary conviction to a penalty not exceeding [F293level 2 on the standard scale] for each offence.
  - (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.
  - (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.
  - (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.
  - (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
  - (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [50p] as the Board shall determine.
  - (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.
- F294[( 9A ) The Minister may charge the Board such fees in respect of any bylaws submitted for confirmation under this section as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.]
- (10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [50p] as the Board shall determine.
  - (11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—
    - (a) that the bylaws were made by the Board or by the Commission,
    - (b) that the copy is a true copy of the bylaws,
    - (c) that on a specified date the bylaws were confirmed by the Minister, and
    - (d) the date when the bylaws come into operation,
 shall be prima facie evidence of the facts stated in the certificate.
  - (12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.

*Status: Point in time view as at 06/04/2008.*

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

- (13) Sections one hundred and eight and one hundred and nine of the <sup>M100</sup>Railways Clauses Consolidation Act 1845, sections one hundred and one and one hundred and two of the <sup>M101</sup>Railways Clauses Consolidation (Scotland) Act 1845, section thirty-two of the <sup>M102</sup>Railways Clauses Act 1863, and section seven of the <sup>M103</sup>Regulation of Railways Act 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.
- (14) In the bylaws made by the London Transport Executive under the <sup>M104</sup>Railways Clauses Consolidation Act 1845, which were confirmed by the Minister on the thirteenth day of December, nineteen hundred and fifty-seven—
- (a) for references to the Commission or the London Transport Executive there shall be substituted references to [<sup>F295</sup>the London Transport Executive], and
  - (b) for references to the railways as there defined there shall be substituted references to the railways of [<sup>F295</sup>the London Transport Executive].
- (15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of the London Transport Executive which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven,—
- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and
  - <sup>F171</sup>(b) .....
- (16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board and [<sup>F296</sup>the London Transport Executive] have power to make under this section in relation to their railways.
- (17) This section shall have effect as from the vesting date.

#### Extent Information

- E4** This version of this provision extends to Northern Ireland so far as indicated in Sch. 11 Pt. I only; separate versions have been created for England and Wales only and Scotland only

#### Textual Amendments

- F171** S. 67(15)(b) repealed (E.W.S.N.I.) (15.7.2003) by [Greater London Authority Act 1999 \(c. 29\)](#), s. 425(2), [Sch. 34 Pt. II](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2003/1920, art. 2(f)(h)
- F292** S. 67(1): words “the London Transport Executive” substituted for “the London Board” by 1969 c. 35, s. 17, [Sch. 3 para. 5\(1\)](#)
- F293** Words in s. 67(3) substituted (N.I.) by S.I. 1984/703 (N.I. 3), [arts. 5, 6](#)
- F294** S. 67(9A) inserted (1.4.1994) by 1993 c. 43, [s. 129\(3\)](#); S.I. 1994/571, [art. 5](#).
- F295** S. 67(14): words “the London Transport Executive” substituted (E.W.N.I.) for “the London Board” by 1969 c. 35, s. 17, [Sch. 3 para. 5\(1\)](#)
- F296** S. 67(16): words “the London Transport Executive” substituted (E.W.N.I.) for “the London Board” by 1969 c. 35, s. 17, [Sch. 3 para. 5\(1\)](#)

*Status: Point in time view as at 06/04/2008.*

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

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

- C142** S. 67 extended by [Transport Act 1968 \(c. 73\)](#), **Sch. 16 para. 4**
- C143** S. 67(2) extended by [S.I. 1972/971](#), **Sch. 1**, Pt. A (as amended by [S.I. 1979/1309](#), **art. 2(a)**)
- C144** S. 67(5)-(11) applied (21.7.1994) by [1994 c. xi](#), **s. 46(6)**.  
S. 67(5)-(11) applied (with modifications) (21.7.1994) by [1994 c. xv](#), **s. 62(6)**.
- C145** S. 67(5)-(12) applied by [Heathrow Express Railway Act 1991 \(c. vii\)](#), **s. 42(6)** (with [s. 36\(1\)](#)); S. 67(5)-(11) applied with modifications (27.7.1993) by [1993 c. xv](#), **s. 59(6)**

#### Marginal Citations

- M100** 1845 c. 20.  
**M101** 1845 c. 33.  
**M102** 1863 c. 92.  
**M103** 1889 c. 57.  
**M104** 1845 c. 20.

### [<sup>F173</sup> 68 Custody of lost property on London Board's transport system.

[ As from the vesting date, for references to section one hundred and six of the London <sup>F174</sup>( 1 ) Passenger Transport Act, 1933, to the London Passenger Transport Board there shall be substituted references to the London Board.]]

- (2) The repeal by this Act of section one hundred and nineteen of the <sup>M51</sup>Transport Act 1947, shall not affect the <sup>M52</sup>London Transport (Lost Property) Regulations 1960 (which were made under that section), and as from the vesting date those regulations—
- (a) shall be treated for all purposes, and in particular for the purposes of section eighty-eight of the <sup>M53</sup>London Passenger Transport Act 1935 (which relates to offences against regulations under section one hundred and six of the said Act of 1933), as if they had been made under the said section one hundred and six, and
  - (b) shall have effect, subject to the necessary modifications, as if any reference therein to the Commission or the London Transport Executive were a reference to the London Board.

#### Textual Amendments

- F173** S. 68 repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)( b )**, Sch. 7
- F174** S. 68(1) repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)(b)**, Sch. 7

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

- C94** The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), 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.
- C95** The “said Act of 1933” means [London Passenger Transport Act 1933 \(c. 14\)](#)

#### Marginal Citations

- M51** 1947 c. 49.  
**M52** [S.I. 1960/2396](#).  
**M53** 1935 c. cx.

*Status: Point in time view as at 06/04/2008.*

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

F175 **69** .....

**Textual Amendments**

**F175** S. 69 repealed (8.3.1994) by 1993 c. 43, ss. 132(8), 152(3), Sch. 10 para. 3(1), **Sch.14**; S.I. 1994/571, **art. 2**.

**70 Transport police constables.**

[<sup>F176</sup>(1) ..... <sup>F177</sup>

(5) On and after the vesting date a Board may dismiss a constable who is employed by them (whether or not appointed after the vesting date) and, accordingly, in paragraph (c) of subsection (1) of the section for references to the Commission there shall, as regards such a constable employed by a Board (or two or more Boards jointly), be substituted a reference to that Board (or those Boards), and for the reference at the end of the said paragraph (c) to the authority by whom a constable was dismissed or by whom a constable's resignation is accepted there shall, in the case of a constable dismissed by the Commission, or whose resignation was accepted by the Commission, be substituted—

- (a) during the interim period, a reference to the Railways Board, and
- (b) thereafter, a reference to any of the Boards acting jointly or separately in pursuance of a scheme under section sixty-nine of this Act.]

(6) On and after the vesting date references in any statutory provision or other document to a constable appointed or employed by the Commission shall be taken as a reference to a constable employed by any of the Boards and acting under the said section fifty-three.

[<sup>F178</sup>(7) In this section “ the interim period ” means the period referred to in subsection (9) of section sixty-nine of this Act. ]

**Textual Amendments**

**F176** S. 70(1)–(5) repealed (S.) by **British Railways Order Confirmation Act 1980 (c. xxviii)**, **Sch. para. 4**

**F177** S. 70(1)–(4) repealed (E.W.) by **British Railways Act 1978 (c. xxi)**, ss. 25(6), 30, **Sch. 4**

**F178** S. 70(7) repealed (S.) by **British Railways Order Confirmation Act 1980 (c. xxviii)**, **Sch. para. 4**

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

**C96** Power to modify s. 70 conferred by **Transport Act 1978 (c. 73)**, **Sch. 16 para. 5(4)**

**C97** S. 70(5)–(7) amended (E.W.) by **London Regional Transport Act 1984 (c. 32, SIF 126)**, s. 67(2), Sch. 4 paras. 9(5), **10(3)(4)**

F179 **71** .....

**Textual Amendments**

**F179** S. 71 repealed (8.3.1994) by 1993 c. 43, ss. 132(8), 152(3), Sch. 10 para. 3(1), **Sch. 14**; S.I. 1994/571, **art. 2**



*Status: Point in time view as at 06/04/2008.*

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

## 72 General provisions as to terms and conditions of employment of staff.

- (1) It shall be the duty of each Board, except as far as they are satisfied that adequate machinery exists for achieving the purpose of this subsection, to seek consultation with any organisation appearing to the Board to be appropriate, with a view to the conclusion between the Board and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
  - (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Board, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements, and
  - (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Board and the discussion of other matters of mutual interest to the board and such persons, including efficiency in the operation of the Board's services.
- (2) Where the Board conclude such an agreement as is mentioned in the foregoing subsection or any variation is made in such an agreement, the Board shall forthwith transmit particulars of the agreement or the variation to the Minister and [<sup>F180</sup>the Secretary of State].
- (3) Nothing in this section shall be construed as prohibiting a Board from taking part together with other 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 their workers, and the discussion of other matters of mutual interest to them and their workers.
- (4) . . . . .<sup>F181</sup>

### Textual Amendments

**F180** Words substituted by virtue of S. I. 1968/729, arts. 2(1), 3(2)

**F181** S. 72(4) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I

### Modifications etc. (not altering text)

**C98** S. 72 excluded by Transport Act 1968 (c. 73), s. 137(8)

## 73 The powers of the Boards and the Holding Company as regards pensions and pension schemes.

- (1) Subject to the next following section, each of the Boards and the Holding Company shall have power to pay pensions and enter into obligations under pension schemes.
- (2) Each of the Boards and the Holding Company shall have power to lend money to be applied for the purposes of a pension scheme under which any of those bodies, or a subsidiary of any of those bodies, pay employer's contributions or are subject to any other obligations, but shall not exercise that power without the consent of the Minister.

### Modifications etc. (not altering text)

**C99** S. 73 extended by Transport Act 1968 (c. 73), s. 136

*Status: Point in time view as at 06/04/2008.*

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

**C100** S. 73 amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 25(1)

## **74 Minister's power to make orders about pensions.**

- (1) The Minister may make orders—
- (a) with respect to the provision of pensions by the Boards and the Holding Company and by the subsidiaries of the Boards and of the Holding Company for or in respect of—
    - (i) their employees, or persons who have been in their employment, or
    - (ii) persons who have been in the employment of the Commission or of any subsidiary of the Commission or of any body whose undertaking or part of whose undertaking was transferred to the Commission under or by virtue of the <sup>M54</sup>Transport Act 1947, or
    - (iii) persons who have been employed in connection with the Caledonian and Crinan Canals or Holyhead Harbour, or by or in connection with the Railway Clearing House;
  - (b) for the establishment and administration of existing or future pension schemes and pension funds for any of the purposes of the foregoing paragraph;
- and the Boards and the Holding Company shall exercise the powers conferred on them by the last foregoing section subject to any order under this section.
- (2) Without prejudice to the powers conferred by the foregoing subsection, the Minister may make orders—
- (a) for enabling employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company to participate or continue to participate in any pension scheme in which employees of the Commission or a subsidiary of the Commission participated before the vesting date, or in any pension scheme established under this section, and requiring their employers to make payments under that scheme,
  - (b) for modifying any pension scheme the participants in which include persons of any of the descriptions in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of the foregoing subsection, so as to ensure that changes cannot be effected in the pension scheme without the approval of the Minister,
  - (c) for varying the rates of the contributions to be made under any pension scheme by employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company, as well as the rates of employers' contributions and the benefits under the scheme, and
  - (d) for re-arranging, amalgamating, simplifying and assimilating pension schemes the participants in which include any such persons.
- (3) An order under this section may in particular provide—
- (a) for altering or winding up any pension scheme,
  - (b) for varying any trust or transferring any pension fund, or obligations or liabilities under a pension scheme,
  - (c) for requiring a Board or the Holding Company to make payments to the persons administering a pension scheme so as to convert the pension scheme from an unfunded scheme into a funded scheme,
  - (d) for establishing any body to administer or assist in administering a pension scheme,

*Status: Point in time view as at 06/04/2008.*

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

- (e) for enabling all or any of the participants in a pension scheme to become instead participants in another pension scheme,
- (f) for empowering the persons responsible for administering any pension scheme established for the purposes of an undertaking carried on by persons other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, to carry out any arrangements for the participation in the scheme of a person who has been an employee of the Commission, or of the Boards or of the Holding Company, or of any subsidiary of any of those bodies,
- (g) as to the manner in which questions arising under the order are to be determined,

and may contain such supplemental, incidental and consequential provisions as appear to the Minister expedient.

- (4) Without prejudice to the generality of the foregoing provisions of this section, an order under this section may contain provisions authorising any person who, having pension rights to which an order under this section relates, becomes a member of a Board, or the Holding Company, or a director of a subsidiary of a Board or of the Holding Company, to be treated for the purposes of a pension scheme as if his service as such a member or director were service in the employment of such a body, and as if, where that service immediately precedes or follows other service which is, or is to be treated as, service in that employment, the two periods of service were continuous.
- (5) An order under this section shall have effect notwithstanding anything in—
  - (a) any local enactment, or
  - (b) any regulations or other instrument made under the <sup>M55</sup>Transport Act 1947, or the <sup>M56</sup>Transport Act 1953, and continued in force by this Act, or
  - (c) the Truck Acts, 1831 to 1940, or the <sup>M57</sup>Shop Clubs Act 1902, or
  - (d) section eighty of the <sup>M58</sup>London Passenger Transport Act 1933 (which contains transitional provisions concerning superannuation funds affected by that Act),

and may amend or repeal any such enactment or instrument as is mentioned in paragraphs (a) and (b) of this subsection.

- (6) (a) Orders under this section shall be so framed as to secure that no person other than the Boards, the Holding Company and any subsidiary of any Board, or of the Holding Company, is placed in any worse position by reason of the order.
- (b) An order shall not be invalid by reason that in fact it does not have the result of securing that all such persons are not placed in any worse position by reason of the provisions of the order, but if the Minister is satisfied or it is determined as hereinafter mentioned that any such order has failed to secure that result, the Minister shall as soon as may be make the necessary amending order.
- (c) Any dispute arising between the Minister and any person as to whether or not the said result has been secured by any order under this section shall be referred to a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor [<sup>F182</sup>and the Lord Chief Justice of England and Wales], or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State, for his or their determination thereof.
- (d) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—

*Status: Point in time view as at 06/04/2008.*

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

- (i) to any referee or to the members of any board of referees appointed under this subsection such fees and allowances as he may with the consent of the Treasury determine, and
  - (ii) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.
- (e) For the purposes of this subsection no person shall be regarded as being placed in a worse position because an order provides that any changes in a pension scheme are not to be effected without the consent of the Minister.
- (f) Nothing in [<sup>F183</sup>Part I of the Arbitration Act 1996], shall be construed as applying to any proceedings before a referee or board of referees appointed under this section.
- (7) An order under this section may be made so as to have effect from a date prior to the making of the order, so, however, that so much of any order as provides that any provision thereof is to have effect from a date prior to the making of the order shall not place any person other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, in a worse position than he would have been in if the order had been made to have effect only from the date of its making.
- (8) The power of making orders under this section shall be exercised by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and the power of making orders under this section shall include power to vary or revoke a previous order.
- (9) . . . . . <sup>F184</sup> an order under this section shall have effect notwithstanding anything in regulations made under the said Act before the order was made.
- [<sup>F185</sup>(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

#### Textual Amendments

- F182** Words in s. 74(6)(c) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 54(2)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F183** Words in s. 74(6)(f) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 16(2)** (with s. 81(2)); S.I. 1996/3146, **art. 3** (subject to transitional provisions in Sch. 2, art. 4).
- F184** Words repealed by Statute Law Revision (Consequential Repeals) Act 1965 (c. 55)
- F185** S. 74(10) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 54(3)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

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

- C101** S. 74 extended by Transport Act 1968 (c. 73), s. 136 and Transport Act 1980 (c. 34), s. 45, **Sch. 6 para. 7**
- C102** S. 74 extended by Transport Act 1981 (c. 56, SIF 126), **Sch. 1 para. 1(1)** and by Transport Act 1982 (c. 49, SIF 126), s. 5, Transport Act 1985 (c. 67, SIF 126), s. 52(1) and Transport (Scotland) Act 1989 (c. 23, SIF 126), s. 12(1)
- C103** S. 74 amended (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), ss. 25, 71(2), **Sch. 5 para. 7**
- C104** S. 74 extended (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), ss. 26(1), 71(2), **Sch. 5 para. 7**
- C105** S. 74(2)(a) modified (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 25(2)–(4)

*Status: Point in time view as at 06/04/2008.*

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

**C106** S. 74(6) amended by [Employment Protection \(Consolidation\) Act 1978 \(c. 44\)](#), s. 130, **Sch. 10 para. 21**

#### Marginal Citations

**M54** 1947 c. 49.  
**M55** 1947 c. 49.  
**M56** 1953 c. 13.  
**M57** 1902 c. 21.  
**M58** 1933 c. 14.

## 75 Transitional provisions relating to pensions.

Part IV of the Seventh Schedule to this Act (which contains transitional provisions relating to pensions) shall have effect for the purposes of this Act.

### *Transitory provisions concerning the Commission*

**76**— ..... <sup>F186</sup>  
**78.**

#### Textual Amendments

**F186** Ss. 76–78, 80 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. VI**

## 79 Power to make special payments on the termination of the appointment of members of the Commission or Executive.

- (1) If a person ceases to be a member of the Commission, or of the London Transport Executive, otherwise than on the expiration of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may with the approval of [<sup>F187</sup>the Minister for the Civil Service] require the Commission to make to him a payment of such amount as may be determined by the Minister with the approval of [<sup>F187</sup>the Minister for the Civil Service].
- (2) This section shall apply whether or not any pension is payable under paragraph (b) of subsection (7) of section one of the <sup>M59</sup>Transport Act 1947, or sub-paragraph (1) of paragraph 2 of the Second Schedule to that Act, and shall apply to persons who cease to be members of the Commission or Executive before the passing of this Act, as well as to persons who cease to be members at a later time.
- (3) Any requirement imposed by the Minister as regards a member of the Commission under subsection (1) of this section after the vesting date shall be imposed on the Railways Board instead of on the Commission, and any requirement so imposed as regards a member of the London Transport Executive shall be imposed on the London Board instead of on the Commission.

#### Textual Amendments

**F187** Words substituted by virtue of [S.I. 1968/1656](#), **arts. 2(1)(c), 3(2)**

*Status: Point in time view as at 06/04/2008.*

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

**Marginal Citations**

M59 1947 c. 49.

80 ..... F188

**Textual Amendments**

F188 Ss. 76–78, 80 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

*Compensation to officers and servants of the Commission*

**81 Compensation to officers and servants of the Commission.**

- (1) The Minister shall by regulations contained in a statutory instrument require the appropriate body as defined in this section to pay, in such cases and to such extent as may be specified in the regulations, compensation to persons who are at the passing of this Act officers or servants of the Commission and who suffer loss of employment or loss or diminution of emoluments or pension rights, or whose position is worsened, in consequence of the reorganisation effected by this Act.
- (2) The regulations may apply to any such person whether or not he continues in the employment of the Commission until the vesting date and whether or not he is a party to an agreement for the rendering of personal services to the Commission which is modified by section thirty-four of this Act.
- (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 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 body paying 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, to a referee or board of referees appointed by <sup>F189</sup>the Secretary of State], after consultation with the Lord Chancellor <sup>F190</sup>and the Lord Chief Justice of England and Wales], or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State.
- (5) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by a resolution of each House of Parliament.
- (6) <sup>F189</sup>The Secretary of State] may, with the consent of the Treasury, pay out of money provided by Parliament—

*Status: Point in time view as at 06/04/2008.*

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

- (a) to any referee or to the members of any board of referees appointed by him in pursuance of regulations under this section such fees and allowances as he may with the consent of the Treasury determine, and
  - (b) to persons giving evidence before any such referee or board such allowances as he may with the consent of the Treasury determine.
- (7) Nothing in [<sup>F191</sup>Part I of the Arbitration Act 1996], shall be construed as applying to any proceedings before a referee or board of referees appointed in pursuance of regulations under this section.
- (8) In this section “the appropriate body” means—
- (a) in relation to a person who on the vesting date ceases to be an officer or servant of the Commission and becomes an officer or servant of a Board, that Board,
  - (b) in relation to a person who on the vesting date ceases to be an officer or servant of the Commission and becomes an officer or servant of the Holding Company, the Holding Company,
  - (c) in relation to a person who at any time in the period beginning with the passing of this Act and ending with the vesting date becomes an officer or servant of one of the bodies which on the vesting date becomes a subsidiary of the Railways Board, the Docks Board, the British Waterways Board or the Holding Company, that Board or the Holding Company as the case may be,
  - (d) in the case of any other person, the Board which would have become his employer under section thirty-four of this Act if an agreement had subsisted at the vesting date for the rendering by him to the Commission of personal services of the kind which he was rendering to the Commission when he left the service of the Commission.
- (9) The London Board, the Docks Board, the British Waterways Board and the Holding Company may arrange to make payments to the Railways Board by way of contributions towards the liability of the Railways Board under this section in respect of officers and servants of the Commission, and if the Railways Board satisfy the Minister that any of the other Boards or the Holding Company have not made an appropriate contribution towards that liability, whether by the payment of money or by finding employment for any such officers or servants or otherwise, the Minister may require that other Board or, as the case may be, the Holding Company to make such payment to the Railways Board as appears to the Minister to be just.
- (10) Nothing in this section shall be construed as enabling regulations to be made prejudicing the rights of any person under Part VII of the <sup>M60</sup>Transport Act 1947, or any other enactment passed before this Act.
- [<sup>F192</sup>(11) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

#### Textual Amendments

**F189** Words substituted by virtue of S. I. 1968/729, **arts. 2(1), 3(2)**

**F190** Words in s. 81(4)(b) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 55(2)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

**F191** Words in s. 81(7) substituted (31.1.1997) by 1996 c. 23, s. 107(1), **Sch. 3 para. 16(3)** (with s. 81(2)); S.I. 1996/3146, **art. 3** (subject to transitional provisions in Sch. 2, art. 4).



*Status: Point in time view as at 06/04/2008.*

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

**F192** S. 81(11) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 4 para. 55(3)**; S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

**Marginal Citations**

**M60** 1947 c. 49.

*Miscellaneous provisions*

**82** ..... **F193**

**Textual Amendments**

**F193** S. 82 repealed by **Transport Act 1968 (c. 73), Sch. 18 Pt. IV**

**83** **Abandonment of independent railways.**

[<sup>F194</sup>(1) The minister may make an abandonment order in respect of any railway comprised in an independent railway undertaking if an application is made to him for that purpose by the undertakers in question or by any creditor of those undertakers.]

[<sup>F194</sup>(2) Notice of any application under this section shall be published by the applicant in such manner and form as the Minister may direct, and the Minister shall before making an order under this section consider any objections which have been lodged in respect to the application.]

[<sup>F194</sup>(3) An order under this section shall have effect to release the undertakers from any statutory obligation to construct, maintain or operate the railway which is the subject of the order, and the order may contain provisions for abrogating, on such terms as to compensation or otherwise as the Minister may think just, any obligations (whether statutory or otherwise) to provide or maintain works, services or facilities in connection with the railway.]

[<sup>F194</sup>(4) An order under this section may contain such consequential and supplementary provisions, including provisions for the assessment of compensation, as the Minister may think fit, and notice of the order shall be published in such a manner and form as the Minister may direct.]

[<sup>F194</sup>(5) Where an application is made under this section by a creditor, the undertakers in question shall furnish the Minister with all such information, and permit such inspection of their railways, as the Minister may reasonably require for the purposes of the application, and any person who fails to comply with a requirement under this subsection shall be liable on summary conviction to a fine not exceeding [<sup>F195</sup>level 1 on the standard scale]]

<sup>F196</sup>(6) .....

(7) In this section “independent railway undertaking” means a railway undertaking carried on in Great Britain and not forming part of the undertaking of the Commission or of any of the Boards, being an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament.

*Status: Point in time view as at 06/04/2008.*

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

#### Textual Amendments

- F194** S. 83(1)-(5) repealed (E.W.) (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), **Sch. 4 Pt. I**; [S.I. 1992/2784](#), art. 2, **Sch. 2 Pt.II** (with art. 3(2)).
- F195** Words substituted by (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 38, 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), ss. 289F, 289G.
- F196** S. 83(6) repealed (1.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), s. 68(1), **Sch. 4 Pt. I**; [S.I. 1992/2784](#), art. 2, **Sch. 2 Pt.I**

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

- C107** S. 83(7) amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), **Sch. 4 para. 6(2)(a)(5)**

## 84 Minor amendments relating to railways.

- (1) ..... <sup>F197</sup>
- (2) Section five of the Regulation of Railways Act, 1889 (which imposes penalties for offences in connection with railway fares and tickets), shall apply as respects any offence committed after the coming into force of this section as if in subsection (1) for the words “forty shillings” there were substituted the words “ten pounds”, and as if in subsection (3) for the words “forty shillings” there were substituted the words “twenty-five pounds”, for the words “twenty pounds” there were substituted the words “twenty-five pounds” and for the words “one month” there were substituted the words “three months”.
- (3) Subsection (1) and subsections (3) to (12) of section sixty-seven of this Act shall apply in relation to the person carrying on any independent railway undertaking as defined in the last foregoing section, and in relation to the railways comprised in the undertaking, as they apply in relation to the Railways Board and their railways, and as from the vesting date any bylaws under sections one hundred and eight and one hundred and nine of the <sup>M61</sup>Railways Clauses Consolidation Act 1845, or sections one hundred and one and one hundred and two of the <sup>M62</sup>Railways Clauses Consolidation (Scotland) Act 1845, which immediately before the vesting date apply to any such undertaking shall have effect as if made under the said section sixty-seven.
- (4) In section one hundred and forty-four of the Railways Clauses Consolidation Act, 1845, and section one hundred and thirty-six of the Railways Clauses Consolidation (Scotland) Act, 1845 (which relate to the defacement of notice boards), for the words from “as required” to “or penalty” there shall be substituted the words “for the purpose of publishing any bylaw of the company or any penalty imposed by this or the special Act.”

#### Textual Amendments

- F197** S. 84(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. VI**

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

- C108** The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), 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.

*Status: Point in time view as at 06/04/2008.*

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

#### Marginal Citations

**M61** 1845 c. 20.

**M62** 1845 c. 33.

85 ..... F198

#### Textual Amendments

**F198** S. 85 repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#) and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), [Sch. 3 Pt. I](#)

### 86 Application of Town and Country Planning Acts.

- (1) It is hereby declared that for the purposes of the Town and Country Planning Acts anything done by any of the Boards—
  - (a) in the exercise of the powers conferred by section eleven of this Act so far as that section relates to development of land for use otherwise than for the purposes of the business of the Board; or
  - (b) in the exercise of the powers conferred by section twelve of this Act so far as that section relates to pipe-lines which are not required for the purposes of the business of the Board other than the operation of pipe-lines,does not constitute the carrying on by the Board of their statutory undertaking and, in particular, that land which is used, or in which an interest is held, by a Board exclusively for the purpose of exercising those powers does not constitute operational land.
- (2) Without prejudice to the foregoing subsection and subject to the next following subsection, any development of operational land by a Board in the exercise of the said powers shall not for the purposes of the said Acts constitute development of operational land.
- (3) The last foregoing subsection shall not apply to development if—
  - (a) the development comprises development by the Board for the purpose of carrying on their statutory undertaking or is development for a purpose which includes that purpose; and
  - (b) the development is such that so much of it as is exclusively referable to the exercise by the Board of the said powers cannot fairly be treated for the purposes of the said Acts as separate development.
- (4) Any question under the last foregoing subsection whether part of any development can fairly be treated as separate development shall be determined by the local planning authority to whom application is made for permission for the development in question, or, where an application for permission for the development in question is referred to the Minister <sup>F199</sup>or, in the case of the British Waterways Board in respect of any development in Scotland, the Scottish Ministers], by the Minister <sup>F200</sup>or, as the case may be, by the Scottish Ministers] . . . <sup>F201</sup>; and where part of any development is so treated this section and the said Acts shall apply to the parts of the development in all respects as if they were separate development.

*Status: Point in time view as at 06/04/2008.*

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

- (5) If an applicant is aggrieved by a determination of a local planning authority under the last foregoing subsection, he may appeal to the Minister [<sup>F202</sup>or, in the case of the British Waterways Board in respect of any development in Scotland, to the Scottish Ministers], . . . <sup>F201</sup>

The provisions of the said Acts and of any development order as to the time and manner for appealing to the Minister [<sup>F202</sup>or, in the case of the British Waterways Board in respect of any development in Scotland, to the Scottish Ministers] against planning decisions of local planning authorities shall apply, subject to any necessary modifications, to an appeal under this subsection.

- (6) The provisions of the said Acts as to the validity, and proceedings for challenging the validity, of decisions of the Minister [or, in the case of the British Waterways Board in respect of any development in Scotland, to the Scottish Ministers] on applications for planning permission referred to him under those Acts or on appeals to him under those Acts against planning decisions of local planning authorities shall apply to any determination of the Minister [or, in the case of the British Waterways Board in respect of any development in Scotland, to the Scottish Ministers] . . . <sup>F201</sup> under this section as if a reference to this section were included in those provisions.

- <sup>F203</sup>(6A) In Scotland any question to be determined by the Minister under subsection (4) above and any appeal under subsection (5) shall be determined by [<sup>F204</sup>the Secretary of State for Scotland acting jointly with [<sup>F205</sup>the Secretary of State for Communities and Local Government]]]

- <sup>F206</sup>(6B) Subsection (6A) above does not apply to the British Waterways Board.]

<sup>F207</sup>(7) . . . . .

- (8) In this section . . . <sup>F201</sup>“the Town and Country Planning Acts” mean . . . <sup>F201</sup> the Town and Country Planning Acts, 1947 to 1959, or, in relation to Scotland, . . . <sup>F201</sup> the Town and Country Planning (Scotland) Acts, 1947 to 1959; and, subject to this section, any other expression in this section which is used in those Acts has the same meaning as in those Acts.

#### Textual Amendments

- F199** Words in s. 86(4) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(22)(a)** (with transitional provisions and savings in art. 4)
- F200** Words in s. 86(4) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(22)(b)** (with transitional provisions and savings in art. 4)
- F201** Words repealed by S.I. 1970/1681, **Sch. 4**
- F202** Words in s. 86(5) inserted (1.4.2001) by S.I. 2000/3251, art. 1(2)(b), 2, **Sch. 2 para. 2(23)** (with transitional provisions and savings in art. 4)
- F203** S. 86(6A) inserted by S.I. 1970/1681, **Sch. 3 para. 20(2)**
- F204** Words in s. 86(6A) substituted by S.I. 1976/1775, art. 6(1), **Sch. 3 para. 6(1)**
- F205** Words in s. 86(6A) substituted (21.8.2006) by Secretary of State for Communities and Local Government Order 2006 (S.I. 2006/1926), art. 1(2), **Sch. para. 1**
- F206** S. 86(6B) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(24)** (with transitional provisions and savings in art. 4)
- F207** S. 86(7) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

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

- C109** S. 86 extended by Transport Act 1968 (c. 73), s. 141

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

- C110** “The Minister” means The Secretary of State: [S.I. 1970/1681, art. 2\(1\)](#)
- C111** References to Town and Country Planning Acts to be construed as references to (E.W.) [Town and Country Planning Act 1971 \(c. 78\)](#): *ibid.*, Sch. 24, para. 2 and (S.) [Town and Country Planning \(Scotland\) Act 1972 \(c. 52\)](#): *ibid.*, Sch. 22 para. 2
- C112** S. 86 amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), **Sch. 4 para. 7(1)**
- C113** S. 86 modified (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), **Sch. 4 para. 7(2)**
- C114** Functions of Secretary of State for the Environment under s. 86(6A), except so far as relates to functions exercisable in relation to British Waterways Board, now exercisable by Secretary of State for Transport: [S.I. 1976/1775, art. 2\(1\), Sch. 1, 1979/571 art. 2](#) and [1981/238, art. 2\(1\)\(a\)](#)
- C115** S. 86(6A) transfer of functions (21.8.2006) by [Secretary of State for Communities and Local Government Order 2006 \(S.I. 2006/1926\)](#), arts. 1(2), **4(1)(a)**

**87** ..... **F208**

**Textual Amendments**

**F208** S. 87 repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

**88** ..... **F209**

**Textual Amendments**

**F209** S. 88 repealed by [Tribunals and Inquiries Act 1971 \(c. 62\)](#), **Sch. 4 Pt. I**

*Supplemental*

**89 Duty to give effect to Minister’s directions.**

- (1) It shall be the duty of the Boards or of any other person to whom the Minister [<sup>F210</sup>or, as the case may be, the Scottish Ministers]or any other authority gives directions under this Act to give effect to those directions.
- (2) Any direction given by the Minister [<sup>F211</sup>or, as the case may be, the Scottish Ministers]under this Act shall be in writing.

**Textual Amendments**

**F210** Words in s. 89(1) inserted (1.4.2001) by [S.I. 2000/3251, arts. 1\(2\)\(b\), 2, Sch. 2 para. 2\(25\)](#) (with transitional provisions and savings in [art. 4](#))

**F211** Words in s. 89(2) inserted (1.4.2001) by [S.I. 2000/3251, arts. 1\(2\)\(b\), 2, Sch. 2 para. 2\(26\)](#) (with transitional provisions and savings in [art. 4](#))

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

**C116** S. 89 extended by [Transport Act 1968 \(c. 73\)](#), **s. 52(3)**

*Status: Point in time view as at 06/04/2008.*

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

## <sup>F212</sup>90 Inquiries.

.....

### Textual Amendments

**F212** S. 90 repealed (7.6.2005) by Inquiries Act 2005 (c. 12), s. 51(1), Sch. 2 para. 6, **Sch. 3** (with ss. 44, 50); S.I. 2005/1432, art. 2

## 91 Repeal of local enactments.

- (1) The Minister [<sup>F213</sup>or, in the case of the British Waterways Board in respect of any local enactment in Scotland, the Scottish Ministers] may by order repeal any local enactment which in his [<sup>F214</sup>or, as the case may be, their] opinion has ceased to have effect in consequence of the provisions of the <sup>M63</sup>Transport Act 1947, or this Act.
- (2) An order under this section shall be made by statutory instrument which shall be subject to annulment [<sup>F215</sup>in the case of an order made by the Minister,] in pursuance of a resolution of either House of Parliament [<sup>F216</sup>and in the case of an order made by the Scottish Ministers, in pursuance of a resolution of the Scottish Parliament.].

### Textual Amendments

- F213** Words in s. 91(1) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(30)(a)** (with transitional provisions and savings in art. 4)
- F214** Words in s. 91(1) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(30)(b)** (with transitional provisions and savings in art. 4)
- F215** Words in s. 91(2) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(31)(a)** (with transitional provisions and savings in art. 4)
- F216** Words in s. 91(2) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(32)(b)** (with transitional provisions and savings in art. 4)

### Marginal Citations

**M63** 1947 c. 49.

## 92 Interpretation.

- (1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings herein respectively assigned to them,—

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

“coastal shipping” means the carrying of goods or passengers in ships by sea to or from any point in Great Britain from or to any point in the United Kingdom, the Isle of Man, the Channel Islands or the Republic of Ireland, but does not include the carrying of goods or passengers in the exercise of a right of ferry legally established whether by Act of Parliament or otherwise;

<sup>F217</sup>

“final accounts of the Commission” has the meaning assigned to it by subparagraph (5) of paragraph 18 of the Seventh Schedule to this Act;

“function” includes powers, duties and obligations;

“goods” includes animals;

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“harbour” means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and any dock, including any pier, jetty or other place at which ships can ship or unship goods or passengers;

“the Holding Company” has the meaning assigned to it by section twenty-nine of this Act;

“the Hotel Company” has the meaning assigned to it by section thirty-three of this Act;

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

“land” includes any interest in land and any right over land;

“lease” includes an agreement for a lease;

“liability” includes an obligation;

“local enactment” means any provision—

- (a) in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, and
- (b) in any order or other instrument made under such an Act, and
- (c) in any order made under the <sup>M64</sup>Light Railways Act 1896,

and includes any provision of the <sup>M65</sup>Railways Clauses Consolidation Act 1845, or any other public Act as it is incorporated in an Act or instrument falling under paragraph (a), (b) or (c) of this definition;

F218

.....  
“the Lower Ouse Improvement” means so much of the River Ouse as is within the limits of improvement as defined by section three of the <sup>M66</sup>Ouse (Lower) Improvement Act 1884;

“the Minister” means [<sup>F219</sup>the Secretary of State];

“officer”, in relation to the Commission or any other body, does not include a member of that body;

“participant” means, in relation to a pension scheme, 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 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;

“port facilities” means the constructing, improving, maintaining, regulating, managing, marking or lighting of a harbour or any part thereof, the berthing, towing, moving or dry-docking of a ship which is in, or is about



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to enter, or has recently left, a harbour, the loading or unloading of goods, or embarking or disembarking of passengers, in or from any such ship, the lighterage or the sorting, weighing, warehousing or handling of goods in a harbour, and the movement of goods within a harbour;

“public service vehicle” shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the <sup>M67</sup>Road Traffic Act 1960;

“the re-organisation effected by this Act” includes any re-organisation effected by a scheme under section sixty-nine of this Act, including any amendments of the scheme made not later than six months after the date on which the scheme comes into effect:

“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;

“ship” includes every description of vessel used in navigation;

..... <sup>F217</sup>

“statutory provision” means a provision whether of a general or of a special nature contained in, or in any document made or issued under, any Act, whether of a general or a special nature;

“subsidiary”, in relation to any body corporate, means a body corporate which is a subsidiary of the first mentioned body corporate as defined by [<sup>F220</sup>section 736 of the Companies Act 1985] . . . <sup>F221</sup>;

“vesting date” has the meaning assigned to it by section thirty-one of this Act;

“wholly-owned subsidiary” means a subsidiary all the securities of which are owned by the body of which it is a subsidiary, or by one or more other wholly-owned subsidiaries of that body, or partly by that body and partly by any wholly-owned subsidiary of that body.

- (2) Any reference in this Act to any provision of the <sup>M68</sup>Railways Clauses Consolidation Act 1845, or of any other Act which is expressed only to have effect as incorporated in another enactment, shall include a reference to that provision as incorporated in any statutory provision passed or made whether before or after the passing of this Act.
- (3) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by any other enactment including this Act.

#### Textual Amendments

**F217** Definitions of “contract carriage”, “express carriage” and “stage carriage” repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**F218** Definitions repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), **Sch. 6**

**F219** Words substituted by virtue of S.I. 1981/238, **arts. 2(2), 3(2)(3)**

**F220** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. **30 Sch. 2**

**F221** Words repealed by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 144(4), **Sch. 18 para. 4** and expressed to be repealed (1.4.1994) by 1993 c. 43, s. 152(3), **Sch.14**; S.I. 1994/571, **art. 5**.

#### Marginal Citations

**M64** 1896 c. 48.

**M65** 1845 c. 20.



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- M66** 1884 c. clxi.
- M67** 1960 c. 16.
- M68** 1845 c. 20.

### 93 Application to Northern Ireland.

- (1) The provisions of this Act set out in Part I of the Eleventh Schedule to this Act shall extend to Northern Ireland subject to the modifications set out in Part II of that Schedule, and save as aforesaid this Act shall not extend to Northern Ireland.
- (2) ..... <sup>F222</sup>

#### Textual Amendments

**F222** S. 93(2) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

### 94 Minister's expenses.

Any expenses incurred by the Minister under or in consequence of the provisions of this Act shall be paid out of money provided by Parliament.

### 95 Repeal and savings.

- (1) ..... <sup>F223</sup>
- (3) Nothing in the repeals in Part I of the Twelfth Schedule to this Act which relate to the Transport Tribunal shall affect any appointment made, any judgment or order given, any document issued or any other thing done before the date on which the repeals take effect; and the provision of this Act corresponding to the enactment under which it was done shall have effect as if it had been done under that provision.  
  
Any reference in any instrument or other document to such an enactment shall be taken as regards anything done after that date as a reference to the corresponding provision of this Act.
- (4) The foregoing provisions of this section shall be without prejudice to so much of [<sup>F224</sup>the <sup>M69</sup>Interpretation Act 1978], as relates to the effect of repeals.
- (5) ..... <sup>F223</sup>

#### Textual Amendments

**F223** S. 95(1)(2)(5) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

**F224** Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)

#### Marginal Citations

**M69** 1978 c. 30.

### 96 Short title and commencement.

- (1) This Act may be cited as the Transport Act 1962.

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- (2) Subject to any other provision of this Act, this Act shall come into force on such date as the Minister may by order contained in a statutory instrument appoint, and the Minister may under this subsection appoint different dates for different provisions of this Act.

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

**C117** Power of appointment conferred by s. 96(2) fully exercised see S.I. 1962/1788, 2634, 1964/2025

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## SCHEDULES

### FIRST SCHEDULE

Sections 1, 2 and 29.

#### THE BOARDS . . . <sup>F225</sup> AND THE HOLDING COMPANY

##### Textual Amendments

**F225** Words repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

### PART I

#### THE FOUR BOARDS

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

**C118** [Pt. I](#) extended by [Transport Act 1968 \(c. 73\)](#), [Sch. 1 para. 6](#)

- 1 Each Board shall be a body corporate with perpetual succession and a common seal.
- 2 Each Board may act notwithstanding a vacancy among its members.
- 3 The quorum of the Railways Board shall be five, and the quorum of each of the other Boards shall be three and, subject as aforesaid, the Boards may regulate their own procedure.
- <sup>F226</sup>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.]

##### Textual Amendments

**F226** [Para. 4](#) substituted by [Transport Act 1968 \(c. 73\)](#), [s. 52\(4\)](#)

- 5 Every document purporting to be an instrument issued by any of the Boards and to be sealed as aforesaid, or to be signed on behalf of any Board, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.
- 6 (1) A member of any Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for re-appointment.  
<sup>F227</sup>(2) Any member appointed by the Minister may at any time by notice in writing to the Minister resign that member's office.  
(3) In the case of the British Waterways Board any member appointed by the Scottish Ministers may by notice in writing to them resign that member's office.]

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#### Textual Amendments

**F227** Sch. 1 para. 6(2)(3) substituted for Sch. 1 para. 6(2) (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(32)(a)** (with transitional provisions and savings in art. 4)

- 7 (1) Before appointing a person to be a member of any Board, the Minister shall satisfy himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of a Board, and the Minister shall also satisfy himself from time to time with respect to every member of any of the Boards that he has no such interest; and any person who is, or whom the Minister proposes to appoint to be, a member of a Board shall, whenever requested by the Minister so to do, furnish to him such information as the Minister considers necessary for the performance by the Minister of his duties under this paragraph.

[<sup>F228</sup>(1A) Sub-paragraph (1) above applies to any appointment made by the Scottish Ministers of a member of the British Waterways Board as if any reference (however expressed) to the Minister is read as a reference to the Scottish Ministers.]

- (2) A member of any Board who is in any way directly or indirectly interested in a contract made or proposed to be made by the Board shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the Board, and the member shall not take any part in any deliberation or decision of the Board with respect to that contract.
- (3) For the purposes of the last foregoing sub-paragraph a general notice given at a meeting of a Board by a member of the Board to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm, shall be regarded as a sufficient disclosure of his interest in relation to any contract so made.

A member of a Board need not attend in person at a meeting of the Board in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

#### Textual Amendments

**F228** Sch. 1 para. 7(1A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(32)(b)** (with transitional provisions and savings in art. 4)

- 8 (1) Each Board—
- (a) shall pay to the members thereof such salaries or fees, and such allowances, as the Minister may, with the approval of [<sup>F229</sup>the Minister for the Civil Service], determine, and
- [<sup>F230</sup>(b) the references to the approval of the Treasury (which, by virtue of Articles 2(1)(c) and 3(2) of the Minister for the Civil Service Order 1968 <sup>F231</sup> are to have effect as if they were references to the Minister for the Civil Service) are omitted.]

and if a person ceases to be a member of a Board, otherwise than on the expiration of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation the Minister may, with the approval of [<sup>F229</sup>the Minister for the Civil Service], require the Board to pay

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to that person a sum of such amount as the Minister may with the approval of [<sup>F229</sup>the Minister for the Civil Service] determine.

[<sup>F232</sup>(1A) Sub-paragraph (1) above applies to any member of the British Waterways Board appointed by the Scottish Ministers as if–

- (a) any reference (however expressed) to the Minister is read as a reference to the Scottish Ministers; and
- (b) the references to the approval of the Treasury are omitted.]

(2) The Minister shall, as soon as possible after the first appointment [<sup>F233</sup>by the Minister]of any person as a member of a Board, lay before each House of Parliament a statement of the salary or fees and of the allowances that are or will be payable under this paragraph; and, if any subsequent determination by him under this paragraph involves a departure from the terms of that statement, or if a determination by him under this paragraph relates to the payment of, or of payment towards the provision of, a pension to or in respect of, a member of the Board, the Minister shall, as soon as possible after the determination, lay a statement thereof before each House of Parliament.

[<sup>F234</sup>(2A) The Scottish Ministers shall, as soon as possible after the first appointment by the Scottish Ministers of any person as a member of the British Waterways Board, lay before the Scottish Parliament a statement of the salary or fees and of the allowances that are or will be payable under this paragraph; and, if any subsequent determination by them under this paragraph involves a departure from the terms of that statement, or if a determination by them under this paragraph relates to the payment of, or of payment towards the provision of, a pension to or in respect of, a member of the British Waterways Board, the Scottish Ministers shall, as soon as possible after the determination, lay a statement thereof before the Scottish Parliament.]

(3) So much of sub-paragraph (1) of this paragraph as requires that the pensions, if any, which are to be paid in the case of members of a Board are to be determined by the Minister with the approval of [<sup>F229</sup>the Minister for the Civil Service][<sup>F235</sup>or, in the case where sub-paragraph (1) above is applied by sub-paragraph (1A), by the Scottish Ministers]shall not apply in relation to any pension payable apart from the provisions of this paragraph.

#### Textual Amendments

**F229** Words substituted by virtue of S.I. 1968/1656, arts. 2(1)(c), 3(2)

**F230** Sch. 1 para. 8(1)(b) substituted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(32)(c)(i) (with transitional provisions and savings in art. 4)

**F231** S.I. 1968/1656.

**F232** Sch. 1 para. 8(1A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(32)(c)(ii) (with transitional provisions and savings in art. 4)

**F233** Words in Sch. 1 para. 8(2) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(32)(d) (with transitional provisions and savings in art. 4)

**F234** Sch. 1 para. 8(2A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(32)(e) (with transitional provisions and savings in art. 4)

**F235** Words in Sch. 1 para. 8(3) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(32)(f) (with transitional provisions and savings in art. 4)

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

## PART II

F236  
 . . .

### Textual Amendments

F236 Sch. 1 Pt. II repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

## PART III

F237  
 . . .

### Textual Amendments

F237 Sch. 1 Pt. III repealed by [S.I. 1973/338](#), [Sch. 2](#)

## SECOND SCHEDULE

### TRANSFER OF COMMISSION’S STATUTORY FUNCTIONS

### Modifications etc. (not altering text)

C119 Sch. 2 specified provisions modified (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), Sch. 1 para. 2(2)(b)(3)

## PART I

### PUBLIC ACTS

### Modifications etc. (not altering text)

C120 Sch. 2 Pt. I amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), [Sch. 4 paras. 1\(1\)\(2\)\(b\), 6\(2\)\(b\)\(3\)\(5\)](#)

*The Railway Fires Act, 1905*

*5 Edw. 7. c. 11*

Section 2 (Powers of entry on land).

The reference to a railway company shall include a reference to any of the Boards.

*Status: Point in time view as at 06/04/2008.*

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

<sup>F238</sup> *The London Passenger Transport Act, 1933*

*23 & 24 Geo. 5. c. 14*

**Textual Amendments**

**F238** Entry relating to the London Passenger Transport Act 1933 repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(b), [Sch. 7](#)

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

**C121** The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), 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.

In the London Passenger Act, 1933 (so far as not repealed by this Act), for references to the London Passenger Transport Bureau there shall be substituted references to the London Board.]

F239

**Textual Amendments**

**F239** Entry relating to [Public Health \(London\) Act 1936 \(c. 50\)](#) repealed by S.I. 1966/1305, [art. 2 Sch. 1](#)

**Textual Amendments**

**F239** Entry relating to [Public Health \(London\) Act 1936 \(c. 50\)](#) repealed by S.I. 1966/1305, [art. 2 Sch. 1](#)

F240

**Textual Amendments**

**F240** Entry relating to [Criminal Justice Act 1950 \(c. 58\)](#) repealed by [Theft Act 1968 \(c. 60\)](#), s. 33(3), [Sch. 3 Pt. IV](#)

**Textual Amendments**

**F240** Entry relating to [Criminal Justice Act 1950 \(c. 58\)](#) repealed by [Theft Act 1968 \(c. 60\)](#), s. 33(3), [Sch. 3 Pt. IV](#)

*The Coast Protection Act, 1949*



*Status: Point in time view as at 06/04/2008.*

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

*12, 13 & 14 Geo. 6. c. 74*

- 1 (1) In paragraph (d) of subsection (2) and subsection (8) of section two, in paragraph (c) of subsection (6) of section three and in paragraphs 1 and 8 of the First Schedule (which relate to the appointment of coast protection boards and joint committees) for references to the Commission there shall be substituted references to the Railways Board and the British Waterways Board.
- (2) This paragraph shall not affect any order under the said section two, or any appointment made under either of those sections before the vesting date, but the power under an order under the said section two or under the said section three to appoint a person to take the place of a representative of the Commission shall be exercisable either by the Railways Board or the British Waterways Board, or both those Boards jointly, as those Boards may agree.
- 2 In paragraph (c) of the proviso to subsection (4) of section five and in paragraph (c) of the proviso to subsection (4) of section eight (which relate to objections to proposals to carry out coast protection work) for the reference to the Commission there shall be substituted a reference to any of the Boards.

... F241

... F242

... F243

**Textual Amendments**

**F241** Entry relating to the Diseases of Animals Act 1950 repealed by [Animal Health Act 1981 \(c. 22, SIF 4:4\)](#), s. 96(2), [Sch. 6](#)

**F242** Entry repealed by [Transport Act 1980 \(c. 34\)](#), [Sch. 9 Pt. I](#)

**F243** Entry amends [Post Office Act 1953 \(c. 36\)](#), s. 44(1)(b)

*The Transport Charges &c. (Miscellaneous Provisions) Act, 1954*

*2 & 3 Eliz. 2. c. 64*

Section 13(1)(Interpretation of Act).

In the definition of “independent” for the reference to the Commission there shall be substituted a reference to any of the Boards.

*<sup>F244</sup> The Food and Drugs Act, 1955*

*4 Eliz. 2. c. 16*

**Textual Amendments**

**F244** Entry relating to the Food and Drugs Act 1955 repealed (E.W.) by [Food Act 1984 \(c. 30, SIF 53:1\)](#), s. 134, [Sch. 11](#)

*Status:* Point in time view as at 06/04/2008.

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

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Section 11(2)(Power to examine food in transit).	For the reference to the Commission and the Commission’s railway undertaking there shall be substituted a reference to any of the Boards and to any railway operated by that Board.]
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*The Food and Drugs (Scotland) Act, 1956*

*4 & 5 Eliz. 2. c. 30*

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Section 11(2)(Power to examine food in transit).	For the reference to the Commission and the Commission’s railway undertaking there shall be substituted a reference to any of the Boards and to any railway operated by that Board. F245 ... F246 ... F247 ... F248 ... F249 ...
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**Textual Amendments**

- F245** Entry repealed by [Transport Act 1980 \(c. 34\)](#), **Sch. 9 Pt. I**
- F246** Entries repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), **Sch. 6**
- F247** Entry relating to section 157 of the [Road Traffic Act 1960 \(c. 16\)](#) repealed by [Public Passenger Vehicles Act 1981 \(c. 14, SIF 107:1\)](#), **Sch. 8**
- F248** Entry repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. IV**
- F249** Entry repealed by [Theft Act \(Northern Ireland\) 1969 \(c. 16\)](#), **Sch. 3 Pt. II**

<sup>F250</sup>**PART II**

**Textual Amendments**

- F250** Sch. 2 Pt. II repealed (1.4.1994) by [1993 c. 43, s. 152\(3\)](#), **Sch.14**; [S.I. 1994/571](#), **art. 5**.

*The Railway Air Transport Act of 1929*

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- 3 (1) In the Railway Air Transport Acts—
- (a) for references to the railway companies there mentioned there shall be substituted references to the Railways Board, and
  - (b) for references to the railway systems of those companies there shall be substituted references to the Board’s railway system.

*Status: Point in time view as at 06/04/2008.*

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

- (2) In this paragraph “the Railway Air Transport Acts of 1929” means the London and North Eastern Railway (Air Transport) Act 1929, the Southern Railway (Air Transport) Act 1929, the Great Western Railway (Air Transport) Act 1929, and the London Midland and Scottish Railway (Air Transport) Act 1929.

### PART III

#### OTHER FUNCTIONS UNDER LOCAL ENACTMENTS

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

**C122** Pt. III extended by [Transport Act 1968 \(c. 73\)](#), [Sch. 16 para. 7](#)

**C123** Sch. 2 Pt. III amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#) s. 67(2), Sch. 4 para. 1(1)(2)(b), 6(2)(b)(3)(5)

#### [<sup>F251</sup>The London Passenger Transport Acts of 1934 to 1947]

##### **Textual Amendments**

**F251** Entry relating to the London Passenger Transport Acts of 1934 to 1947 is expressed to be repealed (E.W.) in Pt. II of Sch. 2, by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), [s. 71\(3\)\(b\)](#), Sch. 7 [*Editorial Note: there is no such entry in Pt. II of Sch. 2 but there is such an entry in Pt. III of Sch. 2*]

[<sup>F251</sup>In the local Acts cited as the London Passenger Transport Acts, 1933 to 1947, for references to the London Passenger Transport Board there shall be substituted references to the London Board.]

#### *The British Transport Commission Act 1949*

#### *12 & 13 Geo. 6. c. xxix*

Section 54(Powers of search and arrest on Commission’s property).	For references to the Commission there shall be substituted references to any of the Boards and the Hotel Company.
Section 55(Trespass on railways).	For references to the Commission there shall be substituted references to any of the Boards.
Section 56(Stone throwing on railways).	For references to the Commission there shall be substituted references to any of the Boards.
Section 57(Rights of way over Commission’s property).	For references to the Commission there shall be substituted references to any of the Boards.

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*Status:* Point in time view as at 06/04/2008.

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

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Section 59(Rights of pre-emption under Lands Clauses Acts).

For references to the Commission there shall be substituted references to any of the Boards.

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*The British Transport Commission Order Confirmation Act 1953*

*1 & 2 Eliz. 2. c. xx*

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Section 18 in the Schedule (Service of notices to treat).

For references to the Commission there shall be substituted references to any of the Boards.

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*The British Transport Commission Act 1953*

*1 & 2 Eliz. 2. c. xlii*

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Section 52(Service of notices to treat).

For references to the Commission there shall be substituted references to any of the Boards.

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*The British Transport Commission Act 1954*

*2 & 3 Eliz. 2. c. lv*

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Section 24(Private street expenses).

For references to the Commission there shall be substituted references to any of the Boards.

Section 40(Barriers at level-crossings).

For references to the Commission there shall be substituted references to any of the following, that is to say, the Railways Board, the London Board and the Docks Board.

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*The British Transport Commission Act 1957*

*5 & 6 Eliz. 2. c. xxxiii*

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Section 66(Special safety arrangements at level crossings).

For references to the Commission there shall be substituted references to any of the following, that is to say, the Railways Board, the London Board and the Docks Board.

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*The British Transport Commission Act 1958*

*Status: Point in time view as at 06/04/2008.*

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

*6 & 7 Eliz. 2. c. xliv*

Section 19(Raising of stranded or abandoned vessels).	For references to the Commission there shall be substituted references to the British Waterways Board and, as regards the Lower Ouse Improvement, the Docks Board.
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*The British Transport Commission Order Confirmation Act 1959*

*7 & 8 Eliz. 2. c. xxxvi*

Section 15 in the Schedule (Execution of deeds).	For references to the Commission there shall be substituted references to any of the Boards.
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*The British Transport Commission Act 1959*

*7 & 8 Eliz. 2. c. xliv*

Section 26(Powers as regards canal basins).	For references to the Commission there shall be substituted references to the British Waterways Board.
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*The British Transport Commission Act 1961*

*9 & 10 Eliz. 2. c. xxxvi*

Section 26(Traffic offences on dock roads).	For references to the Commission there shall be substituted references to any of the following, that is to say, the Railways Board, the Docks Board and the British Waterways Board.
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**PART IV**

THE RAILWAYS CLAUSES ACTS

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

**C124** Sch. 2 Pt. IV amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), [Sch. 4 para. 6\(2\)\(c\)\(5\)](#)

The following enactments in the <sup>M74</sup>Railways Clauses Consolidation Act 1845, and the <sup>M75</sup>Railways Clauses Consolidation (Scotland) Act 1845, shall apply to all the railways of each

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of the Boards and shall so apply as if references in those enactments to the company were references to those Boards respectively.

**Marginal Citations**

M74 1845 c. 20.

M75 1845 c. 33.

<i>Subject matter</i>	<i>Section of Railways Clauses Consolidation Act 1845</i>	<i>Section of Railways Clauses Consolidation (Scotland) Act 18 45</i>
Lien for non-payment of tolls	97	90
Passengers avoiding payment of fares	103 and 104	96 and 97
Carriage of dangerous goods	105	98
Defacement of notice boards	144	1 36
F252	F252	F252
...	...	...

**Textual Amendments**

**F252** Sch. 2 Pt. IV: entry relating to s. 152 of the Railway Clauses Consolidation Act 1845 and s. 144 of the Railway Clauses Consolidation (Scotland) Act 1845 repealed (5.11.1993) by 1993 c. 50, s. 1(1), **Sch. 1 Pt. XIV** Group 1.

~~F253F253~~ **THIRD–  
FIFTH SCHEDULES**

**Textual Amendments**

**F253** Schs. 3–5, 6 para. 1(2)(4) Sch. 7 Pt. I paras. 3, 4 repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

F253

*Status: Point in time view as at 06/04/2008.*  
*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962. (See end of Document for details)*

SIXTH SCHEDULE

Section 35.

DISTRIBUTION OF COMMISSION’S UNDERTAKING

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

**C125** Sch. 6, except para. 2(3), amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), [Sch. 4 para. 6\(2\)\(d\)\(5\)](#)

**C126** Sch. 6 modified in part (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), [Sch. 1 para. 2\(2\)\(c\)](#)

*Distribution of property among the Boards*

- 1 (1) It shall be the duty of the Boards so far as practicable to arrive at such written agreements, and to execute such other instruments, as will effect the demarcations of boundaries and divisions and apportionments of property, rights and liabilities required under the principal sections and as will—
- (a) afford to each Board as against the other Boards such rights and safeguards as they may require for the proper discharge of their functions, and
  - (b) make such clarifications and modifications of the division of the Commission’s undertaking effected by the principal sections as will best serve the proper discharge of the functions of the Boards,
- and any such agreement shall provide so far as expedient—
- (i) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not,
  - (ii) for the granting of indemnities in connection with the severance of leases and other matters,
  - (iii) for the joint holding of assets,
  - (iv) for responsibility for registration of any matter in any description of statutory register.

An agreement made in pursuance of this sub-paragraph after the vesting date shall not be invalid on that account.

(2) ..... F254

(3) Where under the principal sections a Board is entitled to possession of any documents relating in part to the title to, or to the management of, any land or other property transferred under the principal sections to another Board, the first-mentioned Board shall be deemed to have given to the second-mentioned Board an acknowledgment in writing of the right of the second-mentioned Board to production of that document and to delivery of copies thereof, and section sixty-four of the <sup>M76</sup>Law of Property Act 1925, shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

(4) ..... F254

(5) The Railways Board shall, not later than one year after the vesting date, and after consulting the other Boards and the Holding Company, prepare and submit to the Minister schemes for sharing among the Boards and the Holding Company



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the control and use of the Historical Records vested in the Railways Board by paragraph (f) of subsection (2) of section thirty-one of this Act and dealing with the other assets so vested by that paragraph.

The Minister may approve a scheme so submitted to him with or without modifications, and it shall be the duty of the Boards and the Holding Company to give effect to any scheme as so approved.

F255

- (6) In the application of this paragraph to Scotland there shall be omitted, . . . <sup>F255</sup> in sub-paragraph (3), the words from “and section sixty-four” to the end of the sub-paragraph.

**Textual Amendments**

**F254** Schs. 3–5, 6 para. 1(2)(4) Sch. 7 Pt. I paras. 3, 4 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

**F255** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

**Marginal Citations**

**M76** 1925 c. 20.

*Construction of Agreements, Statutory Provisions and Documents*

- 2 (1) On and after the vesting date any agreement to which the Commission were a party immediately before the vesting date, whether in writing or not, and whether or not of such nature that rights and liabilities thereunder could be assigned by the Commission, shall have effect as if—
- (a) the successor Board had been a party to the agreement, and
  - (b) for any reference (however worded and whether express or implied) to the Commission there were substituted, as respects anything falling to be done on or after the vesting date, a reference to the successor Board, and
  - (c) any reference (however worded and whether express or implied) to any officer or any servant of the Commission were, as respects anything falling to be done on or after the vesting date, a reference to such person as the successor Board may appoint or, in default of appointment, to the officer or servant of the successor Board who corresponds as nearly as may be to the first-mentioned officer or servant, and
  - (d) where the agreement relates to property, rights or liabilities which under the principal sections fall to be apportioned or divided or distributed between two or more Boards, as if the agreement constituted two or more separate agreements separately enforceable by and against each of the respective Boards as regards the part of the property, rights and liabilities vesting in that Board and not as regards the other part,
- and paragraph (d) of this sub-paragraph shall apply in particular to the covenants, stipulations and conditions of any lease by or to the Commission.
- (2) Save as otherwise provided by any provision in this Act (whether expressly or by necessary implication), the foregoing sub-paragraph (except paragraph (a)) shall apply in relation to any statutory provision, any provision of any agreement to which the Commission were not a party, and any provision of any other document not being

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an agreement, as it applies in relation to an agreement to which the Commission were a party, and, in relation to any such statutory or other provision as aforesaid, references in paragraphs (b) and (c) of that sub-paragraph to the Commission and to any officers or servants of the Commission include references made by means of a general reference to a class of persons of which the Commission are one, without the Commission themselves being specifically referred to.

- (3) On and after the vesting date any statutory provision passed or made, and any agreement or other instrument executed, before the date of transfer under Part II of the <sup>M77</sup>Transport Act 1947, which by virtue of that Act contains a reference to the Commission instead of a reference to some other body shall have effect as if—
- (a) for any reference (however worded and whether express or implied) which before the said date of transfer was a reference to the directors or any director of the body were, as respects anything falling to be done on or after the vesting date, a reference to such person as the successor Board may appoint, and
  - (b) subject to the foregoing provisions of this paragraph, any reference (however worded and whether express or implied) which before the said date of transfer was a reference to the undertaking of the body were, as respects a period beginning with the vesting date, a reference to so much of the undertaking of the successor Board as corresponds to the undertaking of the first-mentioned body.
- (4) Without prejudice to the generality of the foregoing provisions of this paragraph, where by the operation of this Act any right or liability becomes a right or liability of a Board, the Board and all other persons shall, as from the date when the right or liability is transferred, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any Authority) for ascertaining, perfecting or enforcing that right or liability as they would have had if it had at all times been a right or liability of the Board, and any legal proceedings or applications to any Authority pending on the said date by or against the Commission, in so far as they relate to any property, right or liability transferred to the Board under or in pursuance of this Act, or to any agreement or enactment to which this Act applies, shall be continued by or against the Board to the exclusion of the Commission.
- (5) If the effect of any agreement, and in particular any agreement under the Railway Road Transport Acts of 1928 mentioned in paragraph 1 of Part II of the Second Schedule to this Act, which was executed before the passing of this Act and to which any Board is by virtue of this Act a party depends on whether that Board has power to carry on any activity, it shall be assumed for the purposes of the agreement that any activity which requires the consent of the Minister under this Act has been authorised by such a consent.
- (6) In this paragraph “the successor Board” means—
- (a) so far as the relevant agreement, statutory provision or other document relates to property, rights or liabilities or functions transferred under or in pursuance of this Act to one of the Boards, that Board,
  - (b) so far as the agreement, statutory provision or other document relates to property, rights or liabilities or statutory functions transferred under or in pursuance of this Act to two or more of the Boards, those Boards, but taken as a reference to both or all of those bodies, or to either or any of them separately, as the context may require, and

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- (c) in any other case, such Board as the Minister may direct, and in this paragraph references to agreements to which the Commission were a party and to statutory provisions, include in particular references to agreements to which the Commission became a party by virtue of the <sup>M78</sup>Transport Act 1947, and statutory provisions which applied to the Commission by virtue of that Act.
- (7) In this paragraph references to the Boards include references to the Holding Company.
- (8) The provisions of this paragraph shall have effect for the interpretation of agreements, statutory provisions and other instruments subject to the context, and shall not apply where the context otherwise requires.
- (9) In this paragraph references to the Commission include references to any Executive of the Commission.

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

C127 Para. 2(3) amended by [Transport Act 1968 \(c. 73\)](#), [Sch. 4 para. 9](#)

**Marginal Citations**

M77 [1947 c. 49](#).

M78 [1947 c. 49](#).

*Third parties affected by vesting provisions*

- 3 (1) Without prejudice to the provisions of the last foregoing paragraph, any transaction effected between the Boards in pursuance of paragraph 1 of this Schedule not more than five years after the vesting date shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.
- (2) It shall be the duty of the Boards who effect any transaction in pursuance of paragraph 1 of this Schedule to notify any person who has rights or liabilities which thereby become enforceable as to part by or against one Board and as to part by or against another Board, and if such a person applies to the Minister and satisfies him that the division or apportionment operated unfairly against him, the Minister may give such directions to the Boards as appear to him appropriate for varying the division or apportionment.
- (3) It shall also be the duty of the Boards to notify any person who has rights or liabilities which become enforceable as to part by or against one Board and as to part by or against another Board in consequence of a direction given by the Minister under sub-paragraph (2) of paragraph 1 of this Schedule.
- (4) If in consequence of the provisions of the principal sections and this Schedule, or of anything done in pursuance of those provisions, the rights or liabilities of any person other than a Board or the Holding Company or any subsidiary of a Board or of the Holding Company which were enforceable against or by the Commission become enforceable as to part against or by one Board and as to part against or by another Board, and the value of any property or interest of that person is thereby diminished, the Boards shall pay to that person such compensation as may be just, and any dispute as to whether and if so how much compensation is so payable, or as to the person to

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whom it shall be paid, shall be referred to and determined by an arbitrator appointed by the Lord Chancellor or, where the proceedings are to be held in Scotland, by an arbiter appointed by the Lord President of the Court of Session.

- (5) A conveyance or transfer whereby a Board purport to transfer to some person other than a Board or the Holding Company for consideration any land or any other property which belonged to the Commission, or which is an interest in property which belonged to the Commission, shall be as effective as if all the other Boards had been parties to the conveyance or transfer and had thereby conveyed or transferred all their interest in the property conveyed or transferred.
- (6) If at any stage of any court proceedings which have been instituted before the vesting date or later, but not more than five years after the vesting date, and which are proceedings to which a Board and a person other than a Board are parties, it appears to the court that the issues in the proceedings depend on any demarcation of boundaries or division or apportionment under the principal sections or this Schedule which the Boards have not yet effected, or raise a question of construction on those provisions which would not arise if all the Boards constituted a single person, the court may if it thinks fit on the application of a party to the proceedings other than a Board hear and determine the proceedings on the footing that the Board or Boards who are parties to the proceedings represent and are answerable for all the Boards, and that the Boards constitute a single person, and any judgment or order given by the court shall bind all the Boards accordingly.
- (7) It shall be the duty of each Board to keep any other of the Boards informed of any case where that other Board may be prejudiced by sub-paragraph (5) or sub-paragraph (6) of this paragraph, and if a Board claim that they have been so prejudiced and that some other Board ought to indemnify or make a payment to them on that account, and that the other Board have unreasonably failed to meet that claim, they may refer the matter to the Minister for determination by him.

*Minister's power to alter distribution of property and functions*

- 4 (1) The Minister shall have power—
  - (a) for the purpose of removing any difficulties or uncertainties in the application of sections thirty-one and thirty-two of this Act, or of reconciling the operation of those sections, or
  - (b) for the purpose of facilitating the discharge of the Boards' functions,
 by order to direct that notwithstanding those sections any property, rights or liabilities of the Commission, and any functions of the Commission under any local enactments, shall be transferred to such Board or Boards as may be specified in the order.
- (2) An order under this paragraph may adapt or modify any local enactment so far as appears to the Minister expedient for the purpose of regulating the manner in which functions of the Commission thereunder are distributed and may contain such other transitional and supplemental provisions as appear to the Minister expedient, including provisions which might be included in an agreement between the Boards under paragraph 1 of this Schedule and provisions having retrospective effect.
- (3) An order under this paragraph shall by virtue of this Act have effect to vest any property, rights or liabilities transferred by the order without further assurance.

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- (4) An order under this paragraph shall not be made more than five years after the vesting date unless it is one which relates, and is expressed to relate, only to a local enactment which authorises the carrying out of works.
- (5) An order made under this paragraph may be varied or revoked by a subsequent order so made, and unless the order relates, and is expressed to relate, only to a local enactment which authorises the carrying out of works, shall be made by statutory instrument.
- (6) In the application of sub-paragraph (3) of this paragraph to Scotland, the words “without further assurance” shall be omitted.

*Special provisions relating to transferred heritage in Scotland*

- 5 (1) This paragraph applies to any heritable property or right in Scotland which is transferred to any of the Boards by or under the principal sections or this Schedule; and in this paragraph “transferred heritage” means any property or right to which this paragraph applies, and “vesting provision”, in relation to any transferred heritage, includes such of the provisions of the principal sections or of this Schedule, and such of the directions given and orders made thereunder and the agreements made in pursuance thereof as effect the transfer.
- (2) In relation to any transferred heritage the vesting provision shall have effect for the purposes of any enactment relating to the completion of title to land or heritable rights as if it were a general disposition or assignation of the transferred heritage granted by the Commission in favour of the Board in question on the vesting date or, if the vesting provision takes effect on a subsequent date, on that subsequent date.
- (3) Where any transferred heritage is immediately before the vesting date, or becomes at any time thereafter, the subject of a lease granted by the Commission, or, as the case may be, the Board to whom the heritage is transferred, the lease shall not be challengeable (notwithstanding any rule of law to the contrary effect) on the ground that the Commission, or, as the case may be, the Board, were not at the time of the granting of the lease infest in the transferred heritage.
- (4) This paragraph shall apply to any heritable property or right in Scotland transferred to two or more of the Boards jointly or to the Holding Company as it applies to any such property or right transferred to a Board, and references therein to a Board shall be construed accordingly.

*Transitory protection for Boards affected by works carried out by another Board*

- 6 (1) This paragraph applies in relation to works which a Board are authorised to carry out by a local enactment passed or made before the vesting date, including works begun but not completed by the Commission.
- (2) It shall be the duty of a Board who at any time begin or continue with works to which this paragraph applies to afford to any other Board such rights and safeguards in relation to the works and, where necessary, in relation to the carrying out of those works, as may be required in order to facilitate the proper discharge of their functions by that other Board; and it shall be the duty of any other Board to afford to the Board beginning or continuing with the works such rights and safeguards as may be required for the proper carrying out and operation of the works.

*Status: Point in time view as at 06/04/2008.*

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

- (3) A Board who claim that another Board should in pursuance of their duty under the last foregoing sub-paragraph afford to the claimant Board any rights or safeguards shall give particulars of their claim by notice in writing to the other Board, and if within three months the Boards fail to agree on the claim, the claim shall be referred to an arbitrator appointed by the Boards or, in default of appointment by them, appointed by the Minister.
- (4) If it appears to a Board who are proposing to begin or continue with works to which this paragraph applies that another Board may wish to consider whether to make a claim under this paragraph regarding the works, they shall not without the consent of that other Board begin or continue with the works—
- (a) until one month after they have served a notice on that other Board of their proposal with sufficient particulars of the works, and any necessary plans and specifications, and
  - (b) if within one month of the service of the notice the other Board make a claim under this paragraph regarding the works, until the two Boards have agreed on the claim or the claim has been referred to an arbitrator appointed under sub-paragraph (3) of this paragraph and been finally determined:

Provided that the Minister may authorise a Board without compliance with paragraph (b) of this sub-paragraph to continue works begun by the Commission.

- (5) Any agreement concluded between any of the Boards under this paragraph, and any award of an arbitrator under this paragraph, may itself provide for the reference of any issue to arbitration.
- (6) In this paragraph references to affording rights and safeguards to a Board include references to granting to the Board interests in and rights over land, and undertaking to give to the Board appropriate notices.

## SEVENTH SCHEDULE

Sections 36, 49, 56, 75 and 80.

### TRANSITIONAL PROVISIONS

#### PART I

##### TRANSPORT STOCK

- 1 Any certificate issued or other thing done before the vesting date under or for the purposes of any provision in the British Transport Stock Regulations, 1947<sup>M79</sup>, shall continue to have effect on and after the vesting date in relation to the Stock, and shall be deemed to be issued or done under or for the purposes of the corresponding enactment, regulation or rule which for the time being applies to the Stock.

#### **Marginal Citations**

**M79** S.R. & O. 1947/2686.

- 2 (1) Any direction relating to the payment of interest to any particular person which, by virtue of paragraph (1) of regulation 19, paragraph (3) of regulation 25 and

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

paragraph (2) of regulation 29 of the said Regulations of 1947 applied to Stock immediately before the vesting date shall continue to apply on and after the vesting date to that Stock and shall be taken to have effect under the regulations made under section four of the <sup>M80</sup>National Debt Act 1889.

- (2) Any stock or share certificate or similar document which by virtue of regulation 26 of the said Regulations of 1947 was treated as applicable to any Stock shall continue on and after the vesting date to be treated as so applicable and as equivalent to a stock certificate under the Government Stock Regulations, 1943, <sup>M81</sup>or any regulations replacing those regulations, until such time as a stock certificate is issued under such regulations.
- (3) A stockholder in respect of whose holding any such stock or share certificate or similar document is outstanding shall be entitled under the said Regulations of 1943, or any regulations replacing those regulations, to a stock certificate, but that document shall be surrendered to the Bank of England before the issue of the stock certificate:

Provided that where the said document has been lost or for any other reason cannot be surrendered, the Bank may issue the stock certificate on such terms as to evidence and indemnity as the Bank may require.

#### Marginal Citations

**M80** 1889 c. 6.

**M81** S.R. & O. 1943/1.

3, 4. . . . . **F256**

#### Textual Amendments

**F256** Schs. 3–5, 6 para. 1(2)(4) Sch. 7 Pt. I paras. 3, 4 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

### PART II

5–7. . . . . **F257**

#### Textual Amendments

**F257** Sch. 7 Pt. II paras. 5–7 repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 6](#)

### PART III

#### CONSULTATIVE COMMITTEES

##### *Areas and members of existing Consultative Committees*

8 The areas for which under section six of the <sup>M82</sup>Transport Act 1947, there were Transport Users Consultative Committees immediately before the date on which



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section fifty-six of this Act (hereafter in this Part of this Schedule referred to as the principal section) comes into force shall, until the Minister otherwise directs, be the areas for which Area Committees are to be established under the principal section, and the persons who were immediately before that date chairmen and members of a Transport Users Consultative Committee for any such area shall, unless—

- (a) they were appointed under paragraph (c) of subsection (4) of the said section six (which relates to persons nominated by the Commission), or
- (b) the Minister otherwise directs,

constitute the Area Committee for that area under the principal section until the expiration of their appointments.

#### Marginal Citations

**M82** 1947 c. 49.

9, 10. . . . . **F258**

#### Textual Amendments

**F258** Sch. 7 Pt. III paras. 9, 10 repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I

#### *Directions*

- 11 (1) If when the principal section comes into force there is before the Minister a recommendation of the Central Transport Consultative Committee or the Transport Users Consultative Committee for Scotland or for Wales and Monmouthshire—
- (a) with respect to any proposed closure, or
  - (b) with respect to any other matter,
- the Minister may in connection with the closure, or with respect to the other matter dealt with in the recommendation, as the case may be, from time to time give to the Commission or to any Board such directions as he thinks fit.
- (2) The principal section shall not apply to a closure in connection with which directions can be given under the foregoing sub-paragraph.
- (3) If when the principal section comes into force the Commission are providing, or assisting in the provision of, alternative services in connection with a closure which has taken place before that date, the Minister may from time to time give to the Commission or the Board concerned such directions with respect to those services, or any other services in substitution for, or in addition to, those services, as he thinks fit.
- (4) The Minister may refer to an Area Committee any matter relating to alternative services provided by or with the assistance of the Commission or a Board—
- (a) in pursuance of a direction under this paragraph, or
  - (b) otherwise than in pursuance of such a direction, if a direction with respect to those services could have been given under this paragraph, or
  - (c) in connection with a closure which has taken place before the principal section comes into force,
- and the Committee shall consider and report to the Minister on that matter.

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## PART IV

### PENSIONS

#### *Employees' rights to continue to participate in pension schemes after transfer*

- 12 (1) A person who at any time after the passing of this Act and before the vesting date ceases to be in the employment of the Commission and thereupon becomes an employee of a subsidiary of the Commission or an employee of a Board or of the Holding Company shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the Commission.
- (2) A person who at any time after the passing of this Act and before the vesting date ceases to be in the employment of a subsidiary of the Commission and thereupon becomes an employee of the Commission or of another subsidiary of the Commission, or an employee of a Board or of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the first-mentioned subsidiary of the Commission.
- (3) A person who on the vesting date ceases to be in the employment of the Commission and thereupon becomes an employee of a Board or a subsidiary of a Board, or of the Holding Company or of a subsidiary of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the Commission.
- (4) A person who on the vesting date ceases to be in the employment of a subsidiary of the Commission and thereupon becomes an employee of a Board or a subsidiary of a Board, or of the Holding Company or of a subsidiary of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the subsidiary of the Commission.
- (5) In the application of this paragraph 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 references to being eligible to participate in a pension scheme shall be construed accordingly.
- 13 (1) The Minister may make orders with respect to the provision of pensions by a subsidiary of the Commission, or by a Board or the Holding Company, in the period before the vesting date, and shall in exercise of his power under this paragraph make such provision as appears to him expedient for ensuring that persons who become employees of the Hotel Company before the vesting date, whether previously in the employment of the Commission or not, are afforded such pension rights as they would have had if the Hotel Company's undertaking had formed part of the Commission's undertaking until the vesting date.
- (2) Subsections (3) to (9) of section seventy-four of this Act shall apply to orders under this paragraph with any necessary modifications.
- (3) An order under the said section seventy-four may amend or revoke an order under this paragraph.

*Status: Point in time view as at 06/04/2008.*

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

*Provisions to be included in orders about pensions*

- 14 (1) The Minister shall in exercise of the powers conferred on him by section seventy-four of this Act provide for the transfer on the vesting date of the rights, liabilities and functions of the Commission relating to pensions or pension schemes, and any securities held by the Commission on trust for a pension scheme, to the Boards and the Holding Company or, in such cases as appear to the Minister appropriate, to a subsidiary of a Board or a subsidiary of the Holding Company, or to trustees or to the persons administering a pension scheme, and, except so far as is provided by an order under the said section seventy-four, Part II of this Act shall not apply to any such rights, liabilities, functions or property.
- (2) The Minister shall, in exercise of the powers conferred on him by section seventy-four of this Act, make such provision as appears to him expedient—
- (a) with respect to persons who in consequence of the reorganisation effected by this Act leave the employment of the Commission at any time after the passing of this Act—
    - (i) so as to enable those who become employees of any of the Boards or the Holding Company, or of a subsidiary of any of the Boards or of the Holding Company, and who suffer any diminution of their emoluments or change in the nature or terms of their employment in consequence of the re-organisation effected by this Act, to avoid any corresponding diminution in, or consequent loss of, any pension, and
    - (ii) so as to preserve the rights under any pension scheme of those who do not become employees of any such body; and
  - (b) for modifying contributory pension schemes so as to afford to persons who become employees of any such body after the vesting date opportunities for participation similar to those afforded to persons who are in comparable service with the body and who entered the employment of the body on or before the vesting date.
- (3) Paragraph 12 of this Schedule shall have effect subject to any order under section seventy-four of this Act taking effect at any time after the vesting date.

*Existing pensions payable by Commission as of grace*

- 15 (1) This paragraph applies to annual and other periodical payments which the Commission have been making in the period before the vesting date, but which the Commission are not by law obliged to make.
- (2) The Commission shall as soon as practicable after the passing of this Act prepare a scheme for the distribution among the Boards and the Holding Company of responsibility for continuing to make the annual or other periodical payments to which this paragraph applies in accordance with the arrangements under which the Commission were making those payments.
- (3) A scheme under this paragraph—
- (a) may require the Boards and the Holding Company to give to the persons by whom payments will be receivable in accordance with the scheme information as to the effect of the scheme, and
  - (b) may provide for any of those bodies contributing to the expenses incurred by any other of them, and

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- (c) may contain such other supplementary, incidental and consequential provisions as appear to the Commission expedient.
- (4) The Commission shall submit any such scheme to the Minister and, if the Minister is satisfied that responsibility for the payments is distributed among the said bodies in an appropriate manner and that the scheme contains sufficient particulars to enable them to discharge their duties under the scheme, he shall approve the scheme.
- (5) Notice that the scheme has been so approved shall be published by the Commission in the London and Edinburgh Gazettes.
- (6) The payments which the Boards and the Holding Company are respectively to make in accordance with a scheme approved under this paragraph shall be recoverable by proceedings in any court of competent jurisdiction.
- (7) An order under section seventy-four of this Act may vary the provisions of a scheme under this paragraph.
- 16 (1) If it appears to the Minister, upon representations made to him by, or on behalf of, any person, or class of persons, affected, that any pensions for persons employed before, but retiring after, the vesting date, or any other pensions payable after the vesting date (other than by way of continuing periodical payments which the Commission have been making in the period before the vesting date) would be receivable, although not as of right, under arrangements made by or with the Commission before the vesting date and that they ought to be receivable as of right, he shall by order direct the Commission by a scheme under the last foregoing paragraph to distribute among the Boards and the Holding Company responsibility for making payments under the arrangements specified in the order as if those payments were payments which the Commission were making in the period before the vesting date.
- (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Continuation of existing pension regulations, etc.*

- 17 (1) Sections ninety-eight to one hundred of the <sup>M83</sup>Transport Act 1947, and section twenty-seven of the <sup>M84</sup>Transport Act 1953 (which relate to pensions), shall cease to have effect on the vesting date, but that shall not affect—
- (a) regulations made under the said section ninety-eight or the said section twenty-seven, or
- (b) any liability in relation to customary obligations arising by virtue of subsection (2) of the said section ninety-nine and transferred under this Part of this Schedule, or
- (c) the participation in any pension scheme of a person who became such a participant before the vesting date by virtue of subsection (3) of the said section ninety-nine, or
- (d) the provisions of subsections (3) and (4) of the said section ninety-nine and the said section one hundred as they apply to service before the vesting date.
- (2) If at any time after the vesting date the Minister is satisfied, or it is determined under the next following sub-paragraph, that regulations under the said section ninety-eight have failed to secure the result mentioned in subsection (3) of that section (that is to say that certain persons having pension rights are not placed in any worse position by reason of provisions of the regulations), the Minister shall as soon as possible

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exercise the power conferred on him by section seventy-four of this Act to make the necessary amendments.

(3) If—

- (a) any dispute arises between the Minister and any persons as to whether the said result has been secured by any regulations under the said section ninety-eight or
- (b) any question arises as to the existence or extent of any customary obligation arising by virtue of subsection (2) of the said section ninety-nine and transferred under this Part of this Schedule,

the dispute or question shall, in default of agreement, be referred for determination to a referee or board of referees appointed by the Minister of Labour, after consultation with the Lord Chancellor [<sup>F259</sup>and the Lord Chief Justice of England and Wales] or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State; and the Boards shall give effect to any determination under paragraph (b) of this sub-paragraph.

(4) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—

- (a) to any referee or to the members of any board of referees appointed under the last foregoing sub-paragraph such fees and allowances as he may with the consent of the Treasury determine, and
- (b) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.

(5) Nothing in [<sup>F260</sup>Part I of the Arbitration Act 1996], shall be construed as applying to any proceedings before a referee or board of referees appointed under this paragraph.

(6) It is hereby declared that where actual service in the employment of the Commission immediately precedes or follows service which is treated as such by virtue of subsection (4) of section ninety-nine of the <sup>M85</sup>Transport Act 1947, for the purposes of a pension scheme, the two periods of service shall be treated for those purposes as continuous.

[<sup>F261</sup>(7) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this paragraph.]

#### Textual Amendments

**F259** Words in Sch. 7 para. 17(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), Sch. 4 para. 56(2); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

**F260** Words in Sch 7 Pt. IV para. 17(5) substituted (31.1.1997) by 1996 c. 23, s. 107(1), Sch. 3 para. 16(4) (with s. 81(2)); S.I. 1996/3146, art. 3 (subject to transitional provisions in Sch. 2, art. 4).

**F261** Sch. 7 para. 17(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), s. 148(1), Sch. 4 para. 56(3); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

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

**C128** Para. 17(3) amended by Employment Protection (Consolidation) Act 1978 (c. 44), s. 130, Sch. 10 para. 21

#### Marginal Citations

**M83** 1947 c. 49.

*Status: Point in time view as at 06/04/2008.*

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

**M84** 1953 c. 13.  
**M85** 1947 c. 49.

## PART V

18—22. . . . . **F262**

### Textual Amendments

**F262** Sch. 7 Pt. V paras. 18–22, 23(1)(3) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. VI

### *Pensions and other payments to members of the Commission*

23 (1) . . . . . **F263**

(2) The Minister may after the vesting date with the approval of the Treasury make any such determination with respect to the payment by the Railways Board of any pension in respect of a member of the Commission as he might have made under paragraph (b) of subsection (7) of section one of the <sup>M86</sup>Transport Act 1947, before the vesting date for the making of a payment by the Commission.

(3) . . . . . **F263**

### Textual Amendments

**F263** Sch. 7 Pt. V paras. 18–22, 23(1)(3) repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. VI

### Marginal Citations

**M86** 1947 c. 49.

24 The London Board, the Docks Board, the British Waterways Board and the Holding Company shall pay to the Railways Board such amounts as may be just having regard to the liabilities assumed by the Railways Board under the last foregoing paragraph, and any dispute as to what ought to be paid under this paragraph shall be referred to and determined by the Minister.

## EIGHTH SCHEDULE

Sections 43 and 52.

### TRANSPORT CHARGES AND FACILITIES ENACTMENTS CEASING TO HAVE EFFECT

#### Section

#### Subject Matter

*Status: Point in time view as at 06/04/2008.*

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

### THE RAILWAYS CLAUSES CONSOLIDATION ACT 1845

(8 & 9 VICT. C. 20)

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76	Duty to afford facilities for the connection of private sidings.
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### THE RAILWAYS CLAUSES CONSOLIDATION (SCOTLAND) ACT 1845

(8 & 9 VICT. C. 33)

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69	Duty to afford facilities for the connection of private sidings.
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### THE RAILWAY AND CANAL TRAFFIC ACT 1854

(17 & 18 VICT. C. 31)

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2	Duty to afford reasonable facilities on railways and canals.
7	Liability for negligence in carriage by railway and canal.

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### THE RAILWAYS ACT 1921

(11 & 12 GEO. 5. C. 55)

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16	Power to make orders as to working of railways.
39	Rights of canal undertakings and (as extended by section twenty-one of the Transport Act 1953) canal carriers to apply to Transport Tribunal concerning competitive freight charges on railways.

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### THE LONDON PASSENGER TRANSPORT ACT 1933

(23 & 24 GEO. 5. C. 14)

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30	Power to require Transport Commission to provide services and facilities for the transport of passengers by road and railway in London.
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*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962. (See end of Document for details)*

### THE ROAD AND RAIL TRAFFIC ACT 1933

(23 & 24 GEO. 5. C. 53)

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39	Rights of those engaged in coastwise shipping and (as extended by section twenty-one of the Transport Act 1953) harbour authorities to apply to Transport Tribunal concerning competitive freight charges on railways.
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### THE TRANSPORT ACT 1953

(1 & 2 ELIZ. 2. C. 13)

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22	Protection of traders against unreasonable or unfair treatment as to freight charges on railways.
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### NINTH SCHEDULE

Sections 50 and 51.

#### PORT CHARGES

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

**C129** Sch. 9 excluded (27.2.2008) by [Port of Weston Harbour Revision Order 2008 \(S.I. 2008/230\)](#), arts. 1, **5(6)**

*Ship, passenger and merchandise dues*

1 ..... <sup>F264</sup>

**Textual Amendments**

**F264** Sch. 9 para. 1 repealed by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 5(4), **Sch. 12 Pt. I**

2 (1) ..... <sup>F265</sup> the following harbours—

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<i>Harbours vesting in the Docks Board</i>	<i>Harbours vesting in the Railways Board</i>
..... <sup>F266</sup>	Dunston Staiths  Folkestone Harwich Heysham



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

Holyhead  
Newhaven  
Parkeston Quay  
Stranraer (East Pier)

(2) ..... F267

**Textual Amendments**  
F265 Words repealed by [Harbours Act 1964 \(c. 40\), s. 28, Sch. 6](#)  
F266 Sch. 9 paras. 2(1), 3(1) the lists of the harbours vesting in the Docks Board repealed by [Transport Act 1981 \(c. 56, SIF 126\), s. 5\(4\), Sch. 12 Pt. I](#)  
F267 Sch. 9 paras. 2(2)(3), 3(2)(3), 4, 6(1) repealed by [Harbours Act 1964 \(c. 40\), s. 28, Sch. 6](#)

3 (1) ..... F268 the following harbours—

*Harbours vesting in the Docks Board*      *Harbours vesting in the Railways Board*

...  
F269

Ardrishaig Dock  
Ellesmere Port Docks  
Gloucester Docks  
Regent’s Canal Dock  
Sharpness Docks  
Weston Point Docks

... F268 Fishguard harbour ... F268 and ... F268 any harbour which is vested in the Railways Board by this Act except a harbour to which paragraph 2 of this Schedule applies.

(2) ..... F270

**Textual Amendments**  
F268 Words repealed by [Harbours Act 1964 \(c. 40\), s. 28, Sch. 6](#)  
F269 Sch. 9 paras. 2(1), 3(1) the lists of the harbours vesting in the Docks Board repealed by [Transport Act 1981 \(c. 56, SIF 126\), s. 5\(4\), Sch. 12 Pt. I](#)  
F270 Sch. 9 paras. 2(2)(3), 3(2)(3), 4, 6(1) repealed by [Harbours Act 1964 \(c. 40\), s. 28, Sch. 6](#)

4 ..... F271

**Textual Amendments**  
F271 Sch. 9 paras. 2(2)(3), 3(2)(3), 4, 6(1) repealed by [Harbours Act 1964 \(c. 40\), s. 28, Sch. 6](#)

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

*Other port charges*

[<sup>F272</sup>5 (1) The charges made by any of the Boards for the use of services or facilities provided in, or in connection with, a harbour specified in this Schedule (other than ship, passenger and goods dues, charges for the carriage of goods or passengers on any railway, charges for the use of a railway or charges in respect of railway wagons) shall be such as may be reasonable.

(2) In this paragraph the expression “ ship, passenger and goods dues ” has the meaning assigned to it by section 57(1) of the <sup>M87</sup> Harbours Act 1964. ]

**Textual Amendments**

**F272** Para. 5 substituted by [Harbours Act 1964 \(c. 40\), s. 39\(3\)](#)

**Marginal Citations**

**M87** [1964 c. 40.](#)

*General*

6 (1) . . . . . <sup>F273</sup>

(2) The provisions of sections twenty-seven to forty-six and section forty-eight of the <sup>M88</sup> Harbours, Docks and Piers Clauses Act 1847, as incorporated with or applied by any enactment relating to any of the harbours [<sup>F274</sup>specified in] this Schedule, and the provisions of any similar enactment, shall apply to the charges authorised under this Act as if they were rates payable under any such enactment.

**Textual Amendments**

**F273** Sch. 9 paras. 2(2)(3), 3(2)(3), 4, 6(1) repealed by [Harbours Act 1964 \(c. 40\), s. 28, Sch. 6](#)

**F274** Words substituted by [Harbours Act 1964 \(c. 40\), s. 39\(3\)](#)

**Marginal Citations**

**M88** [1847 c. 27.](#)

TENTH SCHEDULE

. . . <sup>F275</sup>

**Textual Amendments**

**F275** Sch. 10 repealed (with saving for paras. 3 and 4(1)) by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(1\) \(3\), Sch. 6 para. 25\(5\), Sch. 8](#)

*Status: Point in time view as at 06/04/2008.*  
*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962. (See end of Document for details)*

ELEVENTH SCHEDULE

Section 93.

APPLICATION TO NORTHERN IRELAND

PART I

PROVISIONS EXTENDING TO NORTHERN IRELAND

Part I except sections twelve, fifteen and twenty-six.

Part II except section forty-one.

In Part III, section forty-three, section fifty-three and section fifty-four.

In Part IV, sections fifty-five and fifty-six; section sixty-seven, so far as it relates to bylaws in relation to passengers and goods conveyed in or on ships operated by the Railways Board and as to their embarkation and disembarkation; sections seventy-two to seventy-seven; sections seventy-nine to eighty-one; . . . <sup>F276</sup>; sections eighty-eight to ninety; section ninety-three; sections ninety-two and ninety-four to ninety-six, so far as they relate to provisions of this Act extending to Northern Ireland.

**Textual Amendments**

**F276** Words repealed by [House of Commons Disqualification Act 1975 \(c. 24\)](#), [Sch. 3](#) and [Northern Ireland Assembly Disqualification Act 1975 \(c. 25\)](#), [Sch. 3 Pt. I](#)

The First to the Eighth Schedules.

This Schedule.

The Twelfth Schedule so far as it relates to the <sup>M89</sup>Transport Act 1947, sections sixteen, seventeen and twenty-five of the <sup>M90</sup>Transport Act 1953 . . . <sup>F276</sup>

**Marginal Citations**

**M89** 1947 c. 49.  
**M90** 1953 c. 13.

PART II

MODIFICATIONS

1 . . . . . <sup>F277</sup> in paragraph 15 of the Seventh Schedule, the references to the London and Edinburgh Gazettes shall include a reference to the Belfast Gazette.

**Textual Amendments**

**F277** Words repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

*Status: Point in time view as at 06/04/2008.*

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

- 2 In section seventeen, references to Bills in Parliament shall include references to Bills in the Parliament of Northern Ireland.

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

**C130** Reference to Bills in the Parliament of Northern Ireland to be construed as including reference to proposed Measures in the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 1\(3\)](#)

- 3 In subsection (8) of section thirty-four, for references to [<sup>F278</sup>the Secretary of State] and [<sup>F279</sup>the Central Arbitration Committee] there shall be substituted, in relation to service in Northern Ireland, references to the Ministry of Labour and National Insurance for Northern Ireland and to an industrial court established in Northern Ireland under the <sup>M91</sup>Industrial Courts Act 1919.

**Textual Amendments**

**F278** Words substituted by virtue of [S. I. 1968/729](#), [arts. 2\(1\)](#), [3\(2\)](#)

**F279** Words substituted by virtue of [Industrial Relations Act 1971 \(c. 72\)](#), [s. 124](#) and [Employment Protection Act 1975 \(c. 71\)](#), [s. 10\(2\)](#)

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

**C131** Reference to Ministry of Labour and National Insurance for Northern Ireland to be construed as reference to Department of Manpower Services: [S.R. & O. \(N.I.\) 1964/205](#), [S.I. 1973/2161 \(N.I. 24\)](#), [art. 3](#), [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 8\(1\)](#), [S.I. 1973/2161](#) and [S.R. 1973 No. 504](#)

**Marginal Citations**

**M91** [1919 c. 69](#).

- 4 In subsection (2) of section seventy-two, the reference to [<sup>F280</sup>the Secretary of State] shall, in relation to agreements affecting persons employed by the Board or the Holding Company in Northern Ireland, include a reference to the Ministry of Labour and National Insurance for Northern Ireland.

**Textual Amendments**

**F280** Words substituted by virtue of [S. I. 1968/729](#), [arts. 2\(1\)](#), [3\(2\)](#)

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

**C132** Reference to Ministry of Labour and National Insurance for Northern Ireland to be construed as reference to Department of Manpower Services: [S.R. & O. \(N.I.\) 1964/205](#), [S.I. 1973/2161 \(N.I. 24\)](#), [art. 3](#), [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 8\(1\)](#), [S.I. 1973/12161](#) and [S.R. 1973 No. 504](#)

- 5 In subsection (5) of section seventy-four, the reference to the Truck Acts, 1831 to 1940, and the <sup>M92</sup>Shop Clubs Act 1902, shall include a reference to any corresponding enactments for the time being in force in Northern Ireland.

**Marginal Citations**

**M92** [1902 c. 21](#).

*Status: Point in time view as at 06/04/2008.*

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

6 <sup>F281</sup>(1) A referee or board of referees for the purposes of section seventy-four, section eighty-one or paragraph 17 of the Seventh Schedule shall, where the proceedings are to be held in Northern Ireland, be appointed by the Ministry of Labour and National Insurance for Northern Ireland after consultation with the Lord Chief Justice of Northern Ireland.

<sup>F282</sup>(2) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under sub-paragraph (1)—

- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
- (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

#### Textual Amendments

**F281** Sch. 11 para. 6 renumbered as Sch. 11 para. 6(1) (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 58\(2\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

**F282** Sch. 11 para. 6(2) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 58\(3\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

<sup>F283</sup>7 . . . . .

#### Textual Amendments

**F283** [Sch. 11 Pt. II para. 7](#) repealed (31.1.1997) by [1996 c. 23](#), s. 107(2), [Sch. 4](#) (with s. 81(2)); S.I. 1996/3146, [art. 3](#) (subject to transitional provisions in [art. 4](#), [Sch. 2](#)).

8 In subsection (9) of section seventy-four, for the reference to subsection (4) of section sixty-nine of the National Insurance Act, 1946, there shall be substituted a reference to subsection (4) of section sixty-six of the National Insurance Act (Northern Ireland), 1946.

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

**C133** The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), 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.

9 In sub-paragraph (3) of paragraph 1 of the Sixth Schedule, for the reference to section sixty-four of the <sup>M93</sup>Law of Property Act 1925, there shall be substituted a reference to section nine of the <sup>M94</sup>Conveyancing Act 1881.

#### Marginal Citations

**M93** 1925 c. 20.

**M94** 1881 c. 41.

<sup>F284</sup>10 . . . . .

*Status: Point in time view as at 06/04/2008.*

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

#### Textual Amendments

**F284** Sch. 11 para. 10 repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), Sch. 4 para. 59, [Sch. 18 Pt. 2](#); S.I. 2006/1014, art. 2(a), Sch. 1 paras. 11(e), 30(b)

- 11 References to enactments or statutory provisions include references to enactments of the Parliament of Northern Ireland and provisions, whether of a general or a special nature, contained in, or in any document made or issued under, any Act of the Parliament of Northern Ireland, whether of a general or a special nature.

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

**C134** Reference to enactments of the Parliament of Northern Ireland to be construed as including reference to Measures of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 1\(1\)\(2\)](#)

## TWELFTH SCHEDULE

### PART I

F285  
...

#### Textual Amendments

**F285** Sch. 12 Pt. I repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

### PART II

F286  
...

#### Textual Amendments

**F286** Sch. 12 Pt. II repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#) except as to any saving made by a provision contained in the 3rd column of the said Pt. II

**Status:**

Point in time view as at 06/04/2008.

**Changes to legislation:**

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