



Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

PART I

THE BOARDS AND THE HOLDING COMPANY

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
 - (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 . . . ^{F1}

Status: Point in time view as at 15/07/2003.

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: Provisions concerning all the Boards. (See end of Document for details)

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.

[^{F2}(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

- F1** Words repealed by Transport Act 1968 (c. 73), **Sch. 18 Pt. I**
F2 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)

- C1** Ss. 11-17 extended by Transport Act 1968 (c. 73), **s. 471**
C2 Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), **s. 6(2)**
C3 S. 11(2)-(4) amended by Transport Act 1968 (c. 73), **s. 134**
C4 S. 11(3)(4) restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, **reg. 4(2)**
C5 S. 11(4) amended by Transport Act 1968 (c. 73), **s. 49**

12 Pipe-lines.

- (1) Subject to this section, the Boards [^{F3}, 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
 - (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.

- [^{F4}(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.

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Textual Amendments

F3 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)**

F4 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)

C6 Ss. 11-17 extended by Transport Act 1968 (c. 73), **s. 471**

C7 Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), **s. 6(2)**

C8 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.

[^{F5}(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 Rail Regulator,

- (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.]

(2) ^{F6}

^{F7}(3)

[^{F8}(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) ^{F9}

[^{F10}(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

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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 Rail Regulator, a reference to the carrying on of any activity in the exercise of his powers or the performance of his duties.]

Textual Amendments

- F5** S. 13(1A) inserted (6.1.1994) by 1993 c. 43, s. 128(2); S.I. 1993/3237, art. 2(2)
- F6** Ss. 10(2), 13(2) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I
- F7** 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).
- F8** 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
- F9** Ss. 13(5)–(8), 18(1) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I
- F10** 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)

- C9** Ss. 11-17 extended by Transport Act 1968 (c. 73), s. 471
- C10** 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.

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,

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- (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 [^{F11}, 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.

[^{F12}(4A) Subsections (3) and (4) above do not apply to the British Waterways Board.

- (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.

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- (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) ^[F13], (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

- F11** 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)**
- F12** 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)
- F13** 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)

- C11** Ss. 11-17 extended by Transport Act 1968 (c. 73), **s. 471**
- C12** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), **s. 6(2)**
- C13** S. 14(1) amended by Transport Act 1968 (c. 73), **ss. 50(9)**, 51(2)
- C14** S. 14(3)(4) restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, **reg. 4(2)**
- C15** S. 14(6) extended by Transport Act 1968 (c. 73), **s. 52(1)**

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 ^[F14]Acquisition of Land Act 1981], shall apply ^[F15]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:

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Provided that this subsection shall not apply to an easement or other right over any land which would for the purposes of the [^{F16}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 [^{F16}Acquisition of Land Act 1981], a reference to the ^{M1}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

- F14** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(1\), Sch. 4 para. 1](#)
F15 Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\), s. 34\(3\), Sch. 6 Pt. I](#)
F16 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)

- C16** Ss. 11-17 extended by [Transport Act 1968 \(c. 73\), s. 471](#)
C17 Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by [Transport \(London\) Act 1969 \(c. 35\), s. 6\(2\)](#)
C18 S. 15 amended by [Transport Act 1968 \(c. 73\), s. 52\(2\)](#)
C19 S. 15(1) extended by [Transport Act 1968 \(c. 73\), s. 51\(2\)](#)

Marginal Citations

- M1** 1947 c. 42.

[^{F17}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.
- (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.

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Textual Amendments

- F17** 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

- F17** 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)

- C20** Ss. 11-17 extended by Transport Act 1968 (c. 73), s. 471
C21 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.
- [^{F18}(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 ^{M2}Transport Act 1947, but nothing in this section shall be construed as prejudicing 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 ^{M3}Private Legislation Procedure (Scotland) Act 1936.

Textual Amendments

- F18** 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)

- C22** Ss. 11-17 extended by Transport Act 1968 (c. 73), s. 471

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- 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. 17(1) restricted (E.W.S.) (1.1.1993) by [S.I. 1992/3060, reg. 4\(2\)](#)

Marginal Citations

- M2** 1947 c. 49.
M3 1936 c. 52.

Status:

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