



Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

PART I U.K.

THE BOARDS AND THE HOLDING COMPANY

Supplemental provisions relating to the Boards

25 The Boards' subsidiaries. U.K.

- (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.

[^{F1}(2A) In the application of this section to the British Waterways Board, references to the Minister are to be read as references to the Scottish Ministers.]

- (3) ^{F2}

Textual Amendments

- F1** S. 25(2A) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\)](#), art. 1(2), **Sch. 2 para. 16** (with arts. 4-6)
- F2** S. 25(3)(4) repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962.
Cross Heading: Supplemental provisions relating to the Boards. (See end of Document for details)

Modifications etc. (not altering text)

- C1 S. 25 extended by [Transport Act 1968 \(c. 73\), s. 47](#)
- C2 S. 25(1) excluded by [Transport Act 1968 \(c. 73\), s. 51\(6\)](#)

26 ^{F3} **E+W+S**

Textual Amendments

- F3 S. 26 repealed by [Finance Act 1967 \(c. 54\), Sch. 16 Pt. VII](#)

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

- (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 [^{F4}(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, [(^{F5}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, [^{F6}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.

[^{F7}(5A) In the application of subsections (1) to (5) to the British Waterways Board, references to the Minister are to be read as references to the Scottish Ministers.]

- (6) If it appears to the Minister that there is anything which a Board [^{F8}or Canal & River Trust] ought in the interests of national defence to have power to do, or which a Board [^{F8}or Canal & River Trust] 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 [^{F8}or Canal & River Trust] by this Act, he may authorise or direct the Board [^{F8}or Canal & River Trust] to do that thing; and no limitation on the powers of the Board [^{F8}or Canal & River Trust] contained in this Act or in any local enactment shall prevent the Board [^{F8}or Canal & River Trust] from acting in accordance with the authorisation or direction.

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- (7) [^{F9}The Docks 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, [^{F10}the Docks 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 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 [^{F11}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.

^{F12}[^{F13}(8A)]

- (8B) The British Waterways Board shall furnish the Scottish Ministers with such returns, accounts and other information with respect to their property and activities ^{F14}..., and the property and activities ^{F14}... 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 ^{F15}... 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

- F4** Words inserted by [Transport Act 1968 \(c. 73\), s. 51\(3\)](#)
- F5** Words inserted by [Railways Act 1974 \(c. 48\), s. 4\(6\)](#)
- F6** Words substituted by [Transport Act 1968 \(c. 73\), s. 46\(5\)](#)
- F7** S. 27(5A) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\), art. 1\(2\), Sch. 2 para. 17\(2\)](#) (with arts. 4-6)
- F8** Words in s. 27(6) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\), art. 1\(2\), Sch. 2 para. 17\(3\)](#) (with arts. 4-6)
- F9** Words in s. 27(7) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\), art. 1\(2\), Sch. 2 para. 17\(4\)](#) (with arts. 4-6)
- F10** Words in s. 27(8) substituted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\), art. 1\(2\), Sch. 2 para. 17\(5\)](#) (with arts. 4-6, Sch. 4 para. 2)
- F11** Words inserted by [Transport Act 1982 \(c. 49, SIF 126\), s. 3\(4\)](#)
- F12** S. 27(8A) omitted (2.7.2012) by virtue of [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\), art. 1\(2\), Sch. 2 para. 17\(6\)](#) (with arts. 4-6)
- F13** 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)
- F14** Words in s. 27(8B) omitted (2.7.2012) by virtue of [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\), art. 1\(2\), Sch. 2 para. 17\(7\)](#) (with arts. 4-6)
- F15** Words in s. 27(8C) omitted (2.7.2012) by virtue of [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\), art. 1\(2\), Sch. 2 para. 17\(8\)](#) (with arts. 4-6, Sch. 4 para. 2)

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

Modifications etc. (not altering text)

- C3** S. 27 extended by [Transport Act 1968 \(c. 73\), s. 52\(3\)](#)
- C4** S. 27(1) excluded (6.1.1994) by [1993 c. 43, s. 90\(3\)](#); S.I. 1993/3237, [art. 2\(2\)](#)
- C5** S. 27(3)(4)(5) restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, [reg. 4\(2\)](#)
- C6** S. 27(4) excluded (6.1.1994) by [1993 c. 43, s. 89\(5\)](#); S. 1993/3237, [art. 2\(2\)](#)
- C7** S. 27(5) excluded (6.1.1994) by [1993 c. 43, s. 90\(4\)](#); S.I. 1993/3237, [art. 2\(2\)](#)
- C8** S. 27(6) restricted (1.4.1994) by [1993 c. 43, ss. 118\(12\), 150\(1\)\(f\)](#); S.I. 1994/571, [art. 5](#).
- C9** S. 27(8) amended by [Transport Act 1968 \(c. 73\), ss. 39\(5\), 40\(5\), 48\(6\)](#)
- C10** 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. U.K.

- (1) Any consent which the Minister is ^[F16]or, as the case may be, the Scottish Ministers are] authorised to give under the foregoing provisions of this Act may be given for 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 ^[F17]or Canal & River Trust] shall be unlawful on the ground that it was done without the consent of the Minister ^[F18]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 ^[F18]or, as the case may be, the Scottish Ministers,].
- (3) If it appears to the Minister that a Board ^[F19]or Canal & River Trust] 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 ^[F19]or Canal & River Trust], give to the Board ^[F19]or Canal & River Trust] 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 ^[F20]or Canal & River Trust] have already done anything without the Minister's consent may in particular require the Board ^[F20]or Canal & River Trust] 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 ^[F20]or Canal & River Trust] to dispose of assets at a loss.
- ^[F21](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

- F16** 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](#))
- F17** Words in s. 28(2) inserted (2.7.2012) by [The British Waterways Board \(Transfer of Functions\) Order 2012 \(S.I. 2012/1659\), art. 1\(2\), Sch. 2 para. 18](#) (with [arts. 4-6](#))

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962.
Cross Heading: Supplemental provisions relating to the Boards. (See end of Document for details)

- F18** 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)
- F19** Words in s. 28(3) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 18** (with arts. 4-6)
- F20** Words in s. 28(4) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 18** (with arts. 4-6)
- F21** 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)

- C11** S. 28 extended by [Transport Act 1968 \(c. 73\)](#), **s. 52(3)**

29 ^{F22} **U.K.**

Textual Amendments

- F22** S. 29 repealed by [S.I. 1973/338](#), **Sch. 2**

Changes to legislation:

There are currently no known outstanding effects for the Transport Act 1962, Cross Heading:
Supplemental provisions relating to the Boards.