



Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

PART I U.K.

THE BOARDS AND THE HOLDING COMPANY

The Railways Board

3 Duty and powers of Railways Board. U.K.

(1) ^[F1]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.

^[F2](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—

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: The Railways Board. (See end of Document for details)

- (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, 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) ^{F3}

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

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

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: The Railways Board. (See end of Document for details)

- [^{F6}(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.
- [^{F7}(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—
- have ceased to provide railway services of a description falling within any paragraph (“the relevant paragraph”) of subsection (1) of that section, or
 - 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

- F1 Words in S.3(1) inserted (6.1.1994) by 1993 c. 43, s. 126(1); S.I. 1993/3237, art. 2(2)
- F2 S.3(1A)(1B) and (1C) inserted (6.1.1994) by 1993 c. 43, s. 126(1); S.I. 1993/3237, art. 2(2)
- F3 S. 3(2) repealed by Transport (London) Act 1969 (c. 35), Sch. 6
- F4 S. 3(3)(a) substituted by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 39(1)
- F5 S. 3(3)(b) substituted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 6
- F6 S. 3(3)(g) added by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 39(1)
- F7 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)

- C1 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).
- C2 S. 3(1) excluded (6.1.1994) by 1993 c. 43, s. 88(8); S.I. 1993/3237, art. 2(2)
- C3 S. 3(3)(e) extended by Transport Act 1968 (c. 73), s. 50(1)

4 Railways Board’s road services. **U.K.**

- (1) Subject to this section, the Railways Board shall have power—
- to provide transport services by road—

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: The Railways Board. (See end of Document for details)

- (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, . . . ^{F8}
- (iii) ^{F9}
- and to carry goods . . . ^{F9} by those services;
- ^{F10}(b)
- ^{F10}(2)
- (3) ^{F11}
- (5) ^{F12}
- (6) Except as provided by this section the Railways Board shall not have power to provide services for the transport of goods . . . ^{F13} by road.
- ^{F10}(7)

Textual Amendments

- F8** Word repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F9** [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
- F10** [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)**
- F11** [Ss. 4\(3\)\(4\)](#), 6 repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**
- F12** [S. 4\(5\)](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **ss. 118(2)(b)**, 139(3), Sch. 8
- F13** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **ss. 118(2)(c)**, 139(3), Sch. 8

Modifications etc. (not altering text)

- C4** [S. 4](#) restricted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 118(2)**

[^{F14}4A **Railways Board’s road passenger transport services.** **U.K.**

- (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

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: The Railways Board. (See end of Document for details)

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.
- (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 ^{M1}1847 or section 6 of the Metropolitan Public Carriage Act ^{M2}1869 or under any similar enactment; and
 - (ii) in Scotland, a taxi licensed under section 10 of the Civic Government (Scotland) Act ^{M3}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

F14 S. 4A inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 118(1)**

Modifications etc. (not altering text)

C5 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**.

C6 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 \(81:2\)](#).

^{F15}5

..... **U.K.**

Textual Amendments

F15 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)**

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: The Railways Board. (See end of Document for details)

6^{F16} **U.K.**

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Textual Amendments

F16 Ss. 4(3)(4), 6 repealed by Transport Act 1968 (c. 73), **Sch. 18 Pt. I**

7, 8.^{F17} **U.K.**

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Textual Amendments

F17 Ss. 7, 8 repealed by Transport (London) Act 1969 (c. 35), **Sch. 6**

Changes to legislation:

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