



# Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

## 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>M1</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
  - (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 [<sup>F1</sup>British Waterways Board or the Strategic Rail Authority].

(2) Paragraph (b) of the foregoing subsection shall not be read as exempting the [<sup>F1</sup>British Waterways Board or the Strategic Rail Authority] 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 [<sup>F2</sup>British Waterways Board and the Strategic Rail Authority] shall

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have power to demand, take and recover [<sup>F3</sup>or 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) [<sup>F4</sup>Neither the British Waterways Board nor the Strategic Rail Authority shall] 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 [<sup>F5</sup>or the Strategic Rail Authority].
- (6) [<sup>F6</sup>Neither the British Waterways Board nor the Strategic Rail Authority] shall be regarded as common carriers by rail or inland waterway.
- (7) ..... <sup>F7</sup>
- (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) ..... <sup>F8</sup>

#### Textual Amendments

- F1** 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)
- F2** 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)
- F3** Words inserted by Transport Act 1968 (c. 73), s. 50(10)
- F4** Words in s. 43(4) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 1(4)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F5** Words in s. 43(5) inserted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 1(5)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F6** Words in s. 43(6) substituted (1.2.2001) by 2000 c. 38, s. 252, **Sch. 27 para. 1(6)**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I** (with Sch. 2 Pt. II)
- F7** S. 43(7) repealed by Unfair Contract Terms Act 1977 (c. 50), **Sch. 4**
- F8** S. 43(9) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

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

- C1 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
- C2 S. 43(1)-(3) extended by Transport Act 1968 (c. 73), s. 51(2)
- C3 S. 43(3) amended by Harbours Act 1964 (c. 40), s. 37

**Marginal Citations**

- M1 1947 c. 49.

44— ..... F9  
49.

**Textual Amendments**

- F9 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>F10</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>F11</sup>

**Textual Amendments**

- F10 Word repealed by Harbours Act 1964 (c. 40), Sch. 6
- F11 Ss. 50(3), 51 repealed by Harbours Act 1964 (c. 40), Sch. 6

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

- C4 Unreliable marginal note

51 ..... F12

**Textual Amendments**

- F12 Ss. 50(3), 51 repealed by Harbours Act 1964 (c. 40), Sch. 6

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### *Miscellaneous*

## 52 Independent railway and inland waterway undertakings.

- (1) Sections three and four of the <sup>M2</sup>Transport Charges, &c. (Miscellaneous Provisions) Act 1954 (under which charges schemes under the <sup>M3</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>M4</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>M5</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—

- (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.

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(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)**

**C5** 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)

**C6** 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**

**M2** 1954 c. 64.

**M3** 1947 c. 49.

**M4** 1954 c. 64.

**M5** 1888 c. 25.

<sup>F13</sup>**53** .....

**Textual Amendments**

**F13** 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>F14</sup>**54** **Advance information about railway and shipping closures.**

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**Textual Amendments**

**F14** 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)**

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