



# Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

## PART IV

### MISCELLANEOUS AND GENERAL

#### *Miscellaneous provisions*

82 .....<sup>F1</sup>

#### Textual Amendments

F1 S. 82 repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. IV](#)

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

[<sup>F2</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>F2</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>F2</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.]

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[<sup>F2</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>F2</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>F3</sup>level 1 on the standard scale]]

<sup>F4</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.

**Textual Amendments**

- F2** 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)).
- F3** 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](#).
- F4** 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)**

- C1** 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>F5</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>M1</sup>Railways Clauses Consolidation Act 1845, or sections one hundred and one and one hundred and two of the <sup>M2</sup>Railways Clauses Consolidation (Scotland) Act

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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 byelaw of the company or any penalty imposed by this or the special Act.”

**Textual Amendments**

**F5** S. 84(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. VI**

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

**C2** 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**

**M1** 1845 c. 20.

**M2** 1845 c. 33.

**85** ..... **F6**

**Textual Amendments**

**F6** 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.

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- (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>F7</sup>or, in the case of the British Waterways Board <sup>F8</sup>..., the Scottish Ministers], by the Minister [<sup>F9</sup>or, as the case may be, by the Scottish Ministers] . . . <sup>F10</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.

(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>F11</sup>or, in the case of the British Waterways Board <sup>F8</sup>..., to the Scottish Ministers], . . . <sup>F10</sup>

The provisions of the said Acts and of any development order as to the time and manner for appealing to the Minister [<sup>F11</sup>or, in the case of the British Waterways Board <sup>F8</sup>..., 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>F10</sup> under this section as if a reference to this section were included in those provisions.

[<sup>F12</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>F13</sup>the Secretary of State for Scotland acting jointly with [<sup>F14</sup>the Secretary of State for [<sup>F15</sup>Housing, Communities and Local Government]]]]

[<sup>F16</sup>(6B) Subsection (6A) above does not apply to the British Waterways Board.]

<sup>F17</sup>(7) . . . . .

(8) In this section . . . <sup>F10</sup>“the Town and Country Planning Acts” mean . . . <sup>F10</sup> the Town and Country Planning Acts, 1947 to 1959, or, in relation to Scotland, . . . <sup>F10</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.

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### Textual Amendments

- F7** 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)
- F8** Words in s. 86(4)(5) 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. 26** (with arts. 4-6)
- F9** 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)
- F10** Words repealed by S.I. 1970/1681, **Sch. 4**
- F11** 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)
- F12** S. 86(6A) inserted by S.I. 1970/1681, **Sch. 3 para. 20(2)**
- F13** Words in s. 86(6A) substituted by S.I. 1976/1775, art. 6(1), **Sch. 3 para. 6(1)**
- F14** 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**
- F15** Words in s. 86(6A) substituted (11.4.2018) by [The Secretaries of State for Health and Social Care and for Housing, Communities and Local Government and Transfer of Functions \(Commonhold Land\) Order 2018 \(S.I. 2018/378\)](#), art. 1(2), **Sch. para. 1** (with art. 14)
- F16** 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)
- F17** S. 86(7) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), **Sch. Pt. VI**

### Modifications etc. (not altering text)

- C3** S. 86 extended by [Transport Act 1968 \(c. 73\)](#), **s. 141**
- C4** “The Minister” means The Secretary of State: S.I. 1970/1681, **art. 2(1)**
- C5** 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
- C6** S. 86 amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), **Sch. 4 para. 7(1)**
- C7** S. 86 modified (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), **Sch. 4 para. 7(2)**
- C8** 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)
- C9** 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 ..... F18

### Textual Amendments

- F18** S. 87 repealed by [Transport Act 1968 \(c. 73\)](#), **Sch. 18 Pt. I**

88 ..... F19

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**Textual Amendments**

**F19** S. 88 repealed by [Tribunals and Inquiries Act 1971 \(c. 62\)](#), **Sch. 4 Pt. I**

**Status:**

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