



# Transport Act 1962

## 1962 CHAPTER 46

### 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 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 Boards.

(2) Paragraph (b) of the foregoing subsection shall not be read as exempting the Boards 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 Boards shall have power to demand, take and recover such charges for

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*Status: This is the original version (as it was originally enacted).*

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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) The Boards shall not 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.
- (6) None of the Boards shall be regarded as common carriers by rail or inland waterway.
- (7) The Boards shall not carry passengers by rail on terms or conditions which—
- (a) purport, whether directly or indirectly, to exclude or limit their liability in respect of the death of, or bodily injury to, any passenger other than a passenger travelling on a free pass, or
  - (b) purport, whether directly or indirectly, to prescribe the time within which or the manner in which any such liability may be enforced,
- and any such terms or conditions shall be void and of no effect.
- (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) Before the vesting date references in this section and in the following provisions of this Part of this Act to the Boards or to any of the Boards shall be construed, except so far as the context otherwise requires, as references to the Commission.