



# Transport Act 1962

## 1962 CHAPTER 46

### PART IV

#### MISCELLANEOUS AND GENERAL

##### *Provisions relating to the Boards*

#### 66 Liability of Boards to rates

- (1) Subject to this section, in section eighty-six of the Local Government Act, 1948 (which defines the railway and canal hereditaments which by virtue of Part V of that Act are not liable to be rated), and in subsection (6) of section nine of the Rating and Valuation (Miscellaneous Provisions) Act, 1955, and paragraph twenty-three of the Eighth Schedule to the Local Government Act, 1958 (which relate to railway or canal hereditaments partly used for other purposes), for references to the Commission there shall be substituted references to any of the Boards, other than the Docks Board.
- (2) In the rating year following that in which the vesting date falls, and in all subsequent rating years, the Railways Board, the London Board and the British Waterways Board shall respectively make payments for the benefit of local authorities in lieu of the rates which would, apart from the provisions of Part V of the Local Government Act, 1948, be payable to rating authorities in England or Wales in respect of railway or canal hereditaments, and the amount of those payments shall be determined by reference to the following amounts (which are hereafter in this section referred to as standard amounts and which together add up to the standard amount specified as regards the Commission in subsection (4) of section ninety-three of the Local Government Act, 1948, as amended by section two of the Rating and Valuation Act, 1957), that is to say—

	£
the Railways Board	1,905,000
the London Board	649,000

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*Status: This is the original version (as it was originally enacted).*

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	£	
the British Waterways Board	46,000	

- (3) In the rating year following that in which the vesting date falls, and in all subsequent rating years, the Railways Board shall make payments for the benefit of local authorities in Scotland in lieu of the rates which would, apart from the provisions of Part V of the Local Government Act, 1948, be payable to rating authorities in respect of such railway or canal lands and heritages in Scotland as are not occupied for the purposes of the British Waterways Board, and the amount of those payments shall be determined by reference to the amount arrived at by deducting from the amount specified in the first column of the following Table the amount specified in the second column of that Table:—

TABLE

	<i>Amount to be deducted</i>
The amount certified by the Secretary of State under subsection (1) of section two of the Local Government (Financial Provisions etc.) (Scotland) Act, 1962.	Such amount as may be certified by the Secretary of State as the portion of the amount specified in the first column of this Table attributable to lands and heritages occupied for the purposes of the British Waterways Board.

Any reference in this section in its application to Scotland to the standard amount for the Railways Board shall be construed as a reference to the amount so arrived at.

- (4) The amounts which the said Boards are to pay in each of the said rating years shall be their respective standard amounts adjusted—
- (a) by applying subsections (2) to (4) of section ninety-four of the Local Government Act, 1948, as if references in that section to the Commission were references to those Boards respectively, and references to the standard amount were references to the relevant standard amount under this section, and
  - (b) by making such further adjustment for changes in the circumstances of the respective Boards as may be prescribed by order of the appropriate Minister of which a draft has been laid before Parliament and approved by a resolution of each House of Parliament.
- (5) An order under paragraph (b) of the last foregoing subsection shall be made by statutory instrument and—
- (a) may provide for effecting a comparison between the circumstances of the Board in question and the circumstances (at some time before the vesting date) of the Commission as a whole, or of the part of the Commission's undertaking corresponding to that of the Board, or partly the one and partly the other, and
  - (b) may be varied or revoked by a subsequent order so made,
- and in that paragraph " the appropriate Minister " means, in relation to the Railways Board, the Minister of Housing and Local Government and the Secretary of State acting jointly, and in relation to the other Boards, the Minister of Housing and Local Government.
- (6) In paragraph (a) of subsection (1) of section one hundred and nine of the Local Government Act, 1948 (under which orders may be made extending or restricting

the class of hereditaments to be treated as railway or canal hereditaments), for the reference to the Commission there shall be substituted a reference to any of the Boards, and, before an order is made under the said subsection (1), the Minister making the order shall consult with such of the Boards, and such associations of local authorities, as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.

- (7) Subsection (1) of this section shall come into force at the beginning of the rating year following that in which the vesting date falls, and—
- (a) in the period between the vesting date and the coming into force of subsection (1) of this section the enactments mentioned in that subsection shall have effect as if for references to the Commission there were substituted references to any of the four Boards, and
  - (b) in the rating year in which the vesting date falls the Commission shall make the payment due from them for that rating year under section ninety-three of the Local Government Act, 1948, before the vesting date.
- (8) This section shall be construed as one with Part V of the Local Government Act, 1948, and—
- (a) in subsection (1) of section one hundred and paragraph (c) of subsection (1) of section one hundred and nine of that Act the references to the preceding provisions of the said Part V shall include a reference to this section,
  - (b) in subsection (3) of the said section one hundred, for the reference to the Commission there shall, as respects rating years after that in which the vesting date falls, be substituted a reference to the Railways Board, and
  - (c) in subsection (1) of section one hundred and two and paragraph (a) of subsection (1) of section one hundred and twenty-four of that Act, for references to the Commission there shall, as respects rating years after that in which the vesting date falls, be substituted references to the Boards.
- (9) In subsection (2) of section ninety-seven of the Local Government Act, 1948, for the words from " the same adjustment " to " have effect accordingly" there shall, as respects rating years after that in which the vesting date falls, be substituted the words " made by applying subsections (2) to (4) of section ninety-four of this Act ".
- (10) In this section " rating year " means a year beginning, as respects England and Wales with the first day of April, and as respects Scotland with the sixteenth day of May, in any calendar year.
- (11) Section ninety-three, subsection (1) of section ninety-four and section ninety-five of the Local Government Act, 1948, and paragraph 1 of the Second Schedule to the Local Government (Financial Provisions etc.) (Scotland) Act, 1962, shall cease to have effect at the beginning of the first rating year after that in which the vesting date falls.
- (12) There shall be paid out of money provided by Parliament any increase attributable to this section in the sums payable out of such money by way of rate-deficiency grant or Exchequer equalisation grant under the enactments relating to local government in England and Wales or in Scotland.