



Transport Charges &c. (Miscellaneous Provisions) Act 1954

1954 CHAPTER 64

13 Interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the following meanings respectively—

" charges " includes fares, rates, tolls, fees and dues of every description ; and " 1888 Act charges ", in relation to any inland waterway undertaking, means charges with respect to which a Provisional Order was made, and confirmed by Parliament, in pursuance of sections twenty-four and thirty-six of the Railway and Canal Traffic Act, 1888;

" the Commission " means the British Transport Commission;

" fares " includes sums payable in respect of a contract ticket or season ticket;

" harbour " means any harbour, whether natural or artificial, any port, haven, estuary, tidal or other river or inland waterway navigated by seagoing ships, and any dock, pier, wharf, quay, jetty, or other place at which ships can ship or unship goods or passengers;

" harbour undertaking " means an undertaking engaged in improving, maintaining, working, managing or regulating a harbour; and, in relation to any such undertaking, the expression " excepted undertaking " means—

(a) an undertaking carrying on a fishery harbour within the meaning of the Fishery Harbours Act, 1915, in the case of which, by or under section twenty-one of the Sea Fish Industry Act, 1951, the Minister of Agriculture and Fisheries is for the time being the appropriate Minister for the purposes of section fourteen of the General Pier and Harbour Act, 1861, Amendment Act;

(b) an undertaking or part of an undertaking which is a marine work within the meaning of the Harbours, Piers and Ferries (Scotland) Act, 1937, to which Part III of that Act for the time being applies;

" independent " means not forming part of the undertaking of the Commission;

" inland waterway undertaking " means an undertaking engaged in conserving, maintaining, improving or working a canal or other inland navigation or the navigation of a tidal water ;

" the Minister " means the Minister of Transport and Civil Aviation;

" railway of the nature of a tramway " means—

(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 undertaking;

" ship " includes every description of vessel used in navigation;

" statutory provision " means a provision whether of a general or a special nature contained in, or in any document made or issued under, any Act other than this Act, whether of a general or a special nature ;

" statutory undertaking " means an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament;

" tramcar " includes a railway vehicle used on a railway of the nature of a tramway ;and

" public service vehicle ", " road service licence ", " traffic area " and " trolley vehicle " have the same meanings as in the Road Traffic Acts, 1930 to 1947.

- (2) A provision of this Act which applies to an undertaking carrying on particular activities shall apply in respect of those activities to any undertaking (including an undertaking carried on by a local authority) engaged therein, whether or not that undertaking is also engaged in other activities, but shall not apply in respect of any such other activities:

Provided that, for the purposes of section six of this Act—

(a) where the activities carried on by any undertaking cause that undertaking to fall into two or more classes of undertakings to which that section applies, nothing in this subsection shall cause that section to apply to the undertaking at any time as an undertaking of any one such class only unless the Minister is satisfied that the activities of the undertaking appertaining to that class are carried on separately from the other activities of the undertaking to which that section relates and that the undertaking should properly be treated as if it were a separate undertaking for the purposes of the activities appertaining to that class;

(b) where, in the case of an undertaking which falls into any of the classes aforesaid, the Minister is satisfied that particular activities of that undertaking appertaining to any one of the classes aforesaid are carried on separately from other activities of that undertaking appertaining to the same class and that it is proper that this paragraph should have effect in relation to that undertaking, the undertaking shall be treated as if those particular activities and those other activities respectively were carried on by separate undertakings.

- (3) For the avoidance of doubt, it is hereby declared that in this Act, the Transport Act, 1947, and the Transport Act, 1953, the expression " statutory provision " includes a document made or issued in pursuance of a power conferred by an instrument made under an Act as well as a document made or issued in pursuance of a power conferred by an Act.

- (4) Save in so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by or under any other enactment, including this Act.