



Transport Act 1968

1968 CHAPTER 73

PART X

MISCELLANEOUS AND GENERAL

144 Transfer and disposal of historical records and relics.

- (1) Subject to subsections (2) to (4) of this section, the Railways Board may, with the consent of the Minister—
 - (a) transfer without consideration to the Secretary of State for Education and Science any of the historical records and relics which were vested in the Board by section 31(2)(f) of the Act of 1962 and are for the time being in the possession of the Board, and any premises of the Board in which any significant collection of those records or relics is housed;
 - (b) transfer, without consideration or by way of sale, to any other person, or otherwise dispose of, any of those records or relics.
- (2) No record vested in the Railways Board by the said section 31(2)(f) which is housed by the Board in premises in Scotland shall under subsection (1) of this section be transferred to any person other than the Secretary of State for Scotland or otherwise disposed of unless that record—
 - (a) has been previously offered by the Board to that Secretary of State; and
 - (b) has not been claimed by that Secretary of State within six months of the date on which the offer was made;and if the record is claimed as aforesaid the Board shall transfer it without consideration to that Secretary of State.
- (3) No record having special associations with the undertaking of [^{F1}Transport for London], and no relic having special associations with the undertaking of any relevant authority (that is to say, [^{F1}Transport for London] any of the Boards other than the Railways Board, [^{F2}Canal & River Trust,] any of the new authorities or the Holding Company) shall under subsection (1) of this section be transferred to any person other than the authority in question or otherwise disposed of unless—
 - (a) it has been previously offered by the Railways Board to that authority; and

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- (b) it has not been claimed by that authority within six months of the date on which the offer was made;
- and if the record or relic is claimed as aforesaid the Railways Board shall transfer it without consideration to that authority.
- (4) There shall be no transfer or disposal of any record or relic under subsection (1)(b) of this section, except in pursuance of subsection (2) or (3) of this section, unless—
- (a) the record or relic has been previously offered by the Railways Board to the Secretary of State for Education and Science; and
- (b) it has not been claimed by him within six months of the date on which the offer was made;
- and, in the case of a record, before consenting to a transfer or disposal to which the foregoing provisions of this subsection apply, the Minister shall consult with such persons as the Minister and the Secretary of State for Education and Science acting jointly may consider—
- (i) to possess appropriate qualifications for advising on the treatment of records of the class or description to which the particular record in question belongs; and
- (ii) to be the appropriate persons to consult with respect to that particular record.
- (5) Where any record or relic has been transferred to any relevant authority under subsection (3) of this section or under paragraph 4 of the British Transport Historical Relics Scheme 1963, that relevant authority shall, in respect of that record or relic, have the same powers, exercisable subject to the same conditions, as the Railways Board have under subsection (1) of this section in respect of the records and relics there mentioned.
- (6) Subsections (1) to (5) of this section shall have effect notwithstanding anything in the schemes in force under paragraph 1(5) of Schedule 6 to the Act of 1962 (which impose duties as to the preservation of the historical records and relics vested in the Railways Board by that Act) and the Railways Board may, with the approval of the Minister, vary or revoke any such scheme so far as appears to the Board and the Minister to be expedient in consequence of those subsections; but, where any record or relic which has been transferred to a relevant authority under subsection (3) of this section or under paragraph 4 of the said Scheme of 1963 is for the time being in the possession of that or any other relevant authority, then (without prejudice to the powers conferred by subsection (5) of this section and to any relevant requirement of any scheme made under the said paragraph 1(5) which remains in force with or without variations made under this subsection) it shall be the duty of the relevant authority for the time being having possession of that record or relic to preserve it in suitable accommodation.
- (7) Neither the Railways Board nor [^{F1}Transport for London] shall dispose of any document or object for the time being in their possession which was not vested in them by the said section 31(2)(f) but falls within a class of documents or objects for the time specified by an agreement between the Board concerned and the Secretary of State for Education and Science as of sufficient interest to warrant preservation in any collection maintained or proposed to be maintained by him, unless—
- (a) it has been previously offered by the Board to that Secretary of State; and
- (b) it has not been claimed by him within six months of the date on which the offer was made;
- and if that document or object is claimed as aforesaid the Board concerned shall transfer it without consideration to that Secretary of State.

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[^{F3}In relation to any document or object in the possession of London Regional Transport, references above in this subsection to the Board concerned are references to [^{F1}Transport for London] .]

[^{F4}(7A) Neither subsection (4) nor subsection (7) above shall apply to a transfer by London Regional Transport of any record or relic or (as the case may be) of any document or object to any subsidiary of theirs; but in relation to any such record, relic, document or object for the time being in the possession of a subsidiary or former subsidiary of [^{F1}Transport for London] —

- (a) references to a relevant authority in subsections (5) and (6) of this section and references to London Regional Transport in subsection (7) of this section (except in the reference to an agreement between [^{F1}Transport for London] and the Secretary of State) shall be read as including that subsidiary or former subsidiary; and
- (b) the foregoing provisions of this subsection shall apply for the purposes of subsection (4) of this section (as it applies by virtue of subsection (5)) and for the purposes of subsection (7) of this section as if the reference to a transfer by [^{F1}Transport for London] to any subsidiary in question to any subsidiary of [^{F1}Transport for London].]

(8) Any offer or claim for the purposes of this section shall be in writing; and any such claim shall be of no effect unless—

- (a) it contains a statement of the time (which shall be not more than three months after the date of the claim) when the claimant proposes to remove what he has claimed; and
- (b) the claimant removes what he has claimed in accordance with that statement or at such later time as may be allowed by the authority to whom the claim was made.

(9) Nothing in Schedule 1 to the ^{M1}Public Records Act 1958 shall cause any records transferred under this section to become, by reason of that or any subsequent transfer, public records within the meaning of that Act; but any records so transferred which at any time are for the time being in the custody of the Secretary of State for Scotland may be treated for the purposes of section 5(1) of the ^{M2}Public Records (Scotland) Act 1937 as records belonging to Her Majesty.

Textual Amendments

- F1** Words in s. 144 substituted (15.7.2003) by Greater London Authority Act 1999 (c. 29), ss. 301(2), 425(2) (with Sch. 12 para. 9(1)); S.I. 2003/1920, art. 2(d)
- F2** Words in s. 144(3) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), Sch. 2 para. 52 (with arts. 4-6)
- F3** Paragraph inserted by London Regional Transport Act 1984 (c. 32, SIF 126), Sch. 4 Pt. I para. 5(c)
- F4** S. 144(7A) inserted by London Regional Transport Act 1984 (c. 32, SIF 126), Sch. 4 Pt. I para. 5(d)

Modifications etc. (not altering text)

- C1** S. 144: Functions of the Secretary of State for Education and Science transferred (3.7.1992) to the Secretary of State for National Heritage by S.I. 1992/1311, art.5(1).
S. 144 shall cease to have effect in relation to transfers or other disposals by the Board (2.9.1994) by S.I. 1994/2032, art. 3
- C2** S. 144 restricted (1.1.1993) by S.I. 1992/3060, reg.4(2).

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C3 S. 144 restricted (*prosp*) by 1993 c. 43, **ss. 125(8), 154(2)** which was repealed and superseded (18.9.1996) by 1996 c.42, **s. 8(2)**

Marginal Citations

M1 1958 c. 51.

M2 1937 c. 43.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(1)(b)(ib) omitted by [S.I. 2024/402 Sch. 2 para. 1\(b\)](#)
- s. 9(1)(b)(ia) words omitted by [S.I. 2024/402 Sch. 2 para. 1\(a\)](#)
- s. 9(1)(c)(ie) substituted by [S.I. 2024/402 Sch. 2 para. 1\(c\)](#)
- s. 97(1)(a)(i) words inserted by [S.I. 2019/453 reg. 35\(2\)\(a\)](#) (This amendment not applied to legislation.gov.uk. Reg. 35(2) substituted (24.10.2019) by S.I. 2019/1379, regs. 1, 8(a))
- s. 97(1)(a)(ii) words substituted by [S.I. 2019/453 reg. 35\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. Reg. 35(2) substituted (24.10.2019) by S.I. 2019/1379, regs. 1, 8(a))