



# Transport Act 1968

## 1968 CHAPTER 73

### PART X

#### MISCELLANEOUS AND GENERAL

#### 159 Interpretation—general.

- (1) In this Act, except where the context otherwise requires, and except in any Part as respects which the expression in question is separately defined, the following expressions have the following meanings respectively, that is to say—

“the Act of 1960” means the <sup>M1</sup>Road Traffic Act 1960;

“the Act of 1962” means the <sup>M2</sup>Transport Act 1962;

“appointed day” means the relevant day appointed under section 166(2) of this Act;

<sup>F1</sup>“area bus service” means a bus service which is, or so far as it is, a service on which passengers may be taken up and set down at different places within the same area designated under section 9(1) of this Act, whether or not any passengers on that service may also be taken up or set down outside that area;]

“the Boards” means the Boards established under section 1 of the Act of 1962, namely, the British Railways Board, . . . <sup>F2</sup> the British Transport Docks Board and the British Waterways Board, and references to a Board shall be construed accordingly;

<sup>F3</sup>“the Bus Company” means the National Bus Company established under section 24 of this Act;

<sup>F4</sup><sup>F5</sup>“bus service” means a stage carriage service within the meaning of Part I of <sup>F6</sup>the Public Passenger Vehicles Act <sup>M3</sup> which is neither—

- (a) an excursion or tour; nor
- (b) a service as regards which the condition specified in <sup>F6</sup>section 2(3)(a) of the Public Passenger Vehicles Act 1981] (long journeys only) is satisfied;]]

<sup>F4</sup>“bus service” means a local service other than one on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more places and back]

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[<sup>F7</sup>“carriageway” has the same meaning as in the Roads (Scotland) Act <sup>M4</sup>1984;]  
“charges” includes fares, rates, tolls and dues of every description;

“the Docks Board” means the British Transport Docks Board established under section 1 of the Act of 1962;

[<sup>F8</sup>[<sup>F5</sup>“excursion or tour” means a stage or express carriage service on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more other places and back;]

“express carriage” and “stage carriage” have the same meanings respectively as for the purposes of the [<sup>F6</sup>Public Passenger Vehicles Act 1981];]

“ferry service” means a transport service by water (including such a service by means of a hovercraft) which carries passengers and operates regularly between two or more points both or all of which are in Great Britain;

<sup>F9</sup>“functions” includes powers, duties and obligations;

“goods” includes animals and mails;

“harbour” has the same meaning as in the Act of 1962;

“highway authority” in relation to any highway means—

- (a) for the purposes of the application of this Act to England or Wales, the highway authority for that highway under Part I of [<sup>F10</sup>the <sup>M5</sup>Highways Act 1980];

[<sup>F11</sup>(b) for the purposes of the application of this Act to Scotland—

(i) where the highway is a trunk road, the Secretary of State; and

(ii) in any other case, the [<sup>F12</sup>regional or islands council];]

“the Holding Company” means the Transport Holding Company established under section 29 of the Act of 1962;

“hovercraft” has the same meaning as in the <sup>M6</sup>Hovercraft Act 1968;

“inland waterway” includes every such waterway whether natural or artificial;

“land” includes land covered by water and any interest or right in, over or under land;

“lease” includes an agreement for a lease;

“liability” includes an obligation;

[<sup>F13</sup>“local roads authority” has the same meaning as in the Roads (Scotland) Act 1984;]

[<sup>F14</sup>“local service” has the same meaning as in the Transport Act 1985;]

<sup>F15</sup>“the Minister” means, save as otherwise expressly provided and in particular subject to sections <sup>F16</sup>. . . 9(6), 17(6)(a) and 28(6) of this Act, [<sup>F17</sup>the Secretary of State];

“the new authorities” means. . . [<sup>F18</sup>[<sup>F19</sup>the Bus Company and][<sup>F20</sup>the Scottish Group];

“participant”, in relation to a pension scheme, means a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise) contributes or has contributed under the scheme and has pension rights thereunder and “participate” shall be construed accordingly;

“pension”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto and any sums payable on or in respect of the death of that person;

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“pension fund” means a fund established for the purposes of paying pensions;

“pension rights” includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension, and any expectation of the accruer of a pension under any customary practice, and includes a right of allocation in respect of the present or future payment of a pension;

“pension scheme” includes any form of arrangement for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise;

“plated weight”, in relation to a vehicle, means a weight required to be marked on it by means of a plate in pursuance of regulations made by virtue of [F21]section 41 of the Road Traffic Act 1988 or required to be so marked by section 57 or 58 of that Act.];

[F22]“public road” has the same meaning as in the Roads (Scotland) Act 1984.];

“public service vehicle” has the same meaning as for the purposes of the [F6]Public Passenger Vehicles Act 1981];

“the Railways Board” means the British Railways Board established under section 1 of the Act of 1962;

[F23]“road” and “roads authority” have the same meanings as in the Roads (Scotland) Act 1984.];

[F24]“road service licence” has the same meaning as for the purposes of the Act of 1960. . . [F25].];

[F26]“Scottish Group” means the Scottish Transport Group established under section 24 of this Act.];

“securities”, in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature, of the body corporate;

“subsidiary” and “wholly-owned subsidiary”, [F27]subject to sections 23A(2) and 51(5)] of this Act, have the same meanings respectively as in the Act of 1962;

“vehicle” includes a hovercraft;

“the Waterways Board” means the British Waterways Board established under section 1 of the Act of 1962;

“Wales” includes Monmouthshire, and references to England shall be construed accordingly.

- (2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

[F28](3) In this Act—

- (a) any reference to a county (other than one to a metropolitan county) shall be construed in relation to Wales as including a reference to a county borough;
- (b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and
- (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.]

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### Textual Amendments

- F1** Definition repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F2** Words repealed by [Transport \(London\) Act 1969 \(c. 35, SIF 126\)](#), **Sch. 6**
- F3** S. 159(1): definition of “the bus company” repealed (E.W.) (1.4.1991) by S.I. 1991/510, reg. 5, **Sch.**
- F4** Definition commencing “ “bus service” means a local service” substituted (E.W.S.) for the definition commencing “ “bus service” means a stage” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1, **Sch. 1 para. 1(a)**
- F5** Definitions substituted by [Transport Act 1980 \(c. 34\)](#), **Sch. 5 Pt. II**
- F6** Words substituted by [Public Passenger Vehicles Act 1981 \(c. 14, SIF 108\)](#), s. 157(2), **Sch. 9 para. 66(10)(a)**
- F7** Definition inserted (S.) (1.1.1985) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 157(2), **Sch. 9 para. 66(10)(a)**
- F8** Definitions repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F9** Definition repealed by [Transport Act 1980 \(c. 34\)](#), **Sch. 9 Pt. III**
- F10** Words substituted by [Highways Act 1980 \(c. 66\)](#), **Sch. 24 para. 18**
- F11** Paragraph (b) repealed (S.) (1.1.1985) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), ss 156(3), 157(2), **Sch. 11**
- F12** Words substituted by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 14 para. 76**
- F13** Definition inserted (S.) (1.1.1985) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 157(2), **Sch. 9 para. 66(10)(c)**
- F14** Definition inserted (E.W.S.) by [Transport Act 1985 \(c.67, SIF 126\)](#), s. 1, **Sch. 1 para. 1(b)**
- F15** Definition repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), **Sch. 6**
- F16** S. 159(1): words in definition of “the Minister” repealed (1.4.1994) by 1993 c. 43, ss. 150(1)(o), 152(3), **Sch. 14; S.I. 1994/571, art. 5**
- F17** Words substituted by virtue of S.I. 1981/238, **arts. 2(2), 3(2)-(4)**
- F18** Words repealed by [Transport Act 1980 \(c. 34, SIF 126\)](#), **Sch. 9 Pt. III**
- F19** S. 159(1): words in definition of “the new authorities” repealed (E.W.) (1.4.1991) by S.I. 1991/510, art. 5, **Sch.**
- F20** S. 159(1): words in definition repealed (S.) (7.6.2002) by S.S.I. 2002/263, art. 5(2), **Sch.**
- F21** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 3 para. 6(8)**
- F22** Definition inserted (S.) (1.1.1985) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 157(2), **Sch. 9 para. 66(10)(d)**
- F23** Definition inserted (S.) (1.1.1985) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 157(2), **Sch. 9 para. 66(10)(e)**
- F24** Definition repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F25** Words repealed by [Transport Act 1980 \(c. 34\)](#), **Sch. 9 Pt. I**
- F26** S. 159(1): definition repealed (S.) (7.6.2002) by S.S.I. 2002/263, art. 5(2), **Sch.**
- F27** S. 159(1): words in definition of “subsidiary” substituted (1.4.1994) by 1993 c. 43, s. **36(5)**; S.I. 1994/571, **art. 5**
- F28** S. 159(3) added (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 35** (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

### Marginal Citations

- M1** 1960 c. 16.
- M2** 1962 c. 46.
- M3** 1981 c. 14(107:1).
- M4** 1984 c. 54(108).
- M5** 1980 c. 66.
- M6** 1968 c. 59.

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

- Act amendment to earlier affecting S.I. 1993/1119 Sch. 1 by S.I. 2012/1659 Sch. 3 para. 32(3)
- Act transfer of functions in part by S.I. 2012/1659 art. 2Sch. 1
- Blanket amendment words substituted by S.I. 2011/1043 art. 36

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

- s. 9(1)(a)(ia) inserted by S.I. 2011/908 Sch. 2 para. 2(c)
- s. 9(1)(a)(ia) omitted by S.I. 2014/866 Sch. para. 2(2)(b)
- s. 9(1)(b)(ia) inserted by S.I. 2011/908 Sch. 2 para. 3(b)
- s. 9(1)(b)(ib) inserted by S.I. 2018/1133 art. 11(a)(ii)
- s. 9(1)(b)(ia) substituted by S.I. 2014/866 Sch. para. 2(4)
- s. 9(1)(b)(ia) words inserted by S.I. 2018/1133 art. 11(a)(i)
- s. 9(1)(c)(ib)-(ie) inserted by 2015 c. 20 Sch. 8 para. 9(2)(b)
- s. 9(1)(c)(ia) inserted by S.I. 2014/864 Sch. 2 para. 2(2)(b)
- s. 9(1)(c)(iaa) inserted by S.I. 2016/653 Sch. 2 para. 2(2)
- s. 9(1)(c)(ie) substituted by S.I. 2018/1133 art. 11(b)
- s. 9(1)(aa)(ab) inserted by S.I. 2014/866 Sch. para. 2(3)
- s. 9(5A) inserted by S.I. 2011/908 Sch. 2 para. 6
- s. 9(5A) omitted by S.I. 2014/866 Sch. para. 2(6)
- s. 9(6A) inserted by S.I. 2014/864 Sch. 2 para. 2(3)
- s. 9(6A) words substituted by S.I. 2016/653 Sch. 2 para. 2(3)
- s. 9(6B) inserted by S.I. 2016/653 Sch. 2 para. 2(4)
- s. 9(6C)(6D) inserted by S.I. 2018/1133 art. 11(c)
- s. 9A(4A) inserted by 2008 c. 26 s. 67(3)
- s. 9A(12) inserted by S.I. 2014/864 Sch. 2 para. 3
- s. 9A(12) words substituted by S.I. 2016/653 Sch. 2 para. 3(2)
- s. 9A(13) inserted by S.I. 2016/653 Sch. 2 para. 3(3)
- s. 10(1)(viiiia) inserted by 2015 c. 20 Sch. 8 para. 2(4)
- s. 10(1)(ia) inserted by 2015 c. 20 s. 49(1)(a)
- s. 10(2A) inserted by 2008 c. 26 s. 66(3)
- s. 10(10) inserted by S.I. 2014/864 Sch. 2 para. 4
- s. 10(10) words substituted by S.I. 2016/653 Sch. 2 para. 4(2)
- s. 10(11) inserted by S.I. 2016/653 Sch. 2 para. 4(3)
- s. 10A-10C inserted by 2011 c. 20 s. 12(1)
- s. 10A(1) words inserted by S.I. 2014/866 Sch. para. 5
- s. 10B(6)(b) words substituted by 2014 c. 14 Sch. 4 para. 22
- s. 11(3B) inserted by S.I. 2014/864 Sch. 2 para. 5
- s. 11(3B) words substituted by S.I. 2016/653 Sch. 2 para. 5(2)
- s. 11(3C) inserted by S.I. 2016/653 Sch. 2 para. 5(3)
- s. 12(8) inserted by S.I. 2014/864 Sch. 2 para. 6
- s. 12(8) substituted by S.I. 2016/653 Sch. 2 para. 6
- s. 14(4) inserted by S.I. 2014/864 Sch. 2 para. 8
- s. 14(4) substituted by S.I. 2016/653 Sch. 2 para. 8
- s. 15(8) inserted by S.I. 2014/864 Sch. 2 para. 9
- s. 15(8) substituted by S.I. 2016/653 Sch. 2 para. 9
- s. 15A(4) inserted by S.I. 2014/864 Sch. 2 para. 10
- s. 15A(4) substituted by S.I. 2016/653 Sch. 2 para. 10
- s. 16(2A) inserted by S.I. 2014/864 Sch. 2 para. 11
- s. 16(2A) words substituted by 2015 c. 20 Sch. 8 para. 9(3)(a)

- s. 16(2A) words substituted by S.I. 2016/653 Sch. 2 para. 11(2)(a)
- s. 16(2A) words substituted by S.I. 2016/653 Sch. 2 para. 11(2)(b)
- s. 16(2A)(b) word omitted by 2015 c. 20 Sch. 8 para. 9(3)(b)
- s. 16(2A)(d) and word inserted by 2015 c. 20 Sch. 8 para. 9(3)(c)
- s. 16(2B) inserted by S.I. 2016/653 Sch. 2 para. 11(3)
- s. 20(2A) inserted by 2015 c. 20 Sch. 8 para. 4(3)
- s. 22(2A) inserted by 2011 c. 20 s. 12(3)
- s. 23A(1A) inserted by 2015 c. 20 Sch. 8 para. 5
- s. 43A inserted by S.I. 2012/1659 Sch. 2 para. 32
- s. 56(6)(bc) inserted by 2009 c. 20 Sch. 6 para. 6
- s. 96(11B)(d) inserted by S.I. 2019/453 reg. 3(2)(c)
- s. 96A inserted by S.I. 2016/248 reg. 3
- s. 96A(1)(a) words substituted by S.I. 2019/453 reg. 34
- s. 97(1)(a)(i) words inserted by S.I. 2019/453 reg. 35(2)(a)
- s. 97(1)(a)(i) words substituted by S.I. 2016/248 reg. 4(2)(a)
- s. 97(1)(a)(ii) substituted by S.I. 2019/453 reg. 4(b)
- s. 97(1)(a)(ii) words substituted by S.I. 2019/453 reg. 35(2)(b)
- s. 97(1)(a)(iii) words substituted by S.I. 2016/248 reg. 4(2)(b)
- s. 97(4B)-(4D) inserted by S.I. 2016/248 reg. 4(7)
- s. 97(4B) words substituted by S.I. 2019/453 reg. 35(4)
- s. 97ZA-97ZC inserted by S.I. 2019/453 reg. 5
- s. 97ZB(5) words inserted by S.I. 2019/453 reg. 36(c)
- s. 97ZB(5) words substituted by S.I. 2019/453 reg. 36(a)
- s. 97ZB(5) words substituted by S.I. 2019/453 reg. 36(b)
- s. 98(2A)(a) substituted for words by S.I. 2019/453 reg. 14(2)
- s. 98(2A)(a) words substituted by S.I. 2019/453 reg. 14(3)
- s. 98(2A)(a) words substituted by S.I. 2019/453 reg. 37(a)
- s. 98(2A)(b) inserted by S.I. 2019/453 reg. 14(4)
- s. 98(4)(b) words substituted by S.I. 2019/453 reg. 37(b)
- s. 99A(6) inserted by 2006 c. 49 s. 12(1)
- s. 99ZA(7) inserted by S.I. 2019/453 reg. 16(5)
- s. 99ZA(7)(a)(i)(ii) substituted for words by S.I. 2019/453 reg. 38
- s. 99ZG inserted by S.I. 2011/996 reg. 4(2)
- s. 103(10) inserted by S.I. 2016/248 reg. 11(3)
- s. 104(3A)(3B) inserted by S.I. 2012/1659 Sch. 2 para. 38(5)
- s. 105(3ZA)(3ZB) inserted by S.I. 2012/1659 Sch. 2 para. 39(6)
- s. 106/106A substituted for s. 106 by S.I. 2012/1659 Sch. 2 para. 40
- s. 116(12)-(15) inserted by S.I. 2012/1659 Sch. 2 para. 46(3)
- s. 117(1C)(1D) inserted by S.I. 2012/1659 Sch. 2 para. 47(3)
- s. 117(1E)(1F) inserted by S.I. 2013/2314 art. 5(2)
- s. 118(1B) inserted by S.I. 2012/1659 Sch. 2 para. 48(3)
- s. 118(1C) inserted by S.I. 2013/2314 art. 5(3)
- s. 137(3)(aa) inserted by S.I. 2012/1659 Sch. 2 para. 51(2)(b)
- s. 137(4)(aa) inserted by S.I. 2012/1659 Sch. 2 para. 51(3)(b)
- Sch. 5 Pt. 2 para. 2 words inserted by 2008 c. 26 Sch. 4 para. 17(2)
- Sch. 5 para. 2 words inserted by 2015 c. 20 Sch. 8 para. 9(4)(a)
- Sch. 13 para. 3A inserted by S.I. 2012/1659 Sch. 2 para. 53(4)

### **Commencement Orders yet to be applied to the Transport Act 1968**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2009/107 art. 2-5 Sch. 1-5 Commencement Order
- S.I. 2009/579 art. 2 commences (2008 c. 26)
- S.I. 2009/3294 art. 2 commences (2008 c. 26)
- S.I. 2009/3318 art. 2-4 commences (2009 c. 20)

– [S.S.I. 2009/319 art. 2Sch. 1 commences \(2008 asp 5\)](#)