



# Transport Act 1962

## 1962 CHAPTER 46

### PART I

#### THE BOARDS AND THE HOLDING COMPANY

##### *Provisions concerning all the Boards*

#### **11 Development of land**

- (1) Subject to this section, each Board shall have power to develop their land in such manner as they may think fit.
- (2) Each Board may, in particular, and subject to this section.—
  - (a) retain any part of their land which is not required for the purposes of their business and develop it for use by other persons, and
  - (b) where the use of their land for the purposes of their business can be combined with its use for other purposes, develop the land by constructing or adapting buildings thereon for use wholly or partly by other persons,with a view to selling or otherwise disposing of any right or interest in the land or, as the case may be, the buildings or any part of the buildings, after the development is carried out.
- (3) A Board shall not incur any substantial item of expenditure in developing their land for use for purposes which are not the purposes of their business without the consent of the Minister, and the Minister may from time to time give directions to the Boards indicating what is to be treated for the purposes of this section as a substantial item of expenditure.
- (4) Where a Board propose under this section to develop any land for use otherwise than for the purposes of their business they shall have power, with the consent of the Minister, to acquire by agreement adjoining land for the purpose of developing it together with the other land, but the Minister shall not give his consent under this subsection unless it appears to him that the other land cannot be satisfactorily developed unless the adjoining land is acquired by the Board.

Except as provided by the foregoing provisions of this subsection, a Board shall not have power to acquire land for purposes Which are not related to any of the activities of the Board other than the development of land.

## 12 Pipe-lines

- (1) Subject to this section, the Boards shall have power—
  - (a) to construct and operate pipe-lines in Great Britain, and
  - (b) to enter into transactions with other persons for the construction or operation by those other persons of pipe-lines on land in Great Britain belonging to the Boards.
- (2) The Boards shall not have power to acquire land for the purpose of constructing pipe-lines except—
  - (a) where the pipe-line is or is to be mainly on land belonging to the Boards and acquired for other purposes, or
  - (b) where the pipe-line is required for the purposes of the business of the Board other than the operation of pipe-lines.
- (3) A Board shall not without the consent of the Minister construct any pipe-line unless the pipe-line is required for the purposes of the business of the Board other than the operation of pipe-lines.
- (4) In this section the expression " pipe-line" means any main or pipe for the transmission of any substance, together with any works provided in connection with the operation of such a main or pipe.

## 13 The Boards' powers of manufacture and production

- (1) Each of the Boards shall have power to construct, manufacture, produce, purchase, maintain and repair anything required for the purposes of the business—
  - (a) of that Board,
  - (b) of any other Board, or
  - (c) of a subsidiary of any of the Boards or of a subsidiary of the Holding Company,
 and, subject to section eleven of this Act and to the following provisions of this section, the Boards shall not have power to construct, manufacture, produce, purchase, maintain or repair anything not required for any of those purposes.
- (2) The British Waterways Board shall have power to construct, manufacture or produce any plant or equipment of a kind ordinarily made for use in connection with the operation of an inland waterway with a view to its sale for use in that connection, and to repair plant or equipment of such a kind:
 

Provided that this subsection shall not apply to barges or any other description of vessels.
- (3) Subsection (1) of this section shall not affect the powers conferred by section forty-three of the British Transport Commission Act, 1950 (which relates to the supply of railway equipment to the Ulster Transport Authority, and which will under this Act apply to the Railways Board), or section sixty-seven of the British Transport

Commission Act, 1957 (which relates to the supply of heat to the Royal Naval College at Greenwich, and which will under this Act apply to the London Board).

- (4) Each of the Boards shall from time to time submit to the Minister proposals as to the manner in which their powers of construction, manufacture and production under the foregoing provisions of this section are to be exercised, and shall exercise those powers in accordance with those proposals as approved by the Minister with or without modification; but the Minister may, after consultation with a Board, direct that Board to discontinue any of the activities which they are carrying on in accordance with proposals so approved.
- (5) Without prejudice to so much of subsection (1) of this section as restricts the Boards' powers, a Board shall not have power to manufacture, otherwise than for purposes of research or development, road vehicles, bodies or chassis for road vehicles or major components of road vehicles.

This subsection shall not come into force as respects the Railways Board until the expiration of the period of three years from the vesting date, so, however, that if it appears to the Minister that that Board can properly terminate the activities restricted by this subsection before then, he may direct that for the period of three years there shall be substituted such shorter period as may be specified in the direction.

- (6) Without prejudice to so much of subsection (1) of this section as restricts the Boards' powers, a Board shall not have power—
- (a) to purchase any road vehicle for the purpose of sale to any person other than another Board or a subsidiary of any of the Boards or of the Holding Company,
  - (b) to trade in spare parts for or accessories to road vehicles, or in petrol or oil for road vehicles, except by way of sale to any of the other Boards, or a subsidiary of any of the Boards or of the Holding Company, or
  - (c) to engage in the maintenance or repair of road vehicles or spare parts for or accessories to road vehicles, other than vehicles, spare parts or accessories used by any of the Boards, or any subsidiary of any of the Boards or of the Holding Company, for the purposes of their business.
- (7) The Boards shall not have power to engage in the building of ships, except lighters, barges or like vessels of a gross tonnage not exceeding one hundred and seventy-five tons, but this subsection—
- (a) shall not apply to the conversion by the British Water ways Board of a ship from one type to another, and
  - (b) shall not be taken as preventing any of the Boards from manufacturing furnishings or fittings for ships to be operated by them or any of their subsidiaries.
- (8) For the purposes of this section—
- " body ", in relation to a vehicle in which the framework to which the major components are attached forms an integral whole with the body-structure, includes that framework;
  - " chassis " means—
  - (a) in relation to a vehicle in which the framework to which the major components are attached is distinct from the body-structure, that framework together with the complement of major components required in order to construct a road vehicle on that framework, or

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

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(b) in relation to a vehicle in which the framework to which the major components are attached forms an integral whole with the body-structure, the complement of major components required in order to complete that body-structure, when new, as a road vehicle;

" major component " means the complete power unit, complete transmission system, complete suspension system, complete steering gear, complete braking system or complete axle of a vehicle;

" manufacture ", in relation to the body of a road vehicle, and in relation to the chassis of a road vehicle where the framework to which the major components are attached is distinct from the body-structure, includes the assembly of the parts of the body or, as the case may be, of the parts of the chassis for the purpose of constructing a new body or, as the case may be, a new chassis;

" road vehicle " includes any vehicle designed to be used both as railway rolling stock and on roads.

#### **14 Supplemental provisions relating to the Boards' powers**

(1) Subject to this Act, the Boards shall have power—

- (a) to enter into and carry out agreements with any person for the carrying on by that person, whether as agent for the Board or otherwise, of any of the activities which the Board may themselves carry on,
- (b) without prejudice to the foregoing paragraph, to enter into agreements with the other Boards and with any subsidiary of any of the Boards or of the Holding Company, for the management, working and use by one party to the agreement of works, land or other property belonging to the other party, and with respect to the rendering of services and the pooling of receipts or expenses,
- (c) to acquire land for the purposes of their business,
- (d) in places where those using the services and facilities provided by the Board may require them, to provide both for them and for other persons facilities for the purchase and consumption of food and drink, places for refreshment and such other amenities and facilities as it may appear to the Board requisite or expedient to provide,
- (e) to dispose (whether absolutely or for a term of years) of any part of the undertaking of the Board or any property which in their opinion is not required by them for the purposes of their business, and, in particular, to dispose of an interest in, or right over, any property, which, subject to the interest or right, is retained by the Board,
- (f) to do anything for the purposes of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or of the manner in which that equipment is operated, including the provision by the Board, and the assistance of the provision by others, of facilities for training, education and research,
- (g) to provide houses, hostels and other like accommodation for persons employed by the Board,
- (h) to make housing loans to persons employed by the Board to assist them to acquire housing accommodation and to guarantee loans made by building societies and other bodies to such persons for housing purposes,
- (j) to invest any sums which are not immediately required by the Board for the purposes of their business,

- (k) to turn their resources to account so far as not required for the purposes of their business, and
  - (l) to do all other things which in the opinion of the Board are necessary to facilitate the proper carrying on of their business.
- (2) The Boards shall have power to acquire any undertaking or part of an undertaking if the assets comprised in the undertaking or the part of the undertaking are wholly or mainly assets which the Board require for the purposes of their business.
- (3) Each of the Boards shall have power with the consent of the Minister, and for the purposes of their business, to lend money to, or give a guarantee for the benefit of, any person for the purposes of an undertaking carried on by him, or, where that person is a body corporate, any undertaking carried on by a subsidiary of that body corporate.
- (4) Each of the Boards shall have power with the consent of the Minister, and for the purposes of their business, to subscribe for or acquire any securities of a body corporate.
- (5) Subsections (3) and (4) of this section shall not affect the power of a Board—
  - (a) to lend money by way of investment or to subscribe for or acquire securities by way of investment, or
  - (b) to leave outstanding any loan made or guarantee given, or to retain any securities acquired, by the Commission before the vesting date.
- (6) Each of the powers conferred on any Board by the foregoing provisions of this Act shall be deemed to be in addition to, and not in derogation of, any other powers so conferred; and it is hereby declared that those provisions relate only to the capacity of the Boards as statutory corporations, and nothing in those provisions shall be construed as authorising the disregard by any of the Boards of any enactment or rule of law.

## **15 Compulsory purchase of land**

- (1) Subject to this section, the Minister may authorise any Board to purchase compulsorily any land in Great Britain which they require for the purposes of their business and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if each Board were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act:

Provided that this subsection shall not be taken as authorising a Board to purchase compulsorily land which they have power to acquire by agreement under subsection (4) of section eleven of this Act.

- (2) The Minister shall not under this section authorise a Board to purchase land for the purpose of constructing a pipeline if the construction of that pipe-line requires the consent of the Minister under subsection (3) of section twelve of this Act.
- (3) The power of purchasing land compulsorily in this section shall include power to acquire an easement or other right over land by the creation of a new right:

Provided that this subsection shall not apply to an easement or other right over any land which would for the purposes of the Acquisition of Land (Authorisation Procedure) Act, 1946, form part of a common, open space or fuel or field garden allotment.

- (4) In the application of this section to Scotland, there shall be substituted, for any reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, a reference

to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, and, for any reference to an easement, a reference to a servitude ; and the reference in the last foregoing subsection to a fuel or field garden allotment shall be omitted.

## **16 Working agreements involving the delegation of special statutory powers**

- (1) A Board may enter into any working agreement to which this section applies notwithstanding that it involves the delegation of the functions of the Board under any enactment relating to any part of their undertaking.
- (2) In the foregoing subsection the reference to a working agreement to which this section applies is a reference to an agreement of one of the kinds described in paragraph (f) of subsection (3) of section three or paragraph (g) of subsection (3) of section ten or paragraph (b) of subsection (1) of section fourteen of this Act.

## **17 Power to promote and oppose Bills**

- (1) Each Board may, with the consent of the Minister, promote Bills in Parliament and may oppose any Bill in Parliament.
- (2) The power conferred by subsection (1) of this section shall be in lieu of any power to promote or oppose Bills which a Board might otherwise possess under the provisions of this Act as successors to the persons carrying on any undertaking, and, in particular, the persons carrying on any undertaking transferred to the Commission by the Transport Act, 1947, but nothing in this section shall be construed as prejudicing any power exercisable by any Board as successors to apply for orders, and oppose applications for orders, including orders subject to special parliamentary procedure.
- (3) In the application of this section to Scotland, " Bill in Parliament" includes an order under the Private Legislation Procedure (Scotland) Act, 1936.