



Transport Act 1962

1962 CHAPTER 46

PART IV

MISCELLANEOUS AND GENERAL

Miscellaneous provisions

82 Modification of enactments relating to Wages Councils

For the purposes—

- (a) of any wages regulation order in force under Part II of the Wages Councils Act, 1959, on the vesting date, and
- (b) of determining the workers in relation to whom the Road Haulage Wages Council operates under that Act, and
- (c) of Part II of the Road Haulage Wages Act, 1938,

vehicles specified in licences which are being used by a Board, or by a subsidiary of a Board or of the Holding Company, shall be deemed to be vehicles not specified in any licence.

83 Abandonment of independent railways

- (1) The Minister may make an abandonment order in respect of any railway comprised in an independent railway undertaking if an application is made to him for that purpose by the undertakers in question or by any creditor of those undertakers.
- (2) Notice of any application under this section shall be published by the applicant in such manner and form as the Minister may direct, and the Minister shall before making an order under this section consider any objections which have been lodged with respect to the application.
- (3) An order under this section shall have effect to release the undertakers from any statutory obligation to construct, maintain or operate the railway which is the subject of the order, and the order may contain provisions for abrogating, on such terms

Status: This is the original version (as it was originally enacted).

as to compensation or otherwise as the Minister may think just, any obligations (whether statutory or otherwise) to provide or maintain works, services or facilities in connection with the railway.

- (4) An order under this section may contain such consequential and supplementary provisions, including provisions for the assessment of compensation, as the Minister may think fit, and notice of the order shall be published in such manner and form as the Minister may direct.
- (5) Where an application is made under this section by a creditor, the undertakers in question shall furnish the Minister with all such information, and permit such inspection of their railway, as the Minister may reasonably require for the purposes of the application, and any person who fails to comply with a requirement under this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds.
- (6) Notwithstanding paragraph (a) of section three hundred and ninety-eight of the Companies Act, 1948, a railway company incorporated by Act of Parliament whose railway is the subject of an order under this section may be wound up under Part IX of that Act as an unregistered company.
- (7) In this section " independent railway undertaking " means a railway undertaking carried on in Great Britain and not forming part of the undertaking of the Commission or of any of the Boards, being an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament.

84 Minor amendments relating to railways

- (1) Subsection (5) of section fifteen of the Light Railways Act, 1896 (which requires the Minister to make an annual report to Parliament as to his proceedings under that Act), shall cease to have effect.
- (2) Section five of the Regulation of Railways Act, 1889 (which imposes penalties for offences in connection with railway fares and tickets), shall apply as respects any offence committed after the coming into force of this section as if in subsection (1) for the words " forty shillings " there were substituted the words " ten pounds ", and as if in subsection (3) for the words " forty shillings " there were substituted the words " twenty-five pounds ", for the words " twenty pounds " there were substituted the words " twenty-five pounds " and for the words " one month " there were substituted the words " three months ".
- (3) Subsection (1) and subsections (3) to (12) of section sixty-seven of this Act shall apply in relation to the person carrying on any independent railway undertaking as defined in the last foregoing section, and in relation to the railways comprised in the undertaking, as they apply in relation to the Railways Board and their railways, and as from the vesting date any bylaws under sections one hundred and eight and one hundred and nine of the Railways Clauses Consolidation Act, 1845, or sections one hundred and one and one hundred and two of the Railways Clauses Consolidation (Scotland) Act, 1845, which immediately before the vesting date apply to any such undertaking shall have effect as if made under the said section sixty-seven.
- (4) In section one hundred and forty-four of the Railways Clauses Consolidation Act, 1845, and section one hundred and thirty-six of the Railways Clauses Consolidation (Scotland) Act, 1845 (which relate to the defacement of notice boards), for the words from " as required " to " or penalty " there shall be substituted the words " for the

purpose of publishing any byelaw of the company or any penalty imposed by this or the special Act. "

85 Disqualification for membership of House of Commons

- (1) Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies the bodies of which the members are disqualified under that Act), and the Part substituted for the said Part II by the Third Schedule to that Act in its application to the Senate and House of Commons of Northern Ireland, shall have effect with the insertion of the following entries—

After the entry relating to the British Overseas Airways Corporation.	" The British Railways Board "
After the entry relating to the British Transport Commission.	"The British Transport Docks Board.
The British Waterways Board "	
Before the entry relating to Medical Appeal Tribunals.	" The London Transport Board "
After the entry relating to the National Research Development Corporation.	" The Nationalised Transport Advisory Council".
Before the entry relating to the Research Council.	" A Regional Railway Board "

- (2) Part III of the said First Schedule (which specifies offices the holders of which are disqualified under the said Act) in its application to the Parliament of the United Kingdom shall have effect with the insertion before the entry relating to the director of Remploy Limited of the entry—

“Director of the Holding Company or the Hotel Company referred to in the Transport Act, 1962, or of any of the companies shown in List A in Part I, in Part III and in List A in Part IV of the Fourth Schedule to that Act”.

- (3) The Part substituted for the said Part III by the Third Schedule to the said Act of 1957 in its application to the Senate and House of Commons of Northern Ireland shall have effect with the insertion before the entry relating to an Election Commissioner of the entry—

“Director of the Holding Company referred to in the Transport Act, 1962, or of any of the following companies, that is to say—

Caledonian Steam Packet Company (Irish Services) Limited
Railway Sites Limited
British Road Services Limited
B.R.S. (Parcels) Limited
B.R.S. (Pickfords) Limited
Atlantic Steam Navigation Company Limited”.

86 Application of Town and Country Planning Acts

- (1) It is hereby declared that for the purposes of the Town and Country Planning Acts anything done by any of the Boards—

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

- (a) in the exercise of the powers conferred by section eleven of this Act so far as that section relates to development of land for use otherwise than for the purposes of the business of the Board ; or
- (b) in the exercise of the powers conferred by section twelve of this Act so far as that section relates to pipe-lines which are not required for the purposes of the business of the Board other than the operation of pipe-lines,

does not constitute the carrying on by the Board of their statutory undertaking and, in particular, that land which is used, or in which an interest is held, by a Board exclusively for the purpose of exercising those powers does not constitute operational land.

- (2) Without prejudice to the foregoing subsection and subject to the next following subsection, any development of operational land by a Board in the exercise of the said powers shall not for the purposes of the said Acts constitute development of operational land.
- (3) The last foregoing subsection shall not apply to development if—
 - (a) the development comprises development by the Board for the purpose of carrying on their statutory undertaking or is development for a purpose which includes that purpose; and
 - (b) the development is such that so much of it as is exclusively referable to the exercise by the Board of the said powers cannot fairly be treated for the purposes of the said Acts as separate development.
- (4) Any question under the last foregoing subsection whether part of any development can fairly be treated as separate development shall be determined by the local planning authority to whom application is made for permission for the development in question, or, where an application for permission for the development in question is referred to the Minister, by the Minister and the Minister of Transport; and where part of any development is so treated this section and the said Acts shall apply to the parts of the development in all respects as if they were separate development.
- (5) If an applicant is aggrieved by a determination of a local planning authority under the last foregoing subsection, he may appeal to the Minister, and any such appeal shall be determined by the Minister and the Minister of Transport.

The provisions of the said Acts and of any development order as to the time and manner for appealing to the Minister against planning decisions of local planning authorities shall apply, subject to any necessary modifications, to an appeal under this subsection.

- (6) The provisions of the said Acts as to the validity, and proceedings for challenging the validity, of decisions of the Minister on applications for planning permission referred to him under those Acts or on appeals to him under those Acts against planning decisions of local planning authorities shall apply to any determination of the Minister and the Minister of Transport under this section as if a reference to this section were included in those provisions.
- (7) Before the vesting date, references in this section to section eleven of this Act and (in relation to that section) to any of the Boards shall be construed as references to section seventy-seven of this Act and to the Commission.
- (8) In this section "the Minister" and "the Town and Country Planning Acts " mean respectively the Minister of Housing and Local Government and the Town and Country Planning Acts, 1947 to 1959, or, in relation to Scotland, the Secretary of State and the Town and Country Planning (Scotland) Acts, 1947 to 1959 ; and, subject to

this section, any other expression in this section which is used in those Acts has the same meaning as in those Acts.

87 Temporary provision as to development of land in London

- (1) It shall be the duty of the Commission and of the Boards to consult the London County Council as to the use of their land in the administrative county of London so far as that land is not required for the purposes of their business, and to submit for the approval of the Minister of Housing and Local Government proposals with regard to the use of that land in a manner which is consistent with proper planning and which, in particular, is consistent with the need for keeping a proper balance in the use of their land as between new office accommodation and other accommodation for trade, business and industry on the one hand, and new living accommodation (with the amenities required by a resident community) on the other hand; and in making those proposals account may be taken of living accommodation provided or to be provided on any land belonging to the Commission or the Boards which lies outside, but in the immediate vicinity of, the administrative County of London.
- (2) The following provisions of this section shall have effect as regards any application made before the date certified by the Minister of Housing and Local Government as that on which he has approved proposals under the foregoing subsection, being an application for permission under Part III of the Town and Country Planning Act, 1947, for development of land in the administrative county of London which belongs to the Commission or a Board at the time when the application is made ; and the said date shall be certified by the said Minister by order contained in a statutory instrument.
- (3) If on any such application for permission for development consisting of the construction, reconstruction or alteration of a building—
 - (a) which is designed or intended for use as office premises, or
 - (b) part of which is designed or intended for use as office premises and is suited for separate occupation,permission is refused by the Minister of Housing and Local Government, either on appeal or on the reference of the application to him for determination, or is so granted subject to conditions, no compensation shall be payable in respect of the refusal or imposition of conditions under section twenty of the said Act of 1947 (which relates to development not involving an increase of more than 10 per cent. in cubic content) or paragraph I of the Fifth Schedule to that Act (which relates to statutory undertakers' operational land).
- (4) Subsection (3) of this section shall not apply to an application for permission for development consisting of the reconstruction of a building destroyed or damaged by fire or accident.
- (5) In this section references to the Minister refusing permission or granting permission subject to conditions include references to the Minister and the appropriate Minister refusing permission, or granting permission subject to conditions, under paragraph 1 of the Fifth Schedule to the said Act of 1947.

88 Application of Tribunals and Inquiries Act, 1958

The Tribunals and Inquiries Act, 1958, shall have effect as if in the Annex to Part I of the First Schedule to that Act (which lists the tribunals under the supervision of the Council established by that Act) there were included a reference to—

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

- (a) subsection (6) of section seventy-four of this Act and orders under that section,
- (b) regulations under section eighty-one of this Act, and
- (c) sub-paragraph (3) of paragraph 17 of the Seventh Schedule to this Act.