



Transport Act 1962

1962 CHAPTER 46

PART IV

MISCELLANEOUS AND GENERAL

Supplemental

89 Duty to give effect to Minister's directions

- (1) It shall be the duty of the Boards or of any other person to whom the Minister or any other authority gives directions under this Act to give effect to those directions.
- (2) Any direction given by the Minister under this Act shall be in writing.

90 Inquiries

- (1) The Minister may hold inquiries for the purposes of his powers under this Act as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.
- (2) The costs incurred by the Minister in relation to an inquiry under the said Act of 1919 (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) shall be paid by such party to the inquiry as the Minister may direct, and the Minister may certify the amount of the costs so incurred, and any amount so certified and directed by the Minister to be paid by any person shall be recoverable from that person either as a debt to the Crown or by the Minister summarily as a civil debt.
- (3) The Minister may make orders as to the costs of the parties to any inquiry held by him under the said Act and as to the parties by whom such costs shall be paid.
- (4) Any costs required by an order under subsection (3) of this section to be taxed may be taxed in the county court according to such of the scales prescribed by county court rules for proceedings in the county court as may be directed by the order, or, if the order gives no direction, by the county court.

Status: This is the original version (as it was originally enacted).

- (5) Any sum payable by virtue of an order under subsection (3) of this section shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court.
- (6) Any sums received by the Minister under this section shall be paid into the Exchequer.
- (7) In the application of this section to Scotland—
 - (a) in subsection (2) the words " either as a debt to the Crown or", and the word " summarily" shall be omitted,
 - (b) for subsection (3) there shall be substituted the following subsection, that is to say—
 - “(3) In relation to any inquiry held under this section in Scotland the Minister shall have the like power to award expenses as if he were an arbiter under a submission and the parties to the inquiry were parties to the submission; and any award of expenses by the Minister under this subsection may be recorded for execution in the Books of Council and Session, and shall be enforceable accordingly” and
 - (c) subsections (4) and (5) shall be omitted.

91 Repeal of local enactments

- (1) The Minister may by order repeal any local enactment which in his opinion has ceased to have effect in consequence of the provisions of the Transport Act, 1947, or this Act.
- (2) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

92 Interpretation

- (1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings herein respectively assigned to them.—
 - " charges " includes fares, rates, tolls and dues of every description;
 - " coastal shipping " means the carrying of goods or passengers in ships by sea to or from any point in Great Britain from or to any point in the United Kingdom, the Isle of Man, the Channel Islands or the Republic of Ireland, but does not include the carrying of goods or passengers in the exercise of a right of ferry legally established whether by Act of Parliament or otherwise;
 - " contract carriage " shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the Road Traffic Act, 1960 ;
 - " express carriage " shall be construed in accordance with the said sections of the Road Traffic Act, 1960;
 - " final accounts of the Commission " has the meaning assigned to it by subparagraph (5) of paragraph 18 of the Seventh Schedule to this Act;
 - " function " includes powers, duties and obligations ;
 - " goods " includes animals ;
 - " harbour " means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and any dock, including any pier, jetty or other place at which ships can ship or unship goods or passengers ;

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

" the Holding Company " has the meaning assigned to it by section twenty-nine of this Act;

" the Hotel Company " has the meaning assigned to it by section thirty-three of this Act;

" inland waterway " includes every such waterway whether natural or artificial;

" land " includes any interest in land and any right over land;

" lease " includes an agreement for a lease ;

" liability " includes an obligation ;

" local enactment " means any provision—

(a) in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, and

(b) in any order or other instrument made under such an Act, and

(c) in any order made under the Light Railways Act, 1896,

and includes any provision of the Railways Clauses Consolidation Act, 1845, or any other public Act as it is incorporated in an Act or instrument falling under paragraph (a), (b) or (c) of this definition ;

" the London Passenger Transport Area " has the meaning assigned to it by subsection (1) of section one hundred and seven of the London Passenger Transport Act, 1933 ;

" the London Special Area " means the Special Area as defined by subsection (1) of section one hundred and seven of the London Passenger Transport Act, 1933 ;

" the Lower Ouse Improvement " means so much of the River Ouse as is within the limits of improvement as defined by section three of the Ouse (Lower) Improvement Act, 1884;

" the Minister " means the Minister of Transport;

" officer ", in relation to the Commission or any other body, does not include a member of that body ;

" participant " means, in relation to a pension scheme, 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;

" 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 ;

" port facilities " means the constructing, improving, maintaining, regulating, managing, marking or lighting of a harbour or any part thereof,

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

the berthing, towing, moving or dry-docking of a ship which is in, or is about to enter, or has recently left, a harbour, the loading or unloading of goods, or embarking or disembarking of passengers, in or from any such ship, the lighterage or the sorting, weighing, warehousing or handling of goods in a harbour, and the movement of goods within a harbour;

" public service vehicle " shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the Road Traffic Act, 1960;

" the re-organisation effected by this Act " includes any re-organisation effected by a scheme under section sixty-nine of this Act, including any amendments of the scheme made not later than six months after the date on which the scheme comes into effect:

" 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 ;

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

" stage carriage " shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the Road Traffic Act, 1960;

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

" subsidiary ", in relation to any body corporate, means a body corporate which is a subsidiary of the first mentioned body corporate as defined by section one hundred and fifty-four of the Companies Act, 1948 (taking references in that section to a company as being references to any body corporate);

" vesting date " has the meaning assigned to it by section thirty-one of this Act;

" wholly-owned subsidiary " means a subsidiary all the securities of which are owned by the body of which it is a subsidiary, or by one or more other wholly-owned subsidiaries of that body, or partly by that body and partly by any wholly-owned subsidiary of that body.

- (2) Any reference in this Act to any provision of the Railways Clauses Consolidation Act, 1845, or of any other Act which is expressed only to have effect as incorporated in another enactment, shall include a reference to that provision as incorporated in any statutory provision passed or made whether before or after the passing of this Act.
- (3) Except 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, extended or applied by any other enactment including this Act.

93 Application to Northern Ireland

- (1) The provisions of this Act set out in Part I of the Eleventh Schedule to this Act shall extend to Northern Ireland subject to the modifications set out in Part II of that Schedule, and save as aforesaid this Act shall not extend to Northern Ireland.
- (2) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the powers of the Parliament of Northern Ireland), this Act shall be deemed to be an Act passed before the appointed day.

94 Minister's expenses

Any expenses incurred by the Minister under or in consequence of the provisions of this Act shall be paid out of money provided by Parliament.

95 Repeal and savings

- (1) The Acts specified in the Twelfth Schedule to this Act (Part I of which includes certain enactments which are spent or obsolete) shall be repealed to the extent specified in the third column of that Schedule.
- (2) The repeals in Part II of the said Schedule shall, save as otherwise expressly provided, take effect on the vesting date.
- (3) Nothing in the repeals in Part I of the Twelfth Schedule to this Act which relate to the Transport Tribunal shall affect any appointment made, any judgment or order given, any document issued or any other thing done before the date on which the repeals take effect; and the provision of this Act corresponding to the enactment under which it was done shall have effect as if it had been done under that provision.

Any reference in any instrument or other document to such an enactment shall be taken as regards anything done after that date as a reference to the corresponding provision of this Act.

- (4) The foregoing provisions of this section shall be without prejudice to so much of the Interpretation Act, 1889, as relates to the effect of repeals.
- (5) Without prejudice to the provisions of subsection (2) of section ninety-two of this Act, any reference in the Twelfth Schedule to this Act to the Railways Clauses Consolidation Act, 1845, or any other Act which is expressed only to have effect as incorporated in any other enactment, includes a reference to that provision as incorporated in any statutory provision passed or made whether before or after the passing of this Act.

96 Short title and commencement

- (1) This Act may be cited as the Transport Act, 1962.
- (2) Subject to any other provision of this Act, this Act shall come into force on such date as the Minister may by order contained in a statutory instrument appoint, and the Minister may under this subsection appoint different dates for different provisions of this Act.