



Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

PART I

THE BOARDS AND THE HOLDING COMPANY

Supplemental provisions relating to the Boards

28 Powers exercisable subject to Minister's consent.

- (1) Any consent which the Minister is [^{F1}or, as the case may be, the Scottish Ministers are] authorised to give under the foregoing provisions of this Act may be given for any case or description of cases specified in the consent, or may be general, and may be given subject to conditions.
- (2) Nothing done by a Board [^{F2}or Canal & River Trust] shall be unlawful on the ground that it was done without the consent of the Minister [^{F3}or, as the case may be, the Scottish Ministers,] and that under the foregoing provisions of this Act it required the consent of the Minister [^{F3}or, as the case may be, the Scottish Ministers,].
- (3) If it appears to the Minister that a Board [^{F4}or Canal & River Trust] propose to do anything, or have done anything, without the consent of the Minister which in his opinion requires his consent under this Act, he shall, after consultation with the Board [^{F4}or Canal & River Trust], give to the Board [^{F4}or Canal & River Trust] such directions as appear to the Minister to be appropriate.
- (4) The directions which the Minister may give under the last foregoing subsection in a case where a Board [^{F5}or Canal & River Trust] have already done anything without the Minister's consent may in particular require the Board [^{F5}or Canal & River Trust] to discontinue any activity or to dispose of any assets, and directions may be so given notwithstanding that they make it necessary for the Board [^{F5}or Canal & River Trust] to dispose of assets at a loss.
- [^{F6}(5) If it appears to the Scottish Ministers that the British Waterways Board propose to do anything, or have done anything, without their consent which, in their opinion,

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Section 28. (See end of Document for details)

requires their consent under this Act, they shall, after consultation with that Board, give to the Board such directions as appear to the Scottish Ministers to be appropriate.

- (6) The directions which may be given under subsection (5) in a case where the Board have already done anything without the consent of the Scottish Ministers may in particular require the Board to discontinue any activity or to dispose of any assets, and directions may be so given notwithstanding that they make it necessary for the Board to dispose of assets at a loss.]

Textual Amendments

- F1** Words in s. 28(1) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(19)** (with transitional provisions and savings in art. 4)
- F2** Words in s. 28(2) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 18** (with arts. 4-6)
- F3** Words in s. 28(2) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(20)** (with transitional provisions and savings in art. 4)
- F4** Words in s. 28(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. 18** (with arts. 4-6)
- F5** Words in s. 28(4) inserted (2.7.2012) by The British Waterways Board (Transfer of Functions) Order 2012 (S.I. 2012/1659), art. 1(2), **Sch. 2 para. 18** (with arts. 4-6)
- F6** S. 28(5)(6) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(21)** (with transitional provisions and savings in art. 4)

Modifications etc. (not altering text)

- C1** S. 28 extended by [Transport Act 1968 \(c. 73\)](#), s. 52(3)

Changes to legislation:

There are currently no known outstanding effects for the Transport Act 1962, Section 28.