



Transport Act 1981

1981 CHAPTER 56

PART I

SUBSIDIARY ACTIVITIES OF BRITISH RAILWAYS BOARD

1 Railways Board's powers of disposal.

- (1) Without prejudice to any powers conferred on them by any other enactment, the Railways Board shall have power to provide for the disposal, in such manner as they think fit, of—
 - (a) any securities of one of their subsidiaries which are held by the Board or by another of their subsidiaries; or
 - (b) the whole or any part of the undertaking of, or of any property, rights or liabilities of, any of their subsidiaries.
- (2) The Board shall not exercise their powers under subsection (1)(a) above except with the consent of the Secretary of State.
- (3) For the purpose of facilitating the eventual disposal under this section of any part of their undertaking or of any property, rights or liabilities the Board may exercise their powers to establish subsidiaries and to transfer property, rights and liabilities to subsidiaries under section 7 of the Transport Act 1968, notwithstanding any provision of any enactment which may be taken to limit the circumstances in which, or the purposes for which, those powers may be exercised.
- (4) In exercising their powers under this section the Board may with the consent of the Secretary of State, provide for employees' share schemes to be established in respect of any of their subsidiaries; and any such scheme may provide for the transfer of shares without consideration.
- (5) In this section "employees' share schemes" means schemes for encouraging or facilitating the holding of shares or debentures in a company by or for the benefit of—
 - (a) the bona fide employees or former employees of the company or of a subsidiary of the company; or

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- (b) the wives, husbands, widows, widowers or children or step-children under the age of 18 of such employees or former employees.

Modifications etc. (not altering text)

C1 S. 1 restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, arts. 1(1), 4(2)

2 The new harbours company.

- (1) The Railways Board shall secure that—
- (a) a company (the “harbours company”) limited by shares, the objects of which include the acquisition of property, rights and liabilities in accordance with the provisions of this Part, is formed by Sealink and registered under the ^{M1}Companies Act 1948 before the expiry of the initial period; and
 - (b) the harbours undertaking of Sealink is transferred to the harbours company.
- (2) For the purposes of this section the harbours undertaking of Sealink shall be taken to be—
- (a) all the property, rights and liabilities comprised in that part of Sealink’s undertaking which consists of the following harbours—
 Folkestone, Harwich, Heysham, Holyhead, Newhaven, Parkeston Quay, Stranraer, Gravesend West Station Pier, Tilbury Floating Landing Stage, Ryde Pier, Lymington Pier, New Holland Pier, Fishbourne and Portsmouth Harbour Railway Jetty;
 and
 - (b) the securities of the Fishguard and Rosslare Railways and Harbours Company held by Sealink.
- (3) In consideration of the transfer of property, rights and liabilities in accordance with this section the harbours company shall issue securities of the company to Sealink.
- (4) Sealink shall make, and before the expiry of the initial period send to the Secretary of State, a scheme for the transfer to the harbours company of all the property, rights and liabilities which are required by this section to be so transferred.
- (5) The scheme may contain such supplementary, incidental and consequential provision as may appear to Sealink to be necessary or expedient.
- (6) The scheme shall not come into force unless it has been approved by the Secretary of State or until such date as the Secretary of State may, in giving his approval, specify; and the Secretary of State may approve a scheme either without modifications or with such modifications as, after consultation with Sealink, he thinks fit.
- (7) On the coming into force of the scheme the property, rights and liabilities in question shall, subject to subsection (8) below, be transferred and vest in accordance with the scheme.
- (8) Schedule 4 to the ^{M2}Transport Act 1968 (supplementary provisions as to certain transfers of property, rights and liabilities) shall apply in relation to the scheme as it applies in relation to any scheme made under section 7 of that Act.

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Marginal Citations

M1 1948 c. 38.

M2 1968 c. 73.

3 Power of Secretary of State to give directions.

- (1) The Secretary of State may, after consultation with the Railways Board, give directions to the Board requiring them—
 - (a) to exercise their powers under section 1 of this Act in a specified manner and in relation to a specified subsidiary;
 - (b) to establish a subsidiary and exercise their powers under section 7 of the Transport Act 1968 (transfer of property, rights and liabilities to subsidiaries) in a specified manner.
- (2) It shall be the duty of the Board (notwithstanding any duty imposed on them by section 3(1) of the ^{M3}Transport Act 1962) to give effect to any directions given under this section.
- (3) In this section “specified” means specified in directions given by the Secretary of State under this section.
- (4) Any directions under this section shall be given in writing.
- (5) In section 4(5) of the ^{M4}Railways Act 1974 (duty of Board to include certain information in the annual report made under section 4), after the words “1962 Act, in paragraph (b), there are inserted the words “section 3 of the Transport Act 1981.

Modifications etc. (not altering text)

C2 The text of ss. 3(5), 35(1)(2), 37, 38, 39, Sch. 4 paras. 1(3), 6, Sch. 5 Pt. I para. 10(1)(2), Sch. 9 Pt. II para. 25, Sch. 12 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M3 1962 c. 46.

M4 1974 c. 48.

4 Provisions supplementary to ss. 1 to 3.

- (1) Schedule 1 to this Act has effect for the purpose of making certain provisions supplementing sections 1 to 3 of this Act.
- (2) In this Part of this Act—
 - “harbours company” has the meaning given in section 2(1)(a);
 - “initial period” means the period of three months beginning with the commencement of this Part;
 - “Railways Board” means the British Railways Board;
 - “Sealink” means Sealink U.K. Limited;

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“securities” includes shares, debentures, debenture stock, bonds and other securities of the company concerned, whether or not constituting a charge on the assets of the company;

“subsidiary” means a subsidiary as defined in [^{F1}section 736 of the Companies Act 1985].

Textual Amendments

F1 Words substituted by Companies Act 1989 (c. 40, SIF 27), s. 144(4), **Sch. 18 para. 26**

Status:

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Changes to legislation:

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