



# Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

## PART I

### THE BOARDS AND THE HOLDING COMPANY

#### *Preliminary*

#### **1 The four Boards.**

(1) For the purposes of this Act there shall be . . . <sup>F1</sup> public authorities to be called—  
the British Railways Board (in this Act referred to as the “Railways Board”);

..... <sup>F1</sup>  
the British Transport Docks Board (in this Act referred to as the “Docks Board”); and  
the British Waterways Board,

among whom the functions and (subject to the provisions of this Act relating to the Holding Company) the property of the British Transport Commission (hereinafter referred to as “the Commission”) shall be divided in accordance with this Act.

(2) The chairman of each Board shall be appointed by the Minister, and the other members of each Board (including any vice chairman) shall be appointed by the Minister after consultation with the chairman of that Board.

[<sup>F2</sup>(2A) In the case of the British Waterways Board—

- (a) before appointing the chairman the Minister shall consult the Scottish Ministers; and
- (b) two of the members shall be appointed by the Scottish Ministers after consultation with the Minister and the chairman.]

(3) .....

(4) ..... <sup>F3</sup>

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

(5) ..... F4

(6) The British Waterways Board shall consist of a chairman, a vice chairman and not more than nine nor less than four other members; the chairmen and other members of the Board shall be appointed from among persons who appear to the Minister [<sup>F5</sup>or, as the case may be, the Scottish Ministers]to have had wide experience of, and to have shown capacity in, the operation, management or administration of inland navigations or related matters or who appear to him [<sup>F6</sup>or them]to have special knowledge relating to some important aspect of the Board’s work or to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, administration, applied science or the organisation of workers <sup>F7</sup> . . .

[<sup>F8</sup>(6A) In appointing persons to the British Waterways Board–

- (a) the Minister shall have regard to the desirability of having members who are familiar with the special requirements and circumstances of particular regions and areas served by the Board in England and Wales; and
- (b) the Scottish Ministers shall have regard to the desirability of having members who appear to them to have special knowledge of Scotland.]

(7) Part I of the First Schedule to this Act shall have effect as regards the constitution and proceedings of the Boards, and as regards their members.

**Textual Amendments**

**F1** Words repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 6](#)

**F2** [S. 1\(2A\)](#) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(2\)](#) (with transitional provisions and savings in [art. 4](#))

**F3** [S. 1\(4\)](#) repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 6](#)

**F4** [S. 1\(5\)](#) repealed by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 5(4), [Sch. 12 Pt. I](#)

**F5** Words in [s. 1\(6\)](#) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(3\)\(a\)](#) (with transitional provisions and savings in [art. 4](#))

**F6** Words in [s. 1\(6\)](#) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(3\)\(b\)](#) (with transitional provisions and savings in [art. 4](#))

**F7** Words in [s. 1\(6\)](#) omitted (1.4.2001) by virtue of [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(3\)\(c\)](#) (with transitional provisions and savings in [art. 4](#))

**F8** [S. 1\(6A\)](#) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(4\)](#) (with transitional provisions and savings in [art. 4](#))

2 ..... F9

**Textual Amendments**

**F9** [S. 2](#) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

*Status: Point in time view as at 01/04/2001.*

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

### *The Railways Board*

## **3 Duty and powers of Railways Board.**

(1) <sup>F10</sup>Subject to subsection (1A) of this section, it shall be the duty of the Railways Board in the exercise of their powers under this Act to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation.

<sup>F11</sup>(1A) The Board shall be discharged from the duty imposed by subsection (1) of this section with respect to the provision of railway services in Great Britain if and to the extent that such services are, or have at any time since the coming into force of this subsection been,—

- (a) provided by the Board, or a subsidiary of the Board, pursuant to any agreements or arrangements falling within subsection (1B) of this section; or
- (b) provided (whether under or by virtue of the Railways Act 1993 or otherwise) by persons other than the Board and their subsidiaries;

but, notwithstanding anything in this subsection, it shall be the duty of the Board to have, as respects any railway services provided as mentioned in paragraph (a) of this subsection (and any other services or facilities provided in connection therewith) due regard to efficiency, economy and safety of operation.

(1B) The agreements or arrangements mentioned in subsection (1A)(a) of this section are as follows, namely—

- (a) an agreement or arrangement made pursuant to the Railways Act 1993, to which the Franchising Director and the Board, or a subsidiary of the Board, are parties;
- (b) an agreement made between—
  - (i) the Board or a subsidiary of the Board, and
  - (ii) a person who is the owner or operator of a railway asset or track,being an agreement under which the Board or a subsidiary of the Board operates that railway asset or track or uses it to provide network, station or light maintenance services.

(1C) For the purposes of subsection (1B) above and this subsection—

- (a) any reference to a railway asset includes a reference to any part of a railway asset;
- (b) “operator”, in relation to a railway asset or track, means the person having the management of that railway asset or track for the time being;
- (c) “owner”, in relation to a railway asset or track, means any person—
  - (i) who has an estate or interest in, or right over, the railway asset or track in question; and
  - (ii) whose permission to use that railway asset or track is needed by another before that other may use it;

and, subject to that, expressions used in either subsection and in Part I of the Railways Act 1993 have the same meaning in that subsection as they have in that Part.]

(2) ..... <sup>F12</sup>

(3) Subject to this Act, the Railways Board shall have power—

*Status: Point in time view as at 01/04/2001.*

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- [<sup>F13</sup>(a) to carry goods and passengers by rail within, to or from Great Britain,  
 (aa) to carry goods and passengers by rail between places outside Great Britain in so far as they consider it expedient to do so in connection with the exercise of their powers under paragraph (a) above,]
- [<sup>F14</sup>(b) in the circumstances specified in sections 4 and 4A of this Act respectively, to carry goods by road and to secure the provision by other persons of services for the carriage of passengers by road]
- (c) to operate the harbours owned or managed by the Railways Board, and to provide port facilities at those harbours,
- (d) to consign goods on behalf of other persons from any place in Great Britain, or from any place to which the Railways Board have themselves carried the goods in question to any other place, whether in Great Britain or elsewhere,
- (e) to store within Great Britain goods which have been or are to be carried by the Railways Board, and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods,
- (f) to enter into and carry out agreements—
- (i) with carriers outside Great Britain for the through carriage of goods and passengers under one contract or at a through charge or in the same vehicles or containers, and
- (ii) with any person engaged in coastal shipping for co-ordinating the activities of that person with those of the Board, and in particular for facilitating the through carriage of goods, for the quoting of through rates and for the pooling of receipts or expenses.
- [<sup>F15</sup>(g) to do anything which appears to the Board to be expedient for the purposes of or in connection with the provision by the Board of railway services outside Great Britain.]
- (4) Subsections (1) and (2) of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.
- [<sup>F16</sup>(5) Subject to subsection (6) of this section, section 82 of the Railways Act 1993 (meaning of “railway services”) shall apply for the purposes of this section as it applies for the purposes of Part I of that Act.
- (6) If it appears to the Secretary of State that the Board—
- (a) have ceased to provide railway services of a description falling within any paragraph (“the relevant paragraph”) of subsection (1) of that section, or
- (b) have ceased to provide such services otherwise than as mentioned in subsection (1A)(a) of this section,
- he shall by order provide that, as from the date on which the order comes into force, subsection (1) of that section shall, in its application for the purposes of this section, have effect as if the relevant paragraph (which shall be specified in the order) were omitted therefrom.
- (7) An order under subsection (6) of this section may make such consequential amendments or repeals of or in this section or any other enactment as may appear to the Secretary of State to be necessary or expedient for the purposes of, or in connection with, the order.

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- (8) The power to make an order under subsection (6) of this section shall be exercisable by statutory instrument; and a statutory instrument containing any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

**Textual Amendments**

- F10** Words in S.3(1) inserted (6.1.1994) by 1993 c. 43, s. 126(1); S.I. 1993/3237, art. 2(2)  
**F11** S.3(1A)(1B) and (1C) inserted (6.1.1994) by 1993 c. 43, s. 126(1); S.I. 1993/3237, art. 2(2)  
**F12** S. 3(2) repealed by Transport (London) Act 1969 (c. 35), Sch. 6  
**F13** S. 3(3)(a) substituted by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 39(1)  
**F14** S. 3(3)(b) substituted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 6  
**F15** S. 3(3)(g) added by Channel Tunnel Act 1987 (c. 53, SIF 102), s. 39(1)  
**F16** S. 3(5)-(8) added (6.1.1994) by 1993 c. 43, s. 126(2); S.I. 1993/3237, art. 2(2)

**Modifications etc. (not altering text)**

- C1** S. 3(1) excluded by Transport Act 1981 (c. 56, SIF 126), s. 3(2); excluded (24.12.1993 ) by 1993 c. 43, ss. 144(1)(a), 150(1)(j); S.I. 1993/3237, art. 2(1).  
**C2** S. 3(1) excluded (6.1.1994) by 1993 c. 43, s. 88(8); S.I. 1993/3237, art. 2(2)  
**C3** S. 3(3)(e) extended by Transport Act 1968 (c. 73), s. 50(1)

**4 Railways Board’s road services.**

- (1) Subject to this section, the Railways Board shall have power—
- (a) to provide transport services by road—
- (i) for the carriage of goods which have been or are to be carried by rail or water by the Railways Board, and
- (ii) for the carriage of goods where a railway service has been temporarily interrupted, . . . <sup>F17</sup>
- (iii) . . . . . <sup>F18</sup>  
and to carry goods . . . <sup>F18</sup> by those services;
- <sup>F19</sup>(b) . . . . .
- <sup>F19</sup>(2) . . . . .
- (3) . . . . . <sup>F20</sup>
- (5) . . . . . <sup>F21</sup>
- (6) Except as provided by this section the Railways Board shall not have power to provide services for the transport of goods . . . <sup>F22</sup> by road.
- <sup>F19</sup>(7) . . . . .

**Textual Amendments**

- F17** Word repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8  
**F18** S. 4(1)(a) sub-paragraph (iii) and the words “and passengers” repealed by Transport Act 1985 (c. 67, SIF 126), ss. 118(2)(a)(i), 139(3), Sch. 8  
**F19** S. 4(1)(b), (2) and (7) repealed (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1)(3), Sch. 12 para. 5(2) (a), Sch. 14; S.I. 1993/3237, art. 2(2)  
**F20** Ss. 4(3)(4), 6 repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I

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- F21** S. 4(5) repealed by Transport Act 1985 (c. 67, SIF 126), ss. 118(2)(b), 139(3), Sch. 8  
**F22** Words repealed by Transport Act 1985 (c. 67, SIF 126), ss. 118(2)(c), 139(3), Sch. 8

**Modifications etc. (not altering text)**

- C4** S. 4 restricted by Transport Act 1985 (c. 67, SIF 126), s. 118(2)

**[<sup>F23</sup>4A Railways Board’s road passenger transport services.**

- (1) Subject to this section, the Railways Board shall have power to secure the provision by other persons of services for the carriage of passengers by road where a railway service has been temporarily interrupted, or has been discontinued.
- (2) The route (and stopping places) of any such service provided where a railway service has been discontinued need not correspond precisely with the route of the discontinued service (even where it is practicable to do so), so long as the service so provided broadly corresponds with the discontinued service, in terms of the localities it serves.
- (3) Subsection (2) above is not to be taken as prejudicing the power of the Board under subsection (1) above to secure the provision of a service which deviates in any respect from the route of a railway service which has been interrupted or discontinued where it is not practicable for a service by road to correspond precisely to the railway service in question.
- (4) Before entering into any agreement in pursuance of subsection (1) above for the provision by any other person of a service for the carriage of passengers by road in a case where a railway service has been discontinued, the Board shall invite other persons to submit tenders to provide that service for such period and on such basis as may be specified in the invitation to tender.
- (5) Subsection (4) above shall not apply in relation to an agreement for the provision of such a service on a temporary basis in a case where a service for the carriage of passengers by road provided under an agreement entered into by the Board in pursuance of subsection (1) above has been temporarily interrupted.
- (6) Nothing in subsection (4) above shall be read as requiring the Board to accept any tender submitted in response to an invitation to tender issued under that subsection.
- (7) The Railways Board may not under this section secure the provision by any person of a service for the carriage of passengers by road provided otherwise than by means of public service vehicles or licensed taxis.
- (8) The Railways Board may not themselves directly provide services for the carriage of passengers by road.
- (9) In this section—
  - (a) “licensed taxi” means—
    - (i) in England and Wales, a vehicle licensed under section 37 of the Town Police Clauses Act <sup>M1</sup>1847 or section 6 of the Metropolitan Public Carriage Act <sup>M2</sup>1869 or under any similar enactment; and
    - (ii) in Scotland, a taxi licensed under section 10 of the Civic Government (Scotland) Act <sup>M3</sup>1982; and
  - (b) “stopping place” means a point at which passengers are taken up or set down in the course of the service in question.]

*Status: Point in time view as at 01/04/2001.*

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**Textual Amendments**

**F23** S. 4A inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 118\(1\)](#)

**Modifications etc. (not altering text)**

**C5** S. 4A: functions of the Board transferred (E.W.S.) (1.4.1994) to the Franchising Director by [1993 c. 43, s. 47\(1\)\(a\)](#); [S.I. 1994/571, art. 5](#).

**C6** S. 4A(2) modified by [Transport Act 1985 \(c. 67, SIF 126\), s. 119\(2\)](#);  
S. 4A modified (E.W.S.) (1.4.1994) by [1993 c. 43, ss. 47\(2\), 152\(2\), Sch. 13 para. 3\(2\)](#); [S.I. 1994/571, art. 5](#).

**Marginal Citations**

**M1** [1847 c.89 \(107:1\)](#).

**M2** [1869 c.115 \(107:1\)](#).

**M3** [1982 c.45 \(81:2\)](#).

**F24** 5 .....

**Textual Amendments**

**F24** S. 5 repealed ([6.1.1994](#)) by [1993 c. 43, ss. 150\(1\)\(o\), 152\(1\)\(3\)](#), [Sch. 12 para. 5\(2\)\(b\)](#), [Sch. 14](#); [S.I. 1993/3237, art. 2\(2\)](#)

**6** ..... **F25**

**Textual Amendments**

**F25** Ss. 4(3)(4), 6 repealed by [Transport Act 1968 \(c. 73\), Sch. 18 Pt. I](#)

**7, 8.** ..... **F26**

**Textual Amendments**

**F26** Ss. 7, 8 repealed by [Transport \(London\) Act 1969 \(c. 35\), Sch. 6](#)

*The Docks Board*

**9** ..... **F27**

**Textual Amendments**

**F27** S. 9 repealed by [Transport Act 1981 \(c. 56, SIF 126\), s. 5\(4\), Sch. 12 Pt. I](#)

*Status: Point in time view as at 01/04/2001.*

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### *The British Waterways Board*

#### **10 Duty and powers of British Waterways Board.**

- (1) It shall be the duty of the British Waterways Board in the exercise of their powers under this Act to provide to such extent as they may think expedient—
- (a) services and facilities on the inland waterways owned or managed by them, and
  - (b) port facilities at any harbour owned or managed by them,
- and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them.
- (2) . . . . . <sup>F28</sup>
- (3) Subject to this Act, the British Waterways Board shall have power—
- (a) to carry goods and passengers by inland waterway and to provide facilities for traffic on the inland waterways owned or managed by them,
  - (b) to operate the harbours owned or managed by them and to provide port facilities at those harbours,
  - (c) to provide transport services by road—
    - (i) for the carriage of goods which have been or are to be carried by the Board by inland waterway, and
    - (ii) for the carriage of goods where the use of an inland waterway owned or managed by the Board has been temporarily interrupted,
 and to carry goods by those services,
  - (d) to abstract and sell untreated water from any inland waterway owned or managed by the Board for any purpose,
  - (e) to consign goods on behalf of other persons on routes wholly or partly over any of the inland waterways owned or managed by them or to or from, or on routes through, any of the harbours owned or managed by them,
  - (f) to store goods which have been or are to be carried on any of the inland waterways owned or managed by the Board, or which have been or are to be loaded or unloaded in or carried through any of the harbours owned or managed by them, and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods,
  - (g) to enter into and carry out agreements—
    - (i) with carriers outside Great Britain for the through carriage of goods and passengers under one contract or at a through rate or in the same vessels or containers, and
    - (ii) with any person engaged in coastal shipping for co-ordinating the activities of that person with those of the Board and, in particular, for facilitating the through carriage of goods, for the quoting of through rates and for the pooling of receipts or expenses.
- (4) Subsections (1) . . . <sup>F29</sup> of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.



*Status: Point in time view as at 01/04/2001.*

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

#### Textual Amendments

**F28** Ss. 10(2), 13(2) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I

**F29** Words repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I

#### Modifications etc. (not altering text)

**C7** S. 10(1) restricted by Transport Act 1968 (c. 73), s. 107(1)

**C8** S. 10(3)(f) and (4) extended by Transport Act 1968 (c. 73), ss. 50(1) and 107(3) respectively

### *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 . . . <sup>F30</sup>

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.

[<sup>F31</sup>(5) In the application of this section to the British Waterways Board, in relation to land situated in Scotland the references to the Minister are to be read as references to the Scottish Ministers.]

#### Textual Amendments

**F30** Words repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I

**F31** S. 11(5) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(5) (with transitional provisions and savings in art. 4)

*Status: Point in time view as at 01/04/2001.*

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**Modifications etc. (not altering text)**

- C9** Ss. 11-17 extended by Transport Act 1968 (c. 73), s. 471
- C10** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), s. 6(2)
- C11** S. 11(2)-(4) amended by Transport Act 1968 (c. 73), s. 134
- C12** S. 11(3)(4) restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, reg. 4(2)
- C13** S. 11(4) amended by Transport Act 1968 (c. 73), s. 49

**12 Pipe-lines.**

- (1) Subject to this section, the Boards [<sup>F32</sup>, other than the Railways Board,] 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.
- [<sup>F33</sup>(3A) The British Waterways Board shall not without the consent of—
- (a) in the case of a proposed pipe-line in England and Wales, the Minister; or
  - (b) in the case of a proposed pipe-line in Scotland, the Scottish Ministers,
- 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.

**Textual Amendments**

- F32** Words in s. 12(1) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), Sch.12 para. 5(3); S.I. 1993/3237, art. 2(2)
- F33** S. 12(3A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, Sch. 2 para. 2(6) (with transitional provisions and savings in art. 4)

**Modifications etc. (not altering text)**

- C14** Ss. 11-17 extended by Transport Act 1968 (c. 73), s. 471
- C15** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), s. 6(2)
- C16** S. 12(3) restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, reg. 4(2)

*Status: Point in time view as at 01/04/2001.*

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

### 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.

[<sup>F34</sup>(1A) Subsection (1) of this section shall have effect, in relation to the Railways Board, with the insertion after paragraph (c) of the following—

”(d) of the Rail Regulator,

- (e) of any person who provides, or secures the provision of, railway services, within the meaning of Part I of the Railways Act 1993, or
- (f) of any person carrying on any undertaking which was, immediately before 1st April 1993, carried on by the Railways Board or any wholly owned subsidiary of that Board.”,

and with the omission of the word or immediately preceding that paragraph.]

(2) ..... <sup>F35</sup>

<sup>F36</sup>(3) .....

[<sup>F37</sup>(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) ..... <sup>F38</sup>

[<sup>F39</sup>(9) If the Secretary of State is of the opinion that it is no longer necessary, or no longer desirable, for the Railways Board to conduct any of the activities mentioned in subsection (1) of this section for the purposes of the business of any persons, or of persons of any class or description, mentioned in that subsection, he may by order provide that, as from the date on which the order comes into force, that Board shall cease to have power to conduct the activity in question in relation to the person in question.

(10) An order under subsection (9) of this section may make such consequential amendments or repeals in any enactment as may appear to the Secretary of State to be necessary or expedient for the purposes of, or in connection with, the order.

(11) Any order made under subsection (9) of this section shall be made by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Status: Point in time view as at 01/04/2001.*

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

- (12) Any reference in this section to “business” includes, in the case of the Rail Regulator, a reference to the carrying on of any activity in the exercise of his powers or the performance of his duties.]

#### Textual Amendments

- F34** S. 13(1A) inserted (6.1.1994) by 1993 c. 43, s. 128(2); S.I. 1993/3237, art. 2(2)
- F35** Ss. 10(2), 13(2) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I
- F36** S. 13(3) repealed (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1)(3), Sch. 12 para. 5(2)(c), Sch. 14; S.I. 1993/3237, art. 2(2).
- F37** S. 13(4) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I except as respects proposals approved thereunder before 18.11.68 for the purposes of *ibid.*, s. 48
- F38** Ss. 13(5)–(8), 18(1) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I
- F39** S.13(9)–(12) added (6.1.1994) by 1993 c. 43, s. 128(3); S.I. 1993/3237, art. 2(2)

#### Modifications etc. (not altering text)

- C17** Ss. 11-17 extended by Transport Act 1968 (c. 73), s. 471
- C18** The text of ss. 13(4), 20(4), 36(4), 37, 61(2), 68(1), 84(2)(4), the reference in Sch. 2 to London Passenger Transport Act 1933 and Sch. 11 Pt. II para 8, (which para. is now spent), 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.

## 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,

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*Status: Point in time view as at 01/04/2001.*

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

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- (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 [<sup>F40</sup>, except the Railways Board,] 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.

[<sup>F41</sup>(4A) Subsections (3) and (4) above do not apply to the British Waterways Board.

(4B) The British Waterways Board shall have the power—

- (a) for the purposes of the Board's business in England and Wales, with the consent of the Minister; and
- (b) for the purposes of the Board's business in Scotland, with the consent of the Scottish Ministers,

to lend money to, or give a guarantee for the benefit of, any person for the purposes of an undertaking carried on by that person, or, where that person is a body corporate, any undertaking carried on by a subsidiary of that body corporate.

(4C) The British Waterways Board shall have the power—

- (a) for the purposes of the Board's business in England and Wales, with the consent of the Minister; and
- (b) for the purposes of the Board's business in Scotland, with the consent of the Scottish Ministers,

to subscribe for or acquire any securities of a body corporate.

(4D) The Minister shall consult the Scottish Ministers before giving consent under paragraph (a) of subsection (4B) or (4C) above and the Scottish Ministers shall consult the Minister before giving consent under paragraph (b) of either of those subsections.]

(5) Subsections (3) [<sup>F42</sup>, (4), (4B) and (4C).] 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.

*Status: Point in time view as at 01/04/2001.*

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

- (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.

#### Textual Amendments

- F40** Words in s. 14(4) inserted (6.1.1994) by 1993 c. 43, ss. 150(1)(o), 152(1), **Sch. 12 para. 5(4)**; S.I. 1993/3237, **art. 2(2)**
- F41** S. 14(4A)-(4D) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(7)** (with transitional provisions and savings in art. 4)
- F42** Words in s. 14(5) substituted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(8)** (with transitional provisions and savings in art. 4)

#### Modifications etc. (not altering text)

- C19** Ss. 11-17 extended by Transport Act 1968 (c. 73), **s. 471**
- C20** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), **s. 6(2)**
- C21** S. 14(1) amended by Transport Act 1968 (c. 73), **ss. 50(9)**, 51(2)
- C22** S. 14(3)(4) restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, **reg. 4(2)**
- C23** S. 14(6) extended by Transport Act 1968 (c. 73), **s. 52(1)**

## 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 [<sup>F43</sup>Acquisition of Land Act 1981], shall apply [<sup>F44</sup>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 pipe-line 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 [<sup>F45</sup>Acquisition of Land Act 1981], 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 [<sup>F45</sup>Acquisition of Land Act 1981], a reference to the <sup>M4</sup>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.

*Status: Point in time view as at 01/04/2001.*

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

#### Textual Amendments

- F43** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(1), **Sch. 4 para. 1**  
**F44** Words repealed (E.W.) by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(3), **Sch. 6 Pt. I**  
**F45** Words substituted by [Acquisition of Land Act 1981 \(c. 67, SIF 28:1\)](#), s. 34(1), **Sch. 4, para. 1**

#### Modifications etc. (not altering text)

- C24** Ss. 11-17 extended by [Transport Act 1968 \(c. 73\)](#), s. **471**  
**C25** Ss. 11, 12, [14\(1\)-\(4\)](#), 15, 16, [17\(1\)\(2\)](#) extended by [Transport \(London\) Act 1969 \(c. 35\)](#), s. **6(2)**  
**C26** S. 15 amended by [Transport Act 1968 \(c. 73\)](#), s. **52(2)**  
**C27** S. 15(1) extended by [Transport Act 1968 \(c. 73\)](#), s. **51(2)**

#### Marginal Citations

- M4** [1947 c. 42.](#)

### [<sup>F46</sup>15A Compulsory purchase of land: British Waterways Board in Scotland

- (1) Section 15 of this Act does not apply to the compulsory purchase of land in Scotland by the British Waterways Board.
- (2) The Scottish Ministers may authorise the British Waterways Board (in this section “the Board”) to purchase compulsorily any land in Scotland which the Board require for the purposes of their business there, and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply as if the Board were a local authority within the meaning of that Act.
- (3) Subsection (2) does not authorise the Board to purchase compulsorily land which they have power to acquire by agreement under section 11(4) of this Act.
- (4) The Scottish Ministers shall not under this section authorise the Board to purchase land for the purpose of constructing a pipe-line if the construction of the pipe-line requires their consent under section 12(3A)(b) of this Act.
- (5) The power of purchasing land compulsorily in this section includes power to acquire a servitude or other right over land by the creation of a new right; but this subsection does not apply to a servitude or other right over any land which would, for the purposes of the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 form part of a common or open space.

#### Textual Amendments

- F46** S. 15A inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, **Sch. 2 para. 2(9)** (with transitional provisions and savings in [art. 4](#))

### 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)

*Status: Point in time view as at 01/04/2001.*

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

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.

**Textual Amendments**

**F46** S. 15A inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(9)** (with transitional provisions and savings in art. 4)

**Modifications etc. (not altering text)**

**C28** Ss. 11-17 extended by Transport Act 1968 (c. 73), s. 471

**C29** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), s. 6(2)

**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.

[<sup>F47</sup>(1A) The British Waterways Board may, with the consent of the Scottish Ministers, promote Bills in the Scottish Parliament and may oppose any Bill in the Scottish 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 <sup>M5</sup>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 <sup>M6</sup>Private Legislation Procedure (Scotland) Act 1936.

**Textual Amendments**

**F47** S. 17(1A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(10)** (with transitional provisions and savings in art. 4)

**Modifications etc. (not altering text)**

**C30** Ss. 11-17 extended by Transport Act 1968 (c. 73), s. 471

**C31** Ss. 11, 12, 14(1)-(4), 15, 16, 17(1)(2) extended by Transport (London) Act 1969 (c. 35), s. 6(2)

**C32** S. 17(1) restricted (E.W.S.) (1.1.1993) by S.I. 1992/3060, reg. 4(2)

**Marginal Citations**

**M5** 1947 c. 49.

**M6** 1936 c. 52.

*Financial provisions*

**18 Financial duty of Boards.**

(1) ..... <sup>F48</sup>



*Status: Point in time view as at 01/04/2001.*

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

- (2) Each Board shall charge to revenue in every year all charges which are proper to be made to revenue, including, in particular, proper provision for the depreciation or renewal of assets and proper allocations to general reserve, and the reference in subsection (1) of this section and other references in this Act to charges properly chargeable to revenue shall be construed accordingly.
- (3) Without prejudice to the Board's powers to establish specific reserves, each Board shall establish and maintain a general reserve.
- (4) The management by each Board of their general reserve, the sums to be carried from time to time to the credit thereof, and the application of the moneys comprised therein shall be as the Board may determine:  
Provided that—
  - (a) no part of the moneys comprised in the general reserve shall be applied otherwise than for the purposes of the Board; and
  - (b) the Minister may, with the approval of the Treasury, give to the Board directions as to any matter relating to the establishment or management of the general reserve or the carrying of sums to the credit thereof, or the application thereof.
- (5) Each of the Boards may, with the consent of the Minister given with the approval of the Treasury, make charges to capital account representing interest on expenditure of a capital nature (including expenditure of a capital nature incurred by the Commission before the vesting date), being interest for any period which ends on or before the end of the accounting period in which the project or scheme to which the expenditure relates is in the opinion of the Minister completed.
- (6) This section shall have effect subject to the following provisions of this Part of this Act relating to the Railways Board and the British Waterways Board.

#### Textual Amendments

**F48** Ss. 13(5)–(8), 18(1) repealed by Transport Act 1968 (c. 73), Sch. 18 Pt. I

#### Modifications etc. (not altering text)

**C33** Ss. 18-21, 24 extended by Transport Act (c. 73), s. 27(1)

**C34** S. 18(4) proviso (a) excluded by Transport Act 1968 (c. 73), s. 41(4)

## 19 Borrowing powers of Boards.

- (1) Subject to the limit in subsection (3) of this section, each of the Boards may borrow temporarily, by way of overdraft or otherwise, either from the Minister or, with the consent of the Minister, from any other person, such sums as the Board may require for meeting their obligations or discharging their functions under this Act, but the aggregate of the amounts outstanding in respect of any temporary loans raised by a Board under this subsection shall not exceed such limit as the Minister may for the time being have imposed on that Board for the purposes of this subsection by a direction given to the Board.
- (2) Subject to the limit in subsection (3) of this section, each of the Boards may borrow (otherwise than by way of temporary loan) from the Minister [<sup>F49</sup>or, with the consent of [<sup>F50</sup>the Minister]] and the approval of the Treasury, may borrow (otherwise than by

*Status: Point in time view as at 01/04/2001.*

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

way of temporary loan) in a currency other than sterling from any person, or in sterling from the Commission of the European Communities or from the European Investment Bank] such sums as the Board may require for all or any of the following purposes—

- (a) for meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets in connection with the business of the Board,
- (b) for the provision of working capital,
- (c) for acquiring an undertaking or part of an undertaking,
- (d) for lending money to, or meeting a guarantee given for the benefit of, any person for the purpose of an undertaking carried on by him, or where that person is a body corporate, an undertaking carried on by a subsidiary of that body corporate,
- (e) for subscribing for or acquiring securities of a body corporate, otherwise than by way of investment,
- (f) for the payment of interest charged to capital account under subsection (5) of the last foregoing section,
- (g) to pay off—
  - (i) any part of the commencing capital debt of the Board,
  - (ii) any money borrowed by the Board,
  - (iii) any liability transferred to the Board from the Commission under or in pursuance of this Act,
- (h) for any purpose for which capital moneys are properly applicable (whether or not specified in the foregoing paragraphs).

(3) The aggregate amount outstanding in respect of—

- (a) the principal of any money borrowed by a Board under this section, and
- (b) the Board's commencing capital debt, as defined in Part II of this Act . . . <sup>F51</sup>

taken together shall not exceed—

- (i) . . . . . F52
- (ii) . . . . . F53
- (iii) . . . . . F54

[<sup>F55</sup>(iv) for the British Waterways Board £25 million or such greater sum not exceeding £35 million as the Secretary of State may by order made by statutory instrument specify.]

. . . . . F56

[<sup>F57</sup>(3A) An order made under paragraph (iv) of subsection (3) above shall be made by statutory instrument, and no such order shall be made unless a draft of the order has been approved by resolution of the House of Commons.]

(4) A Board shall not have power to borrow money except in accordance with this section.

(5) References in this section to borrowing do not include—

- (a) borrowing by a Board from a body corporate which is a subsidiary of that Board; or
- (b) the receipt of money by a Board in the course of the carrying on of a savings bank operated by the Board or the use by the Board of money so received, or
- (c) the receipt or use by a Board of money of a pension fund established for the purposes of a pension scheme in which employees of the Board or of a subsidiary of the Board participate.

*Status: Point in time view as at 01/04/2001.*

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

- (6) This section shall have effect subject to the following provisions of this Part of this Act relating to the Railways Board and the British Waterways Board.
- [<sup>F58</sup>(7) This section applies to the British Waterways Board in connection with the exercise of their functions in Scotland subject to the following modifications–
- (a) in subsection (1), references to the Minister are to be read as references to the Scottish Ministers;
  - (b) in subsection (2), the references to the Minister are to be read as references to the Scottish Ministers, and the approval of the Treasury is not required in connection with the borrowing of any sums for any purpose mentioned in paragraphs (a) to (h); and
  - (c) for subsections (3) and (3A) there is substituted–
- (3) In any financial year the net amount of sums borrowed by the British Waterways Board under this section for discharging their functions under this Act within Scotland or for meeting their obligations in connection with the discharge of their functions there shall not exceed the amount specified for that year for the purposes of this subsection in a Budget Act.
- (3A) In subsection (3) above–
- (a) “net amount” means the amount of sums borrowed in the financial year less any repayments made during that year (otherwise than by way of interest) in respect of sums borrowed in that year or any other year, and
  - (b) “Budget Act” has the same meaning as in the Public Finance and Accountability (Scotland) Act 2000<sup>M7</sup>..]

#### Textual Amendments

- F49** Words inserted by [Statutory Corporations \(Financial Provisions\) Act 1974 \(c. 8\)](#), [Sch. 2 para. 1](#)
- F50** Words substituted by virtue of [S.I. 1976/1775](#), [art. 2\(1\)](#) and [1979/571](#), arts. 2(1), 3(5)
- F51** Words repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)
- F52** [S. 19\(3\)\(i\)](#) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)
- F53** [S. 19\(3\)\(ii\)](#) repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 6](#)
- F54** [S. 19\(3\)\(iii\)](#) repealed by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 5(4), [Sch. 12 Pt. I](#)
- F55** [S. 19\(3\)\(iv\)](#) substituted by [Water Act 1981 \(c. 12, SIF 130\)](#), [s. 1\(i\)](#)
- F56** Words repealed by [Transport \(Financial Provisions\) Act 1977 \(c. 20\)](#), [s. 3\(2\)\(a\)](#)
- F57** [S. 19\(3A\)](#) inserted by [Water Act 1981 \(c. 12, SIF 130\)](#), [s. 1\(2\)](#)
- F58** [S. 19\(7\)](#) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(11\)](#) (with transitional provisions and savings in [art. 4](#))

#### Modifications etc. (not altering text)

- C35** [Ss. 18-21, 24](#) extended by [Transport Act \(c. 73\)](#), s. 27(1)
- C36** [Ss. 19-21A](#): power conferred (6.1.1994) by [1993 c. 43](#), [s. 110\(1\)\(2\)](#); [S.I. 1993/3237](#), [art. 2\(2\)](#)

#### Marginal Citations

- M7** [2000 asp 1](#).

*Status: Point in time view as at 01/04/2001.*

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

## 20 Exchequer loans.

- (1) Subject to this Act the Minister may with the approval of the Treasury lend to a Board any sums which that Board have power to borrow under subsection (1) or subsection (2) of the last foregoing section.
- (2) Any loans which the Minister makes under this section shall be repaid to him at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.
- (3) The Treasury may issue out of the [<sup>F59</sup>National Loans Fund] to the Minister such sums as are necessary to enable him to make loans under subsection (1) of this section.
- [<sup>F60</sup>(4) For the purpose of providing sums to be issued under the last foregoing subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.]
- (5) Any sums received by the Minister under subsection (2) of this section shall be paid into the [<sup>F59</sup>National Loans Fund] . . . <sup>F61</sup>
- (6) . . . . . <sup>F62</sup>
- [<sup>F63</sup>(7) This section applies to the British Waterways Board in connection with the exercise of their functions in Scotland subject to the following modifications–
- (a) references to the Minister are to be read as references to the Scottish Ministers;
  - (b) references to the approval of the Treasury are omitted;
  - (c) in subsection (1) at the end there is inserted “as modified by subsection (7) of that section”; and
  - (d) subsections (3) and (5) are omitted.]

### Textual Amendments

- F59** Words substituted by [National Loans Act 1968 \(c. 13\), Sch. 1](#)
- F60** [S. 20\(4\)](#) repealed by [National Loans Act 1968 \(c. 13\), Sch. 16 Pt. I](#) but not so as to affect any money borrowed before 1.4.1968 or any requirement as respects any account or statement for the year ending on 31.3.1968 or any earlier year
- F61** Words repealed by [National Loans Act 1968 \(c. 13\), Sch. 6 Pt. I](#) but not so as to affect any money borrowed before 1.4.1968 or any requirement as respects any account or statement for the year ending on 31.3.1968 or any earlier year
- F62** [S. 20\(6\)](#) repealed by [Transport Act 1968 \(c. 73\), Sch. 18 Pt. I](#)
- F63** [S. 20\(7\)](#) inserted (1.4.2001) by [S.I. 2000/3251, arts. 1\(2\)\(b\), 2, Sch. 2 para. 2\(12\)](#) (with transitional provisions and savings in [art. 4](#))

### Modifications etc. (not altering text)

- C37** [Ss. 18-21, 24](#) extended by [Transport Act \(c. 73\), s. 27\(1\)](#)
- C38** [Ss. 19-21A](#): power conferred (6.1.1994) by [1993 c. 43, s. 110\(1\)\(2\)](#); [S.I. 1993/3237, art. 2\(2\)](#)
- C39** [S. 20\(2\)](#) amended by [National Loans Act 1968 \(c. 13\), s. 2, Sch. 1](#) and [Transport Act 1968 \(c. 73\), s. 53\(6\)](#)
- C40** The text of [ss. 13\(4\), 20\(4\), 36\(4\), 37, 61\(2\), 68\(1\), 84\(2\)\(4\)](#), the reference in [Sch. 2](#) to London Passenger Transport Act 1933 and [Sch. 11 Pt. II para 8](#), (which para. is now spent), is in the form in

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Part 1. (See end of Document for details)*

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.

## 21 Treasury guarantees.

- (1) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, [<sup>F64</sup>the payment of interest on and the discharge of any other financial obligation in connection with], any sums which a Board borrow from a person other than the Minister in exercise of their powers under . . . <sup>F65</sup> section nineteen of this Act.
- (2) Immediately after any guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued for fulfilling such a guarantee the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.
- (3) Any sums required by the Treasury for fulfilling any guarantee under this section shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of any guarantee given under this section in favour of a Board, that Board shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury may so direct in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Treasury may so direct.
- (5) Any sums received by the Treasury under the last foregoing subsection shall be paid into the Exchequer.

### Textual Amendments

**F64** Words substituted by [Miscellaneous Financial Provisions Act 1983 \(c. 29, SIF 99:1\)](#), s. 4(1), [Sch. 2](#)

**F65** Words repealed by [Statutory Corporations \(Financial Provisions\) Act 1974 \(c. 8\)](#), [Sch. 2 para. 1](#)

### Modifications etc. (not altering text)

**C41** [Ss. 18-21, 24](#) extended by [Transport Act \(c. 73\)](#), s. 27(1)

**C42** [Ss. 19-21A](#): power conferred (6.1.1994) by [1993 c. 43](#), [s. 110\(1\)\(2\)](#)

## [<sup>F66</sup>21A British Waterways Board: guarantees by the Scottish Ministers

- (1) The Scottish Ministers may guarantee, in such manner and on such conditions as they may think fit—
  - (a) the repayment of the principal of;
  - (b) the payment of interest on; and
  - (c) the discharge of any other financial obligation in connection with,any sums which the British Waterways Board, in connection with the exercise of their functions in Scotland, borrow from a person other than the Scottish Ministers in exercise of their powers under section 19 of this Act.

*Status: Point in time view as at 01/04/2001.*

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

- (2) As soon as possible after any guarantee is given under this section by the Scottish Ministers, the Scottish Ministers shall lay a statement of the guarantee before the Scottish Parliament, and where any sum is issued for fulfilling such a guarantee the Scottish Ministers shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of interest thereon is finally discharged, lay before the Scottish Parliament a statement relating to that sum.
- (3) Any sums required by the Scottish Ministers for fulfilling any guarantee under this section shall be charged on the Scottish Consolidated Fund.
- (4) If any sums are issued in fulfilment of any guarantee given under this section by the Scottish Ministers in favour of the British Waterways Board, that Board shall make to the Scottish Ministers, at such times and in such manner as the Scottish Ministers may from time to time direct, payments of such amounts as the Scottish Ministers may so direct in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Scottish Ministers may so direct.

#### Textual Amendments

**F66** S. 21A inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(13\)](#) (with transitional provisions and savings in [art. 4](#))

#### [<sup>F67</sup>21A Grants to the Railways Board.]

- (1) The Secretary of State may, with the approval of the Treasury, make to the Railways Board grants of such amounts, at such times and in such manner, as he may with the approval of the Treasury determine—
  - (a) towards the expenditure of that Board; or
  - (b) without prejudice to paragraph (a) of this subsection, for the purpose of enabling that Board to make any payment (whether by way of repayment of principal or payment of interest or of any other description) in respect of any loan made to them under section twenty of this Act.
- (2) Grants under this section may be made subject to such conditions as the Secretary of State may with the approval of the Treasury determine.
- (3) Any sums required by the Secretary of State for making grants under this section shall be paid out of money provided by Parliament.
- (4) This section is without prejudice to any other power to make grants to the Railways Board.]

#### Textual Amendments

**F66** S. 21A inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(13\)](#) (with transitional provisions and savings in [art. 4](#))

**F67** [S.21A](#) inserted (6.1.1994) by [1993 c. 43](#), [s.109](#); [S.I. 1993/3237](#), [art. 2\(2\)](#)

*Status: Point in time view as at 01/04/2001.*

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

## 22 Special provisions for Railways Board.

- (1) ..... F68
- (2) .....
- (4) ..... F69
- (5) ..... F70 for the purposes of subsection (1) of section eighteen of this Act as it applies to the Railways Board, the Railways Board shall take into consideration deficits on revenue account arising at any time after the vesting date, except so far as the Minister has, under subsection (1) of this section, made a grant to meet any such deficit.
- (6) ..... F71

### Textual Amendments

- F68** S. 22(1) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)
- F69** S. 22(4) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)
- F70** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)
- F71** S. 22(6)(7) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

## 23 ..... F72

### Textual Amendments

- F72** S. 23 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

## 24 Accounts.

- (1) Each Board—
- (a) shall cause proper accounts and other records in relation thereto to be kept, and
  - (b) shall prepare an annual statement of accounts in such form and containing such particulars, compiled in such manner, as the Minister may from time to time direct with the approval of the Treasury [F73 and, in the case of the British Waterways Board, the Scottish Ministers].
- (2) The accounts of each Board shall be audited by an auditor or auditors to be appointed annually by the Minister [F74 after, in the case of the British Waterways Board, consultation with the Scottish Ministers] and a person [F75 shall not be so appointed unless he is eligible for appointment as a company auditor under section 25 of the Companies Act 1989.]
- (3) So soon as the accounts of a Board have been audited as aforesaid, they shall send a copy of the statement of accounts referred to in paragraph (b) of subsection (1) of this section to the Minister [F76 and, in the case of the British Waterways Board, to the Scottish Ministers], together with a copy of the report made by the auditor or auditors on that statement, and a copy of that statement and of any such report shall be included in the report which is under this Act to be laid by the Minister annually before each House of Parliament [F77 and in the report which is, under this Act, to be laid by the Scottish Ministers annually before the Scottish Parliament].

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- (4) Section thirty-nine of the <sup>M8</sup>Railway and Canal Traffic Act 1888, and the <sup>M9</sup>Railway Companies (Accounts and Returns) Act 1911 (which relate to the making of returns and the keeping of statistics by railway and canal companies), and, except so far as the Minister may by order made by statutory instrument otherwise provide, so much of any statutory provision as relates to the accounts, statistics and returns to be kept or made by the owners of undertakings which were by the <sup>M10</sup>Transport Act 1947, transferred to the Commission, or as relates to the audit or publication of any such accounts, shall not apply to any of the Boards.

#### Textual Amendments

- F73** Words in s. 24(1)(b) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(14)** (with transitional provisions and savings in art. 4)
- F74** Words in s. 24(2) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(15)** (with transitional provisions and savings in art. 4)
- F75** Words in s. 24(2) substituted (1.10.1991) by S.I. 1991/1997, regs. 2, 4, **Sch. para. 10**
- F76** Words in s. 24(3) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(16)(a)** (with transitional provisions and savings in art. 4)
- F77** Words in s. 24(3) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(16)(b)** (with transitional provisions and savings in art. 4)

#### Modifications etc. (not altering text)

- C43** Ss. 18-21, 24 extended by Transport Act (c. 73), s. 27(1)
- C44** S. 24 explained by Transport Act 1981 (c. 56, SIF 126), s. 5(4), **Sch. 4 Pt. II para. 12**
- C45** S. 24 applied (6.1.1994) by 1993 c. 43, s. 94(6); S.I. 1993/3237, art. 2(2)

#### Marginal Citations

- M8** 1888 c. 25.  
**M9** 1911 c. 34.  
**M10** 1947 c. 49.

### *Supplemental provisions relating to the Boards*

## 25 The Boards' subsidiaries.

- (1) It shall be the duty of a Board which has a subsidiary to exercise its control over the subsidiary so as to ensure that the subsidiary—
- (a) does not engage in activities in which the Board has no power to engage (including activities in which the Board has no power to engage because the consent of the Minister has not been obtained), and
  - (b) does not do anything which the Minister has directed the Board not to do, and
  - (c) does not, except with the consent of the Minister, borrow money from any person other than the Board, and
  - (d) does not, except with the consent of the Minister, raise money by the issue of shares or stock to any person other than the Board.
- (2) The Minister may give to a Board such directions as appear to him appropriate for ensuring that the Board carry out the duty imposed on them by the foregoing subsection.



*Status: Point in time view as at 01/04/2001.*

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

[<sup>F78</sup>(2A) In the application of this section to the exercise by the British Waterways Board of their functions in Scotland–

- (a) in paragraphs (a) and (b) of subsection (1) and in subsection (2) any reference to the Minister includes a reference to the Scottish Ministers; and
- (b) where the purpose of the borrowing or raising of money relates wholly or partially to the exercise of the Board’s functions in Scotland, any reference in paragraph (c) and (d) of subsection (1) above to the Minister is to be read as a reference to the Scottish Ministers.]

(3) ..... <sup>F79</sup>

**Textual Amendments**

**F78** S. 25(2A) inserted (1.4.2001) by S.I. 2000/3251, arts. 1(2)(b), 2, **Sch. 2 para. 2(17)** (with transitional provisions and savings in art. 4)

**F79** S. 25(3)(4) repealed by **Transport Act 1968 (c. 73), Sch. 18 Pt. I**

**Modifications etc. (not altering text)**

**C46** S. 25 extended by **Transport Act 1968 (c. 73), s. 47**

**C47** S. 25(1) excluded by **Transport Act 1968 (c. 73), s. 51(6)**

26 ..... <sup>F80</sup>

**Textual Amendments**

**F80** S. 26 repealed by **Finance Act 1967 (c. 54), Sch. 16 Pt. VII**

**27 Powers of Minister in relation to Boards.**

- (1) The Minister may, after consultation with any Board, give to that Board directions of a general character as to the exercise and performance by the Board of their functions [<sup>F81</sup>(including the exercise of rights conferred by the holding of interests in companies)] in relation to matters which appear to him to affect the national interest.
- (2) A Board, [(<sup>F82</sup>other than the Railways Board)] in framing and carrying out proposals involving substantial outlay on capital account by the Board or by a subsidiary of the Board, shall act on lines settled from time to time with the approval of the Minister.
- (3) In the exercise and performance of their functions as to training, [<sup>F83</sup>and education], each Board shall act on lines settled as aforesaid.
- (4) Without prejudice to the foregoing provisions of this section, the Minister may, after consultation with any Board, direct the Board to discontinue any of their activities, dispose of any part of their undertaking, dispose of any assets held by them, call in any loan made by them or exercise any power they may possess to revoke any guarantees given by them:

Provided that the Minister shall not give any such directions unless he is satisfied that the carrying on of the activities or the retention of the part of the undertaking or the

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

assets or the continuance of the loan or guarantee, as the case may be, is unnecessary for the proper discharge of the duties of the Board under this Act.

- (5) The Minister may, after consultation with any Board, direct the Board to exercise their control over a subsidiary of the Board so as to require the subsidiary to discontinue any of their activities, dispose of any part of their undertaking, dispose of any assets held by them, call in any loan made by them or exercise any power they may possess to revoke any guarantees given by them.
- (6) If it appears to the Minister that there is anything which a Board ought in the interests of national defence to have power to do, or which a Board ought in the interests of national defence to be required to do, and that it would be consistent with the duties imposed on that Board by this Act, he may authorise or direct the Board to do that thing; and no limitation on the powers of the Board contained in this Act or in any local enactment shall prevent the Board from acting in accordance with the authorisation or direction.
- (7) Each Board [<sup>F82</sup>(other than the Railways Board)] shall furnish the Minister with such returns, accounts and other information with respect to their property and activities, and the property and activities of any company which is their subsidiary, as he may from time to time require.
- (8) Without prejudice to the provisions of the last foregoing subsection, each Board [<sup>F82</sup>(other than the Railways Board)] shall, as soon as possible after the end of each accounting year of the Board, make to the Minister a report on the exercise and performance by them of their functions during that year and on their policy and programme, and the Minister shall lay a copy of every such report before each House of Parliament.

The report for any year shall set out any direction given by the Minister under this Act [<sup>F84</sup>or section 3 of the Transport Act 1982] to the Board during that year, unless the Minister has notified to the Board his opinion that it is against the interests of national security to do so, and shall include a statement of the salaries or fees and of the emoluments of each of the members of the Board during that year.

- [<sup>F85</sup>(8A) The functions conferred on the Minister by subsections (1) to (5) above:–
- (a) so far as relating to the exercise or performance by the British Waterways Board of their functions and activities in Scotland, shall be exercisable by the Scottish Ministers instead of by the Minister, but only after consultation with the Minister; and
  - (b) otherwise, shall be exercisable by the Minister only after consultation with the Scottish Ministers.
- (8B) The British Waterways Board shall furnish the Scottish Ministers with such returns, accounts and other information with respect to their property and activities in or as regards Scotland, and the property and activities in or as regards Scotland of any company which is their subsidiary, as the Scottish Ministers may from time to time require.
- (8C) Without prejudice to the provisions of subsection (8B) above, the British Waterways Board shall, as soon as possible after the end of each accounting year, make to the Scottish Ministers a report on the exercise and performance by them of their functions in Scotland during that year and on their policy and programme, and the Scottish Ministers shall lay a copy of every such report before the Scottish Parliament.]

*Status: Point in time view as at 01/04/2001.*

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### Textual Amendments

- F81** Words inserted by [Transport Act 1968 \(c. 73\), s. 51\(3\)](#)  
**F82** Words inserted by [Railways Act 1974 \(c. 48\), s. 4\(6\)](#)  
**F83** Words substituted by [Transport Act 1968 \(c. 73\), s. 46\(5\)](#)  
**F84** Words inserted by [Transport Act 1982 \(c. 49, SIF 126\), s. 3\(4\)](#)  
**F85** S. 27(8A)-(8C) inserted (1.4.2001) by [S.I. 2000/3251, arts. 1\(2\)\(b\), 2, Sch. 2 para. 2\(18\)](#) (with transitional provisions and savings in [art. 4](#))

### Modifications etc. (not altering text)

- C48** S. 27 extended by [Transport Act 1968 \(c. 73\), s. 52\(3\)](#)  
**C49** S. 27(1) excluded (6.1.1994) by [1993 c. 43, s. 90\(3\)](#); [S.I. 1993/3237, art. 2\(2\)](#)  
**C50** S. 27(3)(4)(5) restricted (E.W.S.) (1.1.1993) by [S.I. 1992/3060, reg. 4\(2\)](#)  
**C51** S. 27(4) excluded (6.1.1994) by [1993 c. 43, s. 89\(5\)](#); [S. 1993/3237, art. 2\(2\)](#)  
**C52** S. 27(5) excluded (6.1.1994) by [1993 c. 43, s. 90\(4\)](#); [S.I. 1993/3237, art. 2\(2\)](#)  
**C53** S. 27(6) restricted (1.4.1994) by [1993 c. 43, ss. 118\(12\), 150\(1\)\(f\)](#); [S.I. 1994/571, art. 5.](#)  
**C54** S. 27(8) amended by [Transport Act 1968 \(c. 73\), ss. 39\(5\), 40\(5\), 48\(6\)](#)  
**C55** S. 27(8) explained by [Transport Act 1981 \(c. 56, SIF 126\), s. 5\(4\), Sch. 4 Pt. II para. 12](#)

## 28 Powers exercisable subject to Minister's consent.

- (1) Any consent which the Minister is <sup>F86</sup>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 shall be unlawful on the ground that it was done without the consent of the Minister [<sup>F87</sup>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 [<sup>F87</sup>or, as the case may be, the Scottish Ministers,].
- (3) If it appears to the Minister that a Board 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, give to the Board 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 have already done anything without the Minister's consent 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.
- <sup>F88</sup>(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, 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.]

*Status: Point in time view as at 01/04/2001.*

*Changes to legislation: There are currently no known outstanding effects  
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**Textual Amendments**

- F86** 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)
- F87** 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)
- F88** 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)**

- C56** S. 28 extended by [Transport Act 1968 \(c. 73\)](#), s. 52(3)

29 ..... <sup>F89</sup>

**Textual Amendments**

- F89** S. 29 repealed by [S.I. 1973/338](#), **Sch. 2**

*Status of the Boards and the Holding Company*

**30 Status of Boards and the Holding Company.**

It is hereby declared that neither any of the Boards nor . . . <sup>F90</sup> are to be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown, or (subject to the express provisions of this Act relating to stamp duty and income tax) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that their property is not to be regarded as property of, or property held on behalf of, the Crown.

**Textual Amendments**

- F90** Words repealed by [S.I. 1973/338](#), **Sch. 2**

**Status:**

Point in time view as at 01/04/2001.

**Changes to legislation:**

There are currently no known outstanding effects for the Transport Act 1962, Part I.