



Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

PART IV

MISCELLANEOUS AND GENERAL

Provisions relating to the Boards

58, 59.^{F1}

Textual Amendments

F1 Ss. 58, 59 repealed by [Transport \(London\) Act 1969 \(c. 35\), Sch. 6](#)

60^{F2}

Textual Amendments

F2 S. 60 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\), Sch. Pt. VI](#)

61 **Amendment of enactments relating to inland waterways.**

(1)^{F3}

(2) Sections thirty-five and thirty-six of the Transport Act, 1947 (under which the Commission may apply a licensing system to canal carriers on an inland waterway belonging to them), shall cease to have effect.

(3)^{F4}

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: Provisions relating to the Boards. (See end of Document for details)

[^{F5}(4) The definition of “ statutory water undertakers ” in subsection (1) of section fifty-nine of the ^{M1} Water Act 1945, shall not include the British Waterways Board.]

Textual Amendments

- F3** S. 61(1) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)
- F4** S. 61(3) repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)
- F5** S. 61(4) repealed (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), s. 190(3), [Sch. 27 Part I](#) (with ss. 58(7), 101(1), 141(6), 160(1)(2)(4), 163, 189(4)–(10), 190, 193(1), Sch. 26 paras. 3(1)(2), 17, 40(4), 41(1), 57(6), 58)

Modifications etc. (not altering text)

- C1** 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 is now spent), is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M1** 1945 c. 42.

62 Local enactments relating to the supply of water for canals.

- (1) Any local enactment which authorises the British Waterways Board to take water for the purpose (whether express or implied) of using the water for a canal owned or managed by the British Waterways Board, or for purposes which include that purpose, shall have effect as if that purpose included the purpose of selling, or affording the use of, water from the canal; and the British Waterways Board may exercise their powers under Part I of this Act accordingly.
- (2) The foregoing subsection shall not be taken as authorising the British Waterways Board—
 - (a) to disregard any restriction, whether as regards quantity or rate or otherwise, on the water which may be taken from any source, or
 - (b) to affect the level or flow of water in any part of the canal, or in any river or watercourse fed from the canal, to a degree which conflicts with any of the Board’s obligations, and in particular with any statutory obligation to maintain the canal in a navigable condition.

63 Abstraction of water by British Waterways Board.

- (1) Subject to this section the British Waterways Board shall not without the consent of the Minister sell water from an inland waterway—
 - (a) unless the water is abstracted at a point at which water was being abstracted before the passing of this Act, and
 - (b) unless the quantity of water sold in the period of twelve months beginning with the vesting date, and in each subsequent period of twelve months, does not exceed the quantity abstracted at that point in the period of twelve months ending with the passing of this Act, and
 - (c) unless the land or premises on which the water is used is the same as that on which the water was used before the passing of this Act.

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: Provisions relating to the Boards. (See end of Document for details)

- (2) If on the vesting date the British Waterways Board become subject to an obligation to sell water such that the quantity they are obliged to sell is limited, whether by reference to the average rate of abstraction, or the quantity abstracted in any period, or otherwise, then, so long as the terms of the obligation are not varied, subsection (1) of this section shall not apply to the sale of water in discharge of the obligation.
- (3)^{F6}
- (4) The British Waterways Board shall serve on the persons specified in this section notice of any application made by them for the consent of the Minister, giving sufficient particulars of their proposals and of the terms of the consent applied for, and stating that the person on whom the notice is served should submit any objections to the Minister within twenty-eight days of service of the notice and should within that time send a copy of any such objection to the Board.
- (5) The British Waterways Board shall publish in one or more newspapers circulating in the area in which the point of abstraction is situated a notice of any application made by them for the consent of the Minister, giving sufficient particulars of their proposals and of the terms of consent applied for.
- (6)^{F6}
- (7) In Scotland the persons on whom the notice is to be served shall be—
 - (a) the council of the county or burgh in which the point of abstraction is situated,
 - (b) the river purification authority in whose area the point of abstraction is situated and any other river purification authority on whom the Minister after consultation with [^{F7}the Secretary of State for Scotland] directs the notice to be served,
 - (c) any salmon fishery district board on whom the Minister after consultation with [^{F7}the Secretary of State for Scotland] directs the notice to be served, and
 - (d) [^{F8}Scottish Water.]
- (8) The British Waterways Board shall give the Minister such information as he may require to determine whether any directions should be given under the two last foregoing subsections.
- (9) The Minister shall not entertain the application unless he is satisfied that all the required notices have been duly given; and the Minister shall take into consideration any objections duly made by the persons on whom they have been served.
- (10) The Minister in considering the application and the terms in which any consent ought to be given shall have regard—
 - (a) to the importance of the uses to which the abstracted water will be put and to the present and future needs of statutory water undertakers, industry and agriculture, and
 - (b) to the effect which the proposals may have on fisheries, land drainage or public health, or on the inland waterway directly affected or any other inland waterway or stream, and
 - (c) to the extent to which the abstracted water will be returned,and shall, before giving his consent as respects any inland waterway in Scotland, consult the Secretary of State.
- (11) The Minister may give his consent either in the terms requested in the application, or in any other terms, but shall not afford terms more favourable than those requested

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unless he is satisfied that all the authorities concerned have had an opportunity of considering those terms and making objections.

- (12) The terms of any consent given by the Minister shall be transmitted by the British Waterways Board to each of the persons on whom they are required in pursuance of this section to serve notice of their application for consent.
- (13) The Commission shall before the vesting date compile for the use of the British Waterways Board a record of all cases in which, in the period of twelve months ending with the passing of this Act, they were abstracting water from inland waterways for use on any land or premises, and shall include in the record particulars of the land or premises on which the water was used, of the points of abstraction, of the total quantities abstracted in the said period, and of any contract under which they were obliged to sell the water.

The British Waterways Board shall give reasonable facilities for the inspection of the record by representatives of the authorities described in subsections (6) and (7) of this section, and shall, at the request of any such authority, give them any information as to the contents of the record.

- (14) In this section—
- [^{F9} “ local water authority ” has the meaning given by section five of the ^{M2} Water (Scotland) Act 1946;]
- “river purification authority” has the same meaning as in Part III of the ^{M3}Rivers (Prevention of Pollution) (Scotland) Act 1951;
- “salmon fishery district board” means the district board for a fishery district for the purposes of the ^{M4}Salmon Fisheries (Scotland) Act 1862, and the Commissioners appointed under the ^{M5}Tweed Fisheries Act 1857;
- “statutory water undertakers” has the meaning given by subsection (1) of section fifty-nine of the ^{M6}Water Act 1945;
- “stream” includes any river or watercourse whether natural or artificial.

- (15) ^{F6}

- (16) References in this section to the sale by the British Waterways Board of water from an inland waterway include references to any arrangements whereby the Board for valuable consideration abstract, or authorise the abstraction of, the water of an inland waterway for use by some other person, whether or not the water is returned after use.
- (17) The granting of consent under this section shall not be taken as authorising the British Waterways Board to do anything which they would not have power to do apart from the provisions of this section.

Textual Amendments

- F6** S. 63(3)(6)(15) repealed by [Water Resources Act 1963 \(c. 38\)](#), [Sch. 14 Pt. II](#)
- F7** Words substituted by virtue of [S.I. 1970/1681](#), [Sch. 3 para. 20\(1\)](#)
- F8** S. 63(7)(d) substituted (S.) (14.7.2004) by [Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), art. 1(1), [Sch. para. 2\(a\)](#)
- F9** Definition "local water authority" in s. 63(14) repealed (S.) (14.7.2004) by [Water Industry \(Scotland\) Act 2002 \(Consequential Modifications\) Order 2004 \(S.I. 2004/1822\)](#), art. 1(1), [Sch. para. 2\(b\)](#)

Modifications etc. (not altering text)

- C2** S. 63 repealed (E.W.) by [Water Resources Act 1963 \(c. 38\)](#), [Sch. 14 Pt. II](#)

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Marginal Citations

- M2 1946 c. 42.
- M3 1951 c. 66.
- M4 1862 c. 97.
- M5 1857 c. cxlviii.
- M6 1945 c. 42.

64 F10

Textual Amendments

- F10 S. 64 repealed by [Transport Act 1968 \(c. 73\)](#), [Sch. 18 Pt. I](#)

65 The railway savings banks.

(1) In this section—

“the railway savings banks” means the savings banks established under—
section twenty-three of the ^{M7}Metropolitan Railway Act 1873,
section forty-five of the ^{M8}Great Western Railway Act 1885,
section eighteen of the ^{M9}Taff Vale Railway Act 1895,
section sixty-one of the ^{M10}London, Midland and Scottish Railway Act 1924,
section ninety-nine of the ^{M11}Southern Railway Act 1924, and
section three of the ^{M12}London and North Eastern Railway Act 1944,

and any other savings bank for which the Commission was responsible before the vesting date and which primarily served those employed by the Commission on their railways;

“the appropriate Board” means—

- (a) in relation to the savings bank established under the ^{M13}Metropolitan Railway Act 1873, [^{F11}the London Transport Executive]
- (b) in relation to any other railway savings bank, the Railways Board.

(2) Part II of this Act shall not apply to the property, rights and liabilities of the Commission so far as held and subsisting for the purposes of any railway savings bank, but all such property, rights and liabilities shall by virtue of this section be transferred on the vesting date to the appropriate Board and held assumed by that Board subject in all respects to the duties and obligations to which the Commission were subject immediately before the vesting date.

(3) As from the vesting date, for references to the Commission in the enactments listed in subsection (1) of this section and in any other statutory provision, so far as that provision relates to a railway savings bank, there shall be substituted references to the appropriate Board, and for references in any such enactment to any officer or servant of, or person appointed by, the Commission there shall be substituted a reference to such person as the appropriate Board may appoint or, in default of appointment, in the case of references to any officer or servant of the Commission, to the officer or servant of that Board who corresponds as nearly as may be to the first mentioned officer or servant.

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- (4) Subject to this section, the persons entitled to deposit money in the railway savings banks established under section forty-five of the ^{M14}Great Western Railway Act 1885, section sixty-one of the ^{M15}London Midland and Scottish Railway Act 1924, section ninety-nine of the ^{M16}Southern Railway Act 1924, and section three of the ^{M17}London and North Eastern Railway Act 1944, shall be—
 - (a) existing depositors,
 - (b) persons employed by the Railways Board,
 - (c) persons who, owing to incapacity arising from ill health or on reaching retirement age, have retired from service with the Railways Board or the Commission or the railway company by which the savings bank was established,
 - (d) members of the families of persons of any of the foregoing descriptions,
 - (e) any group, society or association the members of which consist, or mainly consist, of persons of any of the foregoing descriptions.
- (5) The persons entitled to make deposits in any railway savings bank other than those to which the last foregoing subsection applies shall be the persons who are depositors in that bank on the vesting date, and, where any such depositor is a man who dies leaving a widow, his widow during her widowhood.
- (6) So much of the enactments listed in the definition of railway savings banks in subsection (1) of this section as relates to the charging of deposits on the undertaking or profits of any body shall cease to have effect.

Textual Amendments
F11 Words substituted by virtue of [Transport \(London\) Act 1969 \(c. 35\)](#), [Sch. 3 para. 3](#)

Marginal Citations
M7 1873 c. clxxxii.
M8 1885 c. cxlvii.
M9 1895 c. cxxii.
M10 1924 c. liv.
M11 1924 c. lxvi.
M12 1944 c. x.
M13 1873 c. clxxxii.
M14 1885 c. cxlvii.
M15 1924 c. liv.
M16 1924 c. lxvi.
M17 1944 c. x.

66 F12

Textual Amendments
F12 S. 66 repealed by (E.W.) [General Rate Act 1967 \(c. 9\)](#), [Sch. 14](#) and (S.) [S.I. 1978/1174](#), [art. 9](#)

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67 **Byelaws for railways and railway shipping services.** **E+W**

- (1) The Railways Board [^{F13}may] make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
 - (a) with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
 - (b) with respect to interference or obstruction of the working of the railways,
 - (c) with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;
 - (d) with respect to the receipt and delivery of goods, and
 - (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the [^{F14}Board] and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.

^{F15}[^{F16}(2A)]

- ^{F17}(3) Any bylaws made under this section may provide—
 - (a) in the case of bylaws made by virtue of subsection (1) above, that any person contravening them shall be liable on summary conviction to a penalty not exceeding [^{F18}level 3 on the standard scale] for each offence; and
 - (b) in the case of bylaws made by virtue of subsection (2) above, that any person contravening them shall be liable on summary conviction to a fine not exceeding [^{F18}level 2 on the standard scale] for each offence and, in the case of such a contravention which continues after conviction, to a fine not exceeding £10 for each day on which the offence so continues.]
- (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.
- (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.
- (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.
- (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
- (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [^{F19}50p] as the Board shall determine.

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- (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.
- [^{F20}(9A) The Minister may charge the Board such fees in respect of any bylaws submitted for confirmation under this section as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.]
- (10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [^{F19}50p] as the Board shall determine.
- (11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—
 - (a) that the bylaws were made by the Board or by the Commission,
 - (b) that the copy is a true copy of the bylaws,
 - (c) that on a specified date the bylaws were confirmed by the Minister, and
 - (d) the date when the bylaws come into operation,
 shall be prima facie evidence of the facts stated in the certificate.
- (12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.
- (13) Sections one hundred and eight and one hundred and nine of the ^{M18}Railways Clauses Consolidation Act 1845, sections one hundred and one and one hundred and two of the ^{M19}Railways Clauses Consolidation (Scotland) Act 1845, section thirty-two of the ^{M20}Railways Clauses Act 1863, and section seven of the ^{M21}Regulation of Railways Act 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.
- ^{F21}(14)
- (15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of [^{F22}London Regional Transport] which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven,—
 - (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and
 - ^{F23}(b)
- (16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board ^{F24}... have power to make under this section in relation to their railways.

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(17) This section shall have effect as from the vesting date.

Extent Information

- E1** This version of this provision extends to England and Wales only; separate versions have been created for Scotland only and for Northern Ireland only

Textual Amendments

- F13** Word "may" substituted (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), [Sch. 4 para. 2\(1\)\(a\)](#)
- F14** Word "Board" substituted (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), [Sch. 4 para. 2\(1\)\(a\)](#)
- F15** S. 67(2A) omitted (E.W.) (15.7.2003) by virtue of [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), [Sch. 1 para. 2\(4\)](#); [Greater London Authority Act 1999 \(c. 29\)](#), s. 425(2), [Sch. 34 Pt. II](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2003/1920, art. 2(f)(h)
- F16** S. 67(2A) inserted (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 67(2), [Sch. 4 para. 2\(1\)\(b\)](#)
- F17** S. 67(3) substituted (E.W.S.) by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 37
- F18** Words substituted (E.W.) by [Criminal Law Act 1982 \(c. 48, SIF 39:1\)](#), s. 46
- F19** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), s. 10(1)
- F20** S. 67(9A) inserted (1.4.1994) by 1993 c. 43, s. 129(3); S.I. 1994/571, art. 5.
- F21** S. 67(14) repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(b), [Sch. 7](#)
- F22** S. 67(15): words "London Regional Transport" substituted (E.W.) for "the London Transport Executive" 1984 c. 32, s. 67(2)(3), [Sch. 4 para. 2\(1\)\(c\)](#)
- F23** S. 67(15)(b) repealed (E.W.S.N.I.) (15.7.2003) by [Greater London Authority Act 1999 \(c. 29\)](#), s. 425(2), [Sch. 34 Pt. II](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2003/1920, art. 2(f)(h)
- F24** Words in s. 67(16) repealed (E.W.) (15.7.2003) by [Greater London Authority Act 1999 \(c. 29\)](#), s. 425(2), [Sch. 34 Pt. II](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2003/1920, art. 2(f)(h)

Modifications etc. (not altering text)

- C3** S. 67 extended by [Transport Act 1968 \(c. 73\)](#), [Sch. 16 para. 4](#)
S. 67 restricted (prosp.) by 1999 c. 29, ss. 245, 425, [Sch. 17 para. 8\(1\)\(2\)\(3\)\(b\)\(4\)](#) (with [Sch. 12 para. 9\(1\)](#))
- C4** S. 67(2) extended by [S.I. 1972/971](#), [Sch. 1](#), Pt. A (as amended by [S.I. 1979/1309](#), [art. 2\(a\)](#))
- C5** S. 67(5)-(12) modified (prosp.) by 1999 c. 29, ss. 156(8), 425(2), [SCh. 11 para. 26\(6\)](#) (with [Sch. 12 para. 9\(1\)](#))
- C6** S. 67(5)-(11) applied (21.7.1994) by 1994 c. xi, s. 46(6). S. 67(5)-(11) applied (with modifications) (21.7.1994) by 1994 c. xv, s. 62(6).
- C7** S. 67(5)-(12) applied (with modifications) (E.W.S.) (30.4.2002) by [The Heathrow Express Railway Extension Order 2002 \(S.I. 2002/1064\)](#), [art. 23\(6\)](#)
- C8** S. 67(5)-(12) applied by [Heathrow Express Railway Act 1991 \(c. vii\)](#), s. 42(6) (with s. 36(1)); s. 67(5)-(11) applied with modifications (27.7.1993) by 1993 c. xv, s. 59(6)

Marginal Citations

- M18** 1845 c. 20.
M19 1845 c. 33.
M20 1863 c. 92.
M21 1889 c. 57.

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67 **Byelaws for railways and railway shipping services.** S

- (1) The Railways Board and [^{F38}the London Transport Executive] may each make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
 - (a) with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
 - (b) with respect to interference or obstruction of the working of the railways,
 - (c) with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;
 - (d) with respect to the receipt and delivery of goods, and
 - (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the Boards and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.
- [^{F39}(3) Any byelaws made under this section may provide—
 - (a) in the case of byelaws made by virtue of subsection (1) above, that any person contravening them shall be liable on summary conviction to a penalty not exceeding [^{F40}level 3 on the standard scale] for each offence; and
 - (b) in the case of byelaws made by virtue of subsection (2) above, that any person contravening them shall be liable on summary conviction to a fine not exceeding [^{F40}level 2 on the standard scale] for each offence and, in the case of such a contravention which continues after conviction, to a fine not exceeding £10 for each day on which the offence so continues.]
- (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.
- (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.
- (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.
- (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
- (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [^{F41}50p] as the Board shall determine.
- (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any

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bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.

[^{F42}(9A) The Minister may charge the Board such fees in respect of any bylaws submitted for confirmation under this section as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.]

(10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [^{F41}50p] as the Board shall determine.

(11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—

- (a) that the bylaws were made by the Board or by the Commission,
- (b) that the copy is a true copy of the bylaws,
- (c) that on a specified date the bylaws were confirmed by the Minister, and
- (d) the date when the bylaws come into operation,

shall be prima facie evidence of the facts stated in the certificate.

(12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.

(13) Sections one hundred and eight and one hundred and nine of the ^{M30}Railways Clauses Consolidation Act 1845, sections one hundred and one and one hundred and two of the ^{M31}Railways Clauses Consolidation (Scotland) Act 1845, section thirty-two of the ^{M32}Railways Clauses Act 1863, and section seven of the ^{M33}Regulation of Railways Act 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.

(14) In the bylaws made by the London Transport Executive under the ^{M34}Railways Clauses Consolidation Act 1845, which were confirmed by the Minister on the thirteenth day of December, nineteen hundred and fifty-seven—

- (a) for references to the Commission or the London Transport Executive there shall be substituted references to the London Board, and
- (b) for references to the railways as there defined there shall be substituted references to the railways of the London Board.

(15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of the London Transport Executive which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven,—

- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and

^{F23}(b)

(16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking

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shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board and the London Board have power to make under this section in relation to their railways.

(17) This section shall have effect as from the vesting date.

Extent Information

E2 This version of this provision extends to Scotland only; separate versions have been created for England and Wales only and for Northern Ireland only

Textual Amendments

- F23** S. 67(15)(b) repealed (E.W.S.N.I.) (15.7.2003) by [Greater London Authority Act 1999 \(c. 29\)](#), s. 425(2), **Sch. 34 Pt. II** (with [Sch. 12 para. 9\(1\)](#)); S.I. 2003/1920, art. 2(f)(h)
- F38** Words substituted by virtue of [Transport \(London\) Act 1969 \(c. 35\)](#), **Sch. 3 para. 5(1)**
- F39** S. 67(3) substituted (E.W.S.) by [Transport Act 1981 \(c. 56, SIF 126\)](#), s. 37
- F40** Words substituted (S.) by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G
- F41** Words substituted by virtue of [Decimal Currency Act 1969 \(c. 19\)](#), s. 10(1)
- F42** S. 67(9A) inserted (1.4.1994) by [1993 c. 43, s. 129\(3\)](#); S.I. 1994/571, art. 5.

Modifications etc. (not altering text)

- C22** S. 67 extended by [Transport Act 1968 \(c. 73\)](#), **Sch. 16 para. 4**
- C23** S. 67 restricted (*prosp.*) by [1999 c. 29, ss. 245, 425](#), **Sch. 17 para. 8 (1)(2)(3)(b)(4)** (with [Sch. 12 para. 9\(1\)](#))
- C24** S. 67(2) extended by [S.I. 1972/971](#), **Sch. 1**, Pt. A (as amended by [S.I. 1979/1309](#), art. 2(a))
- C25** S. 67(5)-(12) modified (*prosp.*) by [1999 c. 29, ss. 156\(8\), 425\(2\)](#), [Sch. 11 para. 26\(6\)](#) (with **Sch. 12 para. 9(1)**)
- C26** S. 67(5)-(11) applied (21.7.1994) by [1994 c. xi, s. 46\(6\)](#).
S. 67(5)-(11) applied (with modifications) (21.7.1994) by [1994 c. xv, s. 62\(6\)](#).
- C27** S. 67(5)-(12) applied by [Heathrow Express Railway Act 1991 \(c. vii\)](#), s. 42(6) (with s. 36(1)); s. 67(5)-(11) applied (27.7.1993) with modifications by [1993 c. xv, s. 59\(6\)](#)
- C28** S. 67(5)-(12) applied (with modifications) (E.W.S.) (30.4.2002) by [The Heathrow Express Railway Extension Order 2002 \(S.I. 2002/1064\)](#), art. 23(6)

Marginal Citations

- M30** 1845 c. 20.
- M31** 1845 c. 33.
- M32** 1863 c. 92.
- M33** 1889 c. 57.
- M34** 1845 c. 20.

67 Byelaws for railways and railway shipping services. **N.I.**

- (1) The Railways Board and [^{F43}the London Transport Executive] may each make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
- (a) with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
 - (b) with respect to interference or obstruction of the working of the railways,

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- (c) with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;
 - (d) with respect to the receipt and delivery of goods, and
 - (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the Boards and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.
 - (3) Any bylaws made under this section may provide that any person contravening them shall be liable on summary conviction to a penalty not exceeding [^{F44}level 2 on the standard scale] for each offence.
 - (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.
 - (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.
 - (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.
 - (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
 - (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [50p] as the Board shall determine.
 - (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.
- ^{F45}[(9A) The Minister may charge the Board such fees in respect of any bylaws submitted for confirmation under this section as he may consider appropriate for the purpose of defraying any administrative expenses incurred by him in connection therewith.]
- (10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding [50p] as the Board shall determine.
 - (11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—

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- (a) that the bylaws were made by the Board or by the Commission,
 (b) that the copy is a true copy of the bylaws,
 (c) that on a specified date the bylaws were confirmed by the Minister, and
 (d) the date when the bylaws come into operation,
 shall be prima facie evidence of the facts stated in the certificate.
- (12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.
- (13) Sections one hundred and eight and one hundred and nine of the ^{M35}Railways Clauses Consolidation Act 1845, sections one hundred and one and one hundred and two of the ^{M36}Railways Clauses Consolidation (Scotland) Act 1845, section thirty-two of the ^{M37}Railways Clauses Act 1863, and section seven of the ^{M38}Regulation of Railways Act 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.
- (14) In the bylaws made by the London Transport Executive under the ^{M39}Railways Clauses Consolidation Act 1845, which were confirmed by the Minister on the thirteenth day of December, nineteen hundred and fifty-seven—
- (a) for references to the Commission or the London Transport Executive there shall be substituted references to [^{F46}the London Transport Executive], and
 (b) for references to the railways as there defined there shall be substituted references to the railways of [^{F46}the London Transport Executive].
- (15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of the London Transport Executive which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven,—
- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and
^{F23}(b)
- (16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board and [^{F47}the London Transport Executive] have power to make under this section in relation to their railways.
- (17) This section shall have effect as from the vesting date.

Extent Information

- E3** This version of this provision extends to Northern Ireland so far as indicated in Sch. 11 Pt. I only; separate versions have been created for England and Wales only and Scotland only

Textual Amendments

- F23** S. 67(15)(b) repealed (E.W.S.N.I.) (15.7.2003) by [Greater London Authority Act 1999 \(c. 29\)](#), s. 425(2), [Sch. 34 Pt. II](#) (with [Sch. 12 para. 9\(1\)](#)); S.I. 2003/1920, art. 2(f)(h)
- F43** S. 67(1): words “the London Transport Executive” substituted for “the London Board” by 1969 c. 35, s. 17, [Sch. 3 para. 5\(1\)](#)

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- F44** Words in s. 67(3) substituted (N.I.) by S.I. 1984/703 (N.I. 3), **arts. 5, 6**
- F45** S. 67(9A) inserted (1.4.1994) by 1993 c. 43, **s. 129(3)**; S.I. 1994/571, **art. 5**.
- F46** S. 67(14): words "the London Transport Executive" substituted (E.W.N.I.) for "the London Board" by 1969 c. 35, s. 17, **Sch. 3 para. 5(1)**
- F47** S. 67(16): words "the London Transport Executive" substituted (E.W.N.I.) for "the London Board" by 1969 c. 35, s. 17, **Sch. 3 para. 5(1)**

Modifications etc. (not altering text)

- C29** S. 67 extended by [Transport Act 1968 \(c. 73\)](#), **Sch. 16 para. 4**
- C30** S. 67(2) extended by S.I. 1972/971, **Sch. 1**, Pt. A (as amended by S.I. 1979/1309, **art. 2(a)**)
- C31** S. 67(5)-(11) applied (21.7.1994) by 1994 c. xi, **s. 46(6)**.
S. 67(5)-(11) applied (with modifications) (21.7.1994) by 1994 c. xv, **s. 62(6)**.
- C32** S. 67(5)-(12) applied by [Heathrow Express Railway Act 1991 \(c. vii\)](#), **s. 42(6)** (with s. 36(1)); S. 67(5)-(11) applied with modifications (27.7.1993) by 1993 c. xv, **s. 59(6)**

Marginal Citations

- M35** 1845 c. 20.
- M36** 1845 c. 33.
- M37** 1863 c. 92.
- M38** 1889 c. 57.
- M39** 1845 c. 20.

[^{F25}68 Custody of lost property on London Board's transport system.

[As from the vesting date, for references to section one hundred and six of the London ^{F26}(1) Pasenger Transport Act, 1933, to the London Passenger Transport Board there shall be substituted references to the London Board.]]

- (2) The repeal by this Act of section one hundred and nineteen of the ^{M22}Transport Act 1947, shall not affect the ^{M23}London Transport (Lost Property) Regulations 1960 (which were made under that section), and as from the vesting date those regulations—
- (a) shall be treated for all purposes, and in particular for the purposes of section eighty-eight of the ^{M24}London Passenger Transport Act 1935 (which relates to offences against regulations under section one hundred and six of the said Act of 1933), as if they had been made under the said section one hundred and six, and
- (b) shall have effect, subject to the necessary modifications, as if any reference therein to the Commission or the London Transport Executive were a reference to the London Board.

Textual Amendments

- F25** S. 68 repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)(b)**, Sch. 7
- F26** S. 68(1) repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)(b)**, Sch. 7

Modifications etc. (not altering text)

- C9** 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.
- C10** The "said Act of 1933" means [London Passenger Transport Act 1933 \(c. 14\)](#)

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Marginal Citations

- M22** 1947 c. 49.
M23 S.I. 1960/2396.
M24 1935 c. cx.

^{F27} **69**

Textual Amendments

- F27** S. 69 repealed (8.3.1994) by 1993 c. 43, ss. 132(8), 152(3), Sch. 10 para. 3(1), **Sch.14**; S.I. 1994/571, **art. 2**.

70 Transport police constables.

[^{F28}(1) ^{F29}

(5) On and after the vesting date a Board may dismiss a constable who is employed by them (whether or not appointed after the vesting date) and, accordingly, in paragraph (c) of subsection (1) of the section for references to the Commission there shall, as regards such a constable employed by a Board (or two or more Boards jointly), be substituted a reference to that Board (or those Boards), and for the reference at the end of the said paragraph (c) to the authority by whom a constable was dismissed or by whom a constable's resignation is accepted there shall, in the case of a constable dismissed by the Commission, or whose resignation was accepted by the Commission, be substituted—

- (a) during the interim period, a reference to the Railways Board, and
- (b) thereafter, a reference to any of the Boards acting jointly or separately in pursuance of a scheme under section sixty-nine of this Act.]

(6) On and after the vesting date references in any statutory provision or other document to a constable appointed or employed by the Commission shall be taken as a reference to a constable employed by any of the Boards and acting under the said section fifty-three.

[^{F30}(7) In this section “the interim period” means the period referred to in subsection (9) of section sixty-nine of this Act.]

Textual Amendments

- F28** S. 70(1)–(5) repealed (S.) by **British Railways Order Confirmation Act 1980 (c. xxviii)**, **Sch. para. 4**
F29 S. 70(1)–(4) repealed (E.W.) by **British Railways Act 1978 (c. xxi)**, ss. 25(6), 30, **Sch. 4**
F30 S. 70(7) repealed (S.) by **British Railways Order Confirmation Act 1980 (c. xxviii)**, **Sch. para. 4**

Modifications etc. (not altering text)

- C11** Power to modify s. 70 conferred by **Transport Act 1978 (c. 73)**, **Sch. 16 para. 5(4)**
C12 S. 70(5)–(7) amended (E.W.) by **London Regional Transport Act 1984 (c. 32, SIF 126)**, s. 67(2), Sch. 4 paras. 9(5), **10(3)(4)**

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Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: Provisions relating to the Boards. (See end of Document for details)

F31 71

Textual Amendments

F31 S. 71 repealed (8.3.1994) by 1993 c. 43, ss. 132(8), 152(3), Sch. 10 para. 3(1), **Sch. 14**; S.I. 1994/571, **art. 2**

72 General provisions as to terms and conditions of employment of staff.

- (1) It shall be the duty of each Board, except as far as they are satisfied that adequate machinery exists for achieving the purpose of this subsection, to seek consultation with any organisation appearing to the Board to be appropriate, with a view to the conclusion between the Board and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
 - (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Board, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements, and
 - (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Board and the discussion of other matters of mutual interest to the board and such persons, including efficiency in the operation of the Board's services.
- (2) Where the Board conclude such an agreement as is mentioned in the foregoing subsection or any variation is made in such an agreement, the Board shall forthwith transmit particulars of the agreement or the variation to the Minister and [^{F32}the Secretary of State].
- (3) Nothing in this section shall be construed as prohibiting a Board from taking part together with other employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment, and the promotion and encouragement of measures affecting the health, safety and welfare of their workers, and the discussion of other matters of mutual interest to them and their workers.
- (4) ^{F33}

Textual Amendments

F32 Words substituted by virtue of S. I. 1968/729, **arts. 2(1), 3(2)**

F33 S. 72(4) repealed by **Transport Act 1968 (c. 73), Sch. 18 Pt. I**

Modifications etc. (not altering text)

C13 S. 72 excluded by **Transport Act 1968 (c. 73), s. 137(8)**

73 The powers of the Boards and the Holding Company as regards pensions and pension schemes.

- (1) Subject to the next following section, each of the Boards and the Holding Company shall have power to pay pensions and enter into obligations under pension schemes.

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- (2) Each of the Boards and the Holding Company shall have power to lend money to be applied for the purposes of a pension scheme under which any of those bodies, or a subsidiary of any of those bodies, pay employer's contributions or are subject to any other obligations, but shall not exercise that power without the consent of the Minister.

Modifications etc. (not altering text)

C14 S. 73 extended by [Transport Act 1968 \(c. 73\)](#), s. 136

C15 S. 73 amended (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 25(1)

74 Minister's power to make orders about pensions.

- (1) The Minister may make orders—
- (a) with respect to the provision of pensions by the Boards and the Holding Company and by the subsidiaries of the Boards and of the Holding Company for or in respect of—
 - (i) their employees, or persons who have been in their employment, or
 - (ii) persons who have been in the employment of the Commission or of any subsidiary of the Commission or of any body whose undertaking or part of whose undertaking was transferred to the Commission under or by virtue of the ^{M25}Transport Act 1947, or
 - (iii) persons who have been employed in connection with the Caledonian and Crinan Canals or Holyhead Harbour, or by or in connection with the Railway Clearing House;
 - (b) for the establishment and administration of existing or future pension schemes and pension funds for any of the purposes of the foregoing paragraph;
- and the Boards and the Holding Company shall exercise the powers conferred on them by the last foregoing section subject to any order under this section.
- (2) Without prejudice to the powers conferred by the foregoing subsection, the Minister may make orders—
- (a) for enabling employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company to participate or continue to participate in any pension scheme in which employees of the Commission or a subsidiary of the Commission participated before the vesting date, or in any pension scheme established under this section, and requiring their employers to make payments under that scheme,
 - (b) for modifying any pension scheme the participants in which include persons of any of the descriptions in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of the foregoing subsection, so as to ensure that changes cannot be effected in the pension scheme without the approval of the Minister,
 - (c) for varying the rates of the contributions to be made under any pension scheme by employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company, as well as the rates of employers' contributions and the benefits under the scheme, and
 - (d) for re-arranging, amalgamating, simplifying and assimilating pension schemes the participants in which include any such persons.
- (3) An order under this section may in particular provide—
- (a) for altering or winding up any pension scheme,

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- (b) for varying any trust or transferring any pension fund, or obligations or liabilities under a pension scheme,
- (c) for requiring a Board or the Holding Company to make payments to the persons administering a pension scheme so as to convert the pension scheme from an unfunded scheme into a funded scheme,
- (d) for establishing any body to administer or assist in administering a pension scheme,
- (e) for enabling all or any of the participants in a pension scheme to become instead participants in another pension scheme,
- (f) for empowering the persons responsible for administering any pension scheme established for the purposes of an undertaking carried on by persons other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, to carry out any arrangements for the participation in the scheme of a person who has been an employee of the Commission, or of the Boards or of the Holding Company, or of any subsidiary of any of those bodies,
- (g) as to the manner in which questions arising under the order are to be determined,

and may contain such supplemental, incidental and consequential provisions as appear to the Minister expedient.

- (4) Without prejudice to the generality of the foregoing provisions of this section, an order under this section may contain provisions authorising any person who, having pension rights to which an order under this section relates, becomes a member of a Board, or the Holding Company, or a director of a subsidiary of a Board or of the Holding Company, to be treated for the purposes of a pension scheme as if his service as such a member or director were service in the employment of such a body, and as if, where that service immediately precedes or follows other service which is, or is to be treated as, service in that employment, the two periods of service were continuous.
- (5) An order under this section shall have effect notwithstanding anything in—
 - (a) any local enactment, or
 - (b) any regulations or other instrument made under the ^{M26}Transport Act 1947, or the ^{M27}Transport Act 1953, and continued in force by this Act, or
 - (c) the Truck Acts, 1831 to 1940, or the ^{M28}Shop Clubs Act 1902, or
 - (d) section eighty of the ^{M29}London Passenger Transport Act 1933 (which contains transitional provisions concerning superannuation funds affected by that Act),

and may amend or repeal any such enactment or instrument as is mentioned in paragraphs (a) and (b) of this subsection.

- (6)
 - (a) Orders under this section shall be so framed as to secure that no person other than the Boards, the Holding Company and any subsidiary of any Board, or of the Holding Company, is placed in any worse position by reason of the order.
 - (b) An order shall not be invalid by reason that in fact it does not have the result of securing that all such persons are not placed in any worse position by reason of the provisions of the order, but if the Minister is satisfied or it is determined as hereinafter mentioned that any such order has failed to secure that result, the Minister shall as soon as may be make the necessary amending order.
 - (c) Any dispute arising between the Minister and any person as to whether or not the said result has been secured by any order under this section shall be

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- referred to a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor [^{F34}and the Lord Chief Justice of England and Wales], or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State, for his or their determination thereof.
- (d) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—
- (i) to any referee or to the members of any board of referees appointed under this subsection such fees and allowances as he may with the consent of the Treasury determine, and
- (ii) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.
- (e) For the purposes of this subsection no person shall be regarded as being placed in a worse position because an order provides that any changes in a pension scheme are not to be effected without the consent of the Minister.
- (f) Nothing in [^{F35}Part I of the Arbitration Act 1996], shall be construed as applying to any proceedings before a referee or board of referees appointed under this section.
- (7) An order under this section may be made so as to have effect from a date prior to the making of the order, so, however, that so much of any order as provides that any provision thereof is to have effect from a date prior to the making of the order shall not place any person other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, in a worse position than he would have been in if the order had been made to have effect only from the date of its making.
- (8) The power of making orders under this section shall be exercised by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and the power of making orders under this section shall include power to vary or revoke a previous order.
- (9)^{F36} an order under this section shall have effect notwithstanding anything in regulations made under the said Act before the order was made.
- [^{F37}(10) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

Textual Amendments

- F34** Words in s. 74(6)(c) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 54\(2\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)
- F35** Words in s. 74(6)(f) substituted (31.1.1997) by 1996 c. 23, s. 107(1), [Sch. 3 para. 16\(2\)](#) (with s. 81(2)); S.I. 1996/3146, [art. 3](#) (subject to transitional provisions in Sch. 2, art. 4).
- F36** Words repealed by [Statute Law Revision \(Consequential Repeals\) Act 1965 \(c. 55\)](#)
- F37** [S. 74\(10\)](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 4 para. 54\(3\)](#); S.I. 2006/1014, art. 2(a), Sch. 1 para. 11(e)

Modifications etc. (not altering text)

- C16** S. 74 extended by [Transport Act 1968 \(c. 73\)](#), s. 136 and [Transport Act 1980 \(c. 34\)](#), s. 45, [Sch. 6 para. 7](#)

Status: Point in time view as at 03/04/2006.

Changes to legislation: There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: Provisions relating to the Boards. (See end of Document for details)

- C17** S. 74 extended by Transport Act 1981 (c. 56, SIF 126), **Sch. 1 para. 1(1)** and by Transport Act 1982 (c. 49, SIF 126), **s. 5**, Transport Act 1985 (c. 67, SIF 126), **s. 52(1)** and Transport (Scotland) Act 1989 (c. 23, SIF 126), **s. 12(1)**
- C18** S. 74 amended (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), ss. 25, 71(2), **Sch. 5 para. 7**
- C19** S. 74 extended (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), ss. 26(1), 71(2), **Sch. 5 para. 7**
- C20** S. 74(2)(a) modified (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), **s. 25(2)–(4)**
- C21** S. 74(6) amended by Employment Protection (Consolidation) Act 1978 (c. 44), s. 130, **Sch. 10 para. 21**

Marginal Citations

- M25** 1947 c. 49.
M26 1947 c. 49.
M27 1953 c. 13.
M28 1902 c. 21.
M29 1933 c. 14.

75 Transitional provisions relating to pensions.

Part IV of the Seventh Schedule to this Act (which contains transitional provisions relating to pensions) shall have effect for the purposes of this Act.

Status:

Point in time view as at 03/04/2006.

Changes to legislation:

There are currently no known outstanding effects for the Transport Act 1962, Cross Heading: Provisions relating to the Boards.