



Transport Act 1962

1962 CHAPTER 46 10 and 11 Eliz 2

PART IV

MISCELLANEOUS AND GENERAL

Supplemental

89 Duty to give effect to Minister's directions.

- (1) It shall be the duty of the Boards or of any other person to whom the Minister [^{F1}or, as the case may be, the Scottish Ministers] or any other authority gives directions under this Act to give effect to those directions.
- (2) Any direction given by the Minister [^{F2}or, as the case may be, the Scottish Ministers] under this Act shall be in writing.

Textual Amendments

- F1** Words in s. 89(1) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(25\)](#) (with transitional provisions and savings in [art. 4](#))
- F2** Words in s. 89(2) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(26\)](#) (with transitional provisions and savings in [art. 4](#))

Modifications etc. (not altering text)

- C1** S. 89 extended by [Transport Act 1968 \(c. 73\)](#), s. 52(3)

^{F3}90 Inquiries.

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Textual Amendments

- F3** S. 90 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), Sch. 2 para. 6, [Sch. 3](#) (with ss. 44, 50); [S.I. 2005/1432](#), art. 2

91 Repeal of local enactments.

- (1) The Minister [^{F4}or, in the case of the British Waterways Board in respect of any local enactment in Scotland, the Scottish Ministers] may by order repeal any local enactment which in his [^{F5}or, as the case may be, their] opinion has ceased to have effect in consequence of the provisions of the ^{M1}Transport Act 1947, or this Act.
- (2) An order under this section shall be made by statutory instrument which shall be subject to annulment [^{F6}in the case of an order made by the Minister,] in pursuance of a resolution of either House of Parliament [^{F7}and in the case of an order made by the Scottish Ministers, in pursuance of a resolution of the Scottish Parliament.].

Textual Amendments

- F4** Words in s. 91(1) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(30\)\(a\)](#) (with transitional provisions and savings in [art. 4](#))
- F5** Words in s. 91(1) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(30\)\(b\)](#) (with transitional provisions and savings in [art. 4](#))
- F6** Words in s. 91(2) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(31\)\(a\)](#) (with transitional provisions and savings in [art. 4](#))
- F7** Words in s. 91(2) inserted (1.4.2001) by [S.I. 2000/3251](#), arts. 1(2)(b), 2, [Sch. 2 para. 2\(32\)\(b\)](#) (with transitional provisions and savings in [art. 4](#))

Marginal Citations

- M1** 1947 c. 49.

92 Interpretation.

- (1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings herein respectively assigned to them,—

“charges” includes fares, rates, tolls and dues of every description;

“coastal shipping” means the carrying of goods or passengers in ships by sea to or from any point in Great Britain from or to any point in the United Kingdom, the Isle of Man, the Channel Islands or the Republic of Ireland, but does not include the carrying of goods or passengers in the exercise of a right of ferry legally established whether by Act of Parliament or otherwise;

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“final accounts of the Commission” has the meaning assigned to it by subparagraph (5) of paragraph 18 of the Seventh Schedule to this Act;

“function” includes powers, duties and obligations;

“goods” includes animals;

“harbour” means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and any dock, including any pier, jetty or other place at which ships can ship or unship goods or passengers;

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

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

“inland waterway” includes every such waterway whether natural or artificial;

“land” includes any interest in land and any right over land;

“lease” includes an agreement for a lease;

“liability” includes an obligation;

“local enactment” means any provision—

- (a) in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, and
- (b) in any order or other instrument made under such an Act, and
- (c) in any order made under the ^{M2}Light Railways Act 1896,

and includes any provision of the ^{M3}Railways Clauses Consolidation Act 1845, or any other public Act as it is incorporated in an Act or instrument falling under paragraph (a), (b) or (c) of this definition;

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“the Lower Ouse Improvement” means so much of the River Ouse as is within the limits of improvement as defined by section three of the ^{M4}Ouse (Lower) Improvement Act 1884;

“the Minister” means [^{F10}the Secretary of State];

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

“participant” means, in relation to a pension scheme, a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise) contributes or has contributed under the scheme and has pension rights thereunder and “participate” shall be construed accordingly;

“pension”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto and any sums payable on or in respect of the death of that person;

“pension fund” means a fund established for the purposes of paying pensions;

“pension rights” includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension, and any expectation of the accruer of a pension under any customary practice, and includes a right of allocation in respect of the present or future payment of a pension;

“pension scheme” includes any form of arrangement for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise;

“port facilities” means the constructing, improving, maintaining, regulating, managing, marking or lighting of a harbour or any part thereof, the berthing, towing, moving or dry-docking of a ship which is in, or is about to enter, or has recently left, a harbour, the loading or unloading of goods, or embarking or disembarking of passengers, in or from any such ship, the lighterage or the sorting, weighing, warehousing or handling of goods in a harbour, and the movement of goods within a harbour;

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“public service vehicle” shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the ^{M5}Road Traffic Act 1960;

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

“securities”, in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature, of the body corporate;

“ship” includes every description of vessel used in navigation;

F8
.....

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

“subsidiary”, in relation to any body corporate, means a body corporate which is a subsidiary of the first mentioned body corporate as defined by [^{F11}section 1159 of the Companies Act 2006] . . . ^{F12};

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

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

- (2) Any reference in this Act to any provision of the ^{M6}Railways Clauses Consolidation Act 1845, or of any other Act which is expressed only to have effect as incorporated in another enactment, shall include a reference to that provision as incorporated in any statutory provision passed or made whether before or after the passing of this Act.
- (3) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by any other enactment including this Act.

Textual Amendments

- F8** Definitions of “contract carriage”, “express carriage” and “stage carriage” repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F9** Definitions repealed by [Transport \(London\) Act 1969 \(c. 35\)](#), **Sch. 6**
- F10** Words substituted by virtue of S.I. 1981/238, **arts. 2(2), 3(2)(3)**
- F11** Words in s. 92(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 9** (with art. 10)
- F12** Words repealed by [Companies Act 1989 \(c. 40, SIF 27\)](#), s. 144(4), **Sch. 18 para. 4** and expressed to be repealed (1.4.1994) by [1993 c. 43, s. 152\(3\)](#), **Sch.14**; S.I. 1994/571, **art. 5**.

Marginal Citations

- M2** 1896 c. 48.
M3 1845 c. 20.
M4 1884 c. clxi.
M5 1960 c. 16.

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M6 1845 c. 20.

93 Application to Northern Ireland.

(1) The provisions of this Act set out in Part I of the Eleventh Schedule to this Act shall extend to Northern Ireland subject to the modifications set out in Part II of that Schedule, and save as aforesaid this Act shall not extend to Northern Ireland.

(2) F13

Textual Amendments

F13 S. 93(2) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

94 Minister's expenses.

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

95 Repeal and savings.

(1) F14

(3) Nothing in the repeals in Part I of the Twelfth Schedule to this Act which relate to the Transport Tribunal shall affect any appointment made, any judgment or order given, any document issued or any other thing done before the date on which the repeals take effect; and the provision of this Act corresponding to the enactment under which it was done shall have effect as if it had been done under that provision.

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

(4) The foregoing provisions of this section shall be without prejudice to so much of [F15 the M7 Interpretation Act 1978], as relates to the effect of repeals.

(5) F14

Textual Amendments

F14 S. 95(1)(2)(5) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. VI](#)

F15 Words substituted by virtue of [Interpretation Act 1978 \(c. 30\)](#), [s. 25\(2\)](#)

Marginal Citations

M7 1978 c. 30.

96 Short title and commencement.

(1) This Act may be cited as the Transport Act 1962.

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

Modifications etc. (not altering text)

C2 Power of appointment conferred by s. 96(2) fully exercised see S.I. 1962/1788, 2634, 1964/2025

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