



# Heathrow Express Railway Act 1991

## 1991 CHAPTER vii

### PART V

#### MISCELLANEOUS AND GENERAL

#### **41 Transport consultative committees**

- (1) Sections 54 and 56 of the Transport Act 1962 and section 54 of the Transport Act 1968 shall not apply to services and facilities provided wholly or partly on the lines comprising Works Nos. 1A to 5 and 7A to 8B or at or from the stations authorised by section 7 of this Act.
- (2) On the opening of those works for passenger services it shall be the duty of the London Regional Passengers' Committee to consider and, where it appears to them to be desirable, make recommendations with respect to any matter affecting the services and facilities provided on the lines comprising those works or at those stations—
  - (a) which has been the subject of representations (other than representations appearing to the committee to be frivolous) made to the committee by or on behalf of users of those services or facilities; or
  - (b) which has been referred to the committee by the Secretary of State or by the Company or the Board; or
  - (c) which appears to the committee to be a matter to which consideration ought to be given;and copies of the minutes, conclusions and recommendations of the committee shall be sent to the Company and the Board and to the central committee (as defined in section 56 of the said Act of 1962).
- (3) Nothing in subsection (2) above shall entitle the London Regional Passengers' Committee to consider the charges made for any service or facility, or to consider any question relating to the discontinuance or reduction of railway services.
- (4) (a) If the Company propose the discontinuance of all railway passenger services on the lines comprising those works or at or from those stations, they shall,

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not less than six months before carrying the proposal into effect, give to the Secretary of State notice of that proposal.

- (b) Upon receipt of such notice the Secretary of State shall consider, having consulted the London Regional Passengers' Committee and such other persons or bodies as he may think fit, what measures, if any, he should in all the circumstances take.

#### **42 Byelaws relating to Company's railway**

- (1) In this section and in section 43 of this Act "the Company's railway" means the railways comprised in Works Nos. 1A to 5.
- (2) The Company may make byelaws regulating the use and working of, and travel on, the Company's railway, the maintenance of order on the Company's railway and their railway premises, including the stations authorised by section 7 of this Act, the approaches to those stations and any escalators, lifts, stairs and other communications constructed by them, and the conduct of all persons, including their officers and servants, while on those premises.
- (3) Without prejudice to the generality of subsection (2) above byelaws under this section may contain provisions—
  - (a) with respect to tickets issued for entry on railway premises or travel on the Company's railway or escalators, lifts, stairs and other communications, the payment of fares and charges and the evasion of payment of fares or charges;
  - (b) with respect to interference with, or obstruction of, the Company's railway or escalators, lifts, stairs and other communications;
  - (c) with respect to the use of tobacco or other substances in railway vehicles and elsewhere and the prevention of nuisances;
  - (d) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the Company and intended for the use of persons on foot;
  - (e) for the safe custody and redelivery or disposal of property found in railway premises or vehicles of the Company or elsewhere upon the Company's railway, and for fixing the charges which may be made in respect thereof.
- (4) Any byelaws made under this section may provide that any person contravening them shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale for each offence.
- (5) Without prejudice to the taking of proceedings under subsection (4) above, if the contravention of any byelaw having effect under this section is attended with danger or annoyance to the public, or hindrance to the Company in the lawful conduct of their railway, it shall be lawful for the Company summarily to take action to obviate or remove the danger, annoyance or hindrance.
- (6) The provisions of subsections (5) to (12) of section 67 of the Transport Act 1962 shall apply to any byelaws made by the Company under this section as if for references to the Board, or to the board in question, there were substituted references to the Company.

#### **43 Power for Company to contract for police**

- (1) The Company may from time to time make agreements with the chief officer of police and a police authority for the employment by the Company of any members of the

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police establishment of that police authority for police duty within railway premises of the Company or elsewhere upon the Company's railway.

- (2) Any such agreement may contain such terms and conditions and provide for such payment or consideration as the Company shall agree with the police authority.
- (3) Where agreement under this section is made with the Board, constables of the British Transport Police Force may act, in accordance with the terms of the agreement, as constables in, on and in the vicinity of any premises of the Company notwithstanding the provisions of subsection (1) of section 53 (As to appointment of constables) of the British Transport Commission Act 1949.
- (4) In this section "police authority" includes—
  - (a) a police authority within the meaning of the Police Act 1964; and
  - (b) the Board.

#### **44 Planning permission**

- (1) In this section "Part 11 development" means development permitted by article 3 of, and Class A in Part 11 of Schedule 2 to, the Town and Country Planning General Development Order 1988 (which permit development authorised by private Act designating specifically both the nature of the development thereby authorised and the land on which it may be carried out).
- (2) Subject to subsection (3) below, in its application to development authorised by this Act, the planning permission granted for Part 11 development shall have effect as if the authority to develop given by this Act were limited to development begun within 10 years after the passing of this Act.
- (3) Subsection (2) above shall not apply to the carrying out of any development consisting of the alteration, maintenance or repair of works or the substitution of new works therefor.

#### **45 Arbitration**

Where under any provision of this Act any difference is to be referred to or settled by arbitration, then such difference shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

#### **46 Costs of Act**

The costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company and the Board in such proportions as may be agreed between them and the amounts so payable by the Company and the Board may in whole or in part be defrayed out of revenue.