



Transport Act 1968

1968 CHAPTER 73

PART IV

FURTHER PROVISIONS AS TO BOARDS, NEW AUTHORITIES AND TRANSPORT SERVICES

Miscellaneous further provisions with respect to transport services

54 Railway closures

- (1) In discharging any of his functions under subsection (8) or (10) of section 56 of the Act of 1962 or under subsection (5) of this section in relation to, or to a proposal by the Railways Board or the London Board for, the discontinuance of all railway passenger services from any station or on any line (hereafter in this section, as in that section, referred to as a closure), the Minister shall have regard to any matters which for the time being appear to him to be relevant, including any social or economic considerations, and shall not give his consent to a proposed closure—
 - (a) unless he is satisfied that a reasonable opportunity has been afforded for the making to the Minister of representations with respect to the closure by or on behalf of persons who are employed by the Board concerned for the purposes of, or in connection with, the services in question and who appear to the Minister to be likely to be directly affected by the closure ; or
 - (b) before he has considered any representations made while that opportunity remains available which he is satisfied are either made by such persons as aforesaid or made on behalf of such persons by an organisation appearing to him to represent such persons.
- (2) In the case of a proposed closure of a station from which, or of a line on the whole or part of which, railway passenger services fall to be provided by the Railways Board in pursuance of an agreement under section 20(2)(b) of this Act with the Executive for an area designated under section 9(1) thereof, the Board shall not publish a notice of that closure in pursuance of subsection (7) of the said section 56 without the consent of that Executive to its publication ; and if the Board publish the notice before obtaining that consent, the notice shall be of no effect unless before the expiration of the period fixed by the notice for objecting to the closure either—

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- (a) the Executive have informed the Board in writing that they consent to the publication ; or
- (b) the Minister, on an application made for the purpose by the Board, whether before or after the publication of the notice, and after affording the Executive what the Minister considers a reasonable opportunity to make any representations, has directed that the notice shall have effect notwithstanding that the Executive have not consented to its publication ;

but the giving by the Executive of their consent to publication of a notice in pursuance of the said subsection (7) shall not affect the right of the Executive under subsection (4) of this section to oppose the closure.

- (3) Where, in the case of any proposed closure, subsection (2) of this section does not apply but the proposal is for the closure of a station, or of the whole or part of a line, which is situated within an area designated as aforesaid, the Railways Board shall send to the Executive for that area a copy of the notice of the closure published by the Board in pursuance of the said subsection (7).
- (4) Where, in the case of any closure to which subsection (2) or (3) of this section applies, notice of the closure has been published by the Railways Board in pursuance of the said subsection (7) (not being a notice which under the said subsection (2) is of no effect), the Executive concerned may, within the period specified in the notice for objecting to the closure, lodge with the Minister a statement in writing that they oppose the closure and of their reasons therefor; and where the Executive lodge such a statement with the Minister they shall send a copy of that statement to the Board and, notwithstanding that no objection is lodged in accordance with subsection (8) of the said section 56, the closure shall not be proceeded with until the Minister has given his consent.
- (5) In the case of any closure requiring the consent of the Minister under the said section 56 or under subsection (4) of this section—
 - (a) the Minister may give his consent subject to such conditions as he thinks fit, including conditions to be complied with after the closure ;
 - (b) the Minister may from time to time vary or revoke the conditions for the time being required to be complied with in connection with the closure, whether the closure took place before or after the coming into force of this subsection;
 - (c) those conditions may include conditions as to the provision of alternative services by, or by a subsidiary of, the Bus Company or the Scottish Group, or by some other person whether in pursuance of arrangements made by the Bus Company or the Scottish Group or otherwise; and
 - (d) whether before or after the closure, and whether the closure took place before or after the coming into force of this subsection, the Minister may from time to time give such directions to the Railways Board or, as the case may be, the London Board and to the Bus Company, and the Secretary of State may from time to time give such directions to the Scottish Group, as he thinks fit in connection with the closure;

and where any such condition or direction relates to the provision or assistance in the provision of alternative services, the Minister or, where those alternative services are to be provided by, or by a subsidiary of, or in pursuance of arrangements made by, the Scottish Group, the Minister and the Secretary of State acting jointly may refer to an Area Committee within the meaning of the said section 56 any matter relating to those services, and the committee shall consider and report on that matter to the Minister or, as the case may be, to the Minister and the Secretary of State.

- (6) Where any condition or direction such as is referred to in subsection (5) of this section requires the provision of alternative services by, or by a subsidiary of, the Bus Company or the Scottish Group or in pursuance of arrangements made by that Company or that Group, the cost of providing those alternative services shall be borne by that Company or, as the case may be, that Group.
- (7) For the purposes of subsections (5) and (6) of this section any conditions imposed under subsection (11) of the said section 56, so far as still required to be complied with immediately before the coming into force of the said subsection (5), shall have effect as if imposed under the said subsection (5).
- (8) Paragraphs 9 and 10 of Schedule 7 to the Act of 1962 (which contain spent transitional provisions with respect to matters pending at the date of the coming into force of the said section 56) shall cease to have effect.

55 Amendments as to Transport Consultative Committees

- (1) The services and facilities in relation to which, under section 56 of the Act of 1962, the duty imposed, subject to the subsequent provisions of that section, by subsection (4) thereof on the Consultative Committees established under that section falls to be exercised—
 - (a) shall not include any services or facilities provided by the Waterways Board or provided by virtue of section 48 or section 50(2) or (7) of this Act; but
 - (b) subject to paragraph (a) of this subsection shall, in addition to the services and facilities provided by any of the Boards other than the Waterways Board, include the services and facilities provided by any of the following bodies, namely, the Freight Corporation and any subsidiary of that Corporation or of any of the Boards other than the Waterways Board ;and accordingly—
 - (i) the reference in the said subsection (4) to any of the Boards shall be construed as a reference to any of the bodies aforesaid;
 - (ii) the reference in paragraph (b) of that subsection to a Board shall be construed as excluding a reference to the Waterways Board but including a reference to the Freight Corporation;
 - (iii) the references in that subsection and in subsection (6) of the said section 56 to the Board concerned shall be construed as a reference to whichever of the Boards or the Freight Corporation are concerned either directly or through a subsidiary of theirs;
 - (iv) the reference in subsection (5) of the said section 56 to railway services shall be construed as including a reference to any transport services provided by, or by a subsidiary of, the Freight Corporation;and for the purposes of this subsection the provisions of section 51(5) of this Act shall be disregarded.
- (2) Without prejudice to the provisions of section 54 of this Act and of the foregoing subsection, the services and facilities in relation to which, under section 56 of the Act of 1962, the duty imposed, subject to the subsequent provisions of that section, by subsection (4) thereof on the Area Committee for Scotland established under that section falls to be exercised shall include the services and facilities provided by the Scottish Group and any subsidiary of that Group, but shall not include road passenger transport services, or services or facilities provided by virtue of section 50(3) of this

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Act; and for the purposes of this subsection the said section 56 shall have effect subject to the following modifications, that is to say—

- (a) in relation to the Scottish Group and their subsidiaries, the Central Committee shall have no functions, and the Area Committee for Scotland shall have no functions in relation to the Central Committee ;
 - (b) for references to the Minister in subsections (4) and (6) there shall be substituted references to the Secretary of State;
 - (c) the reference in subsection (4)(b) to a Board shall be construed as a reference to the Scottish Group, and the references in that subsection and in subsection (6) to the Board concerned shall be construed as a reference to the Scottish Group;
 - (d) in subsection (15) for the words from the beginning to " Minister", where second occurring, there shall be substituted the words " The Area Committee for Scotland shall make an annual report to the Secretary of State on the services and facilities provided by the Scottish Group and their subsidiaries in relation to which the Committee have functions under subsection (4) of this section, and the Secretary of State ".
- (3) In the case of each of the Consultative Committees aforesaid, the Minister shall provide, or make arrangements under subsection (4) of this section for providing, that committee with such officers and servants, and such office accommodation, as appear to the Minister, after consultation with the committee, to be requisite for the proper discharge of the committee's functions and shall defray any expenditure incurred by the committee with the Minister's approval in the discharge of those functions; and the Minister may pay to the members of any such committee allowances in respect of loss of remunerative time in accordance with such scale as the Minister may with the approval of the Treasury allow and such travelling allowances and allowances in respect of out-of-pocket expenses as the Minister may determine.
 - (4) The Minister may, in the case of any such committee, instead of himself providing the officers and servants or office accommodation aforesaid, arrange with any of the Boards other than the Waterways Board or with the Freight Corporation for those officers and servants or that accommodation to be provided by that Board or Corporation in return for such payments by the Minister to the Board or Corporation as may be agreed between them.
 - (5) Subsection (16) of the said section 56 (which provides for any such officers, servants and accommodation as aforesaid to be provided, and any such allowance as aforesaid to be paid, by the Boards) shall cease to have effect.

56 Assistance by Minister or local authority towards capital expenditure on public transport facilities

- (1) Subject to subsections (3) and (4) of this section, the Minister may with the approval of the Treasury make grants upon such terms and conditions as the Minister thinks fit to any person towards expenditure appearing to the Minister to be of a capital nature incurred or to be incurred by that person for the purpose of the provision, improvement or development of facilities for public passenger transport in Great Britain.
- (2) Subject to subsections (3) and (4) of this section, any local authority, or any two or more local authorities acting jointly, may make payments, upon such terms and conditions as they think fit, to any other person towards expenditure appearing to the authority or authorities in question to be of a capital nature incurred or to be incurred

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by that other person for the purpose of the provision, improvement or development of any facilities for public passenger transport if it appears to the authority or each of the authorities in question that those facilities are or will be of benefit to the area of that authority.

- (3) No grant under subsection (1) of this section and no payment under subsection (2) thereof shall be made for the purposes of the provision, improvement or development of an airfield, a harbour, or (except when used or to be used for the purposes of a ferry service) a dock, pier or jetty.
- (4) No grant under subsection (1) of this section shall be made for any purpose unless the Minister is satisfied that the purpose in question is in accordance with general transport planning for the locality in which the facilities in question are, or are to be, provided; and no payment under subsection (2) of this section shall be made for any purpose unless the local authority or local authorities in question are so satisfied.
- (5) Where a person has used or proposes to use an asset of his for the purpose of the provision, improvement or development of facilities for public passenger transport, the Minister or, as the case may be, the local authority or local authorities in question may for the purposes of this section treat as expenditure of a capital nature incurred or to be incurred by that person for that purpose such amount not exceeding the capital value of that asset as the Minister or, as the case may be, the local authority or authorities in question may determine to be appropriate.
- (6) In this section the expression " local authority " means—
 - (a) the council of any county, county borough or county district in England or Wales;
 - (b) the Greater London Council, the council of a London borough or the Common Council of the City of London;
 - (c) the Council of the Isles of Stilly; or
 - (d) any county, town or district council in Scotland ;and in the application of this section to Scotland or Wales any reference to the Minister shall be construed as a reference to the Secretary of State.

57 Grants for research or development in connection with transport services, etc.

The Minister shall have power with the approval of the Treasury to make grants upon such terms and conditions as he thinks fit to any person towards expenditure incurred or to be incurred by that person—

- (a) in carrying out research in connection with the provision or improvement of transport services by land or inland waterway or of harbour facilities ; or
- (b) in developing for the purposes of the provision or improvement of such services or facilities the results of any research carried out by, or any invention or idea of, that or any other person.

58 Assistance by local authorities in Scotland for railway passenger services

A county council, town council or district council in Scotland, or any two or more of those councils acting jointly, may with the approval of the Secretary of State afford financial assistance towards the provision of railway passenger services within, or to or from, their area or areas.