

## SCHEDULES

### SCHEDULE 1

Sections 1 and 24.

#### THE NEW AUTHORITIES

- 1 The Freight Corporation shall consist of—
  - (a) a chairman appointed by the Minister ; and
  - (b) not more than twelve nor less than six other members appointed by the Minister after consultation with the chairman.
- 2 The Bus Company shall consist of—
  - (a) a chairman appointed by the Minister; and
  - (b) not more than ten nor less than five other members appointed by the Minister after consultation with the chairman.
- 3 The Scottish Group shall consist of—
  - (a) a chairman appointed by the Secretary of State ; and
  - (b) not more than ten nor less than five other members appointed by the Secretary of State after consultation with the chairman.
- 4 The chairman and other members of each of the new authorities shall be appointed from among persons who appear to the Minister or, as the case may be, the Secretary of State to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, applied science, administration or the organisation of workers.
- 5 In appointing the chairman and other members of any of the new authorities the Minister or, as the case may be, the Secretary of State shall have regard to the desirability of having members who are familiar with the special requirements and circumstances of particular regions and areas served by the authority in question and, in the case of the Freight Corporation, with the requirements of overseas trade.
- 6 The provisions of Part I of Schedule 1 to the Act of 1962 (which relate to the constitution and proceedings, and to the members, of the Boards) shall have effect as if each of the new authorities were one of the Boards, but in relation to the Scottish Group as if for any reference therein to the Minister there were substituted a reference to the Secretary of State.

### SCHEDULE 2

Sections 3 and 27.

#### COMMENCING CAPITAL DEBTS OF NEW AUTHORITIES

- 1 Each of the new authorities shall severally assume a commencing capital debt due to the Minister of such amount respectively as the Minister may by order prescribe; and subsections (6) and (8) of section 39 of the Act of 1962 shall apply to that debt as they apply to the commencing capital debts of the Boards.

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- 2 For the purposes of any period between the day appointed under section 166(2) of this Act for the purposes of the application to any of the new authorities of paragraph 1 of this Schedule, and the date of the making of the order with respect to that authority under that paragraph the Minister may estimate what the commencing capital debt of that authority is likely to be and require that authority to make to him provisional payments by way of interest on the estimated amount; and those provisional payments shall be on account of the payments of interest becoming due under section 39(6) of the Act of 1962 as applied by that paragraph.
- 3 Without prejudice to section 53(5) of this Act, the Minister may from time to time by order vary any of the amounts prescribed under paragraph 1 of this Schedule where that appears to him expedient to take account—
- (a) of any adjustment in pursuance of the provisions of Schedule 4 to this Act in the property, rights and liabilities transferred under section 5(3)(a) or 29(2) of this Act; or
  - (b) of any transfer of property, rights and liabilities under section 7(5) or (6) or 8(4) of this Act;
- and any such order may contain such transitional provisions as appear to the Minister expedient to take account of any interest underpaid or overpaid on the commencing capital debt of the authority in question ; but no order shall be made by virtue of sub-paragraph (a) of this paragraph after the expiration of the period of five years beginning with the relevant day appointed as mentioned in paragraph 2 of this Schedule.
- 4 The Minister's power to make an order under paragraph 1 or 3 of this Schedule shall be subject to the approval of the Treasury and any such order shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.
- 5 In the application of this Schedule or section 39(6) and (8) of the Act of 1962 to the Scottish Group, any reference therein to the Minister shall be construed as a reference to the Secretary of State.

## SCHEDULE 3

Section 4.

### BODIES WHOSE SECURITIES ARE TRANSFERRED TO FREIGHT CORPORATION

#### PART I

##### *Transfers from Holding Company and subsidiaries*

Associated Humber Lines Limited.  
 Atlantic Steam Navigation Company Limited.  
 British Road Services Limited.  
 B.R.S. (Contracts) Limited.  
 B.R.S. Parcels Limited.  
 British Roadrailer Services Limited.  
 Containerbase (Birmingham North) Limited.  
 Containerway and Roadferry Limited.  
 Harold Wood & Sons Limited.  
 Lawther and Harvey Limited.

Northern Ireland Carriers Limited.  
Pickfords Limited.  
Star Bodies (B.R.S.) Limited.  
Tartan Arrow Service (Holdings) Limited.  
Tayforth Holdings (1965) Limited.  
T.H.C. Freight Nominees Limited.  
T.H.C. Properties Limited.  
Transport Holding Company Trustees Limited.

## PART II

### *Transfers from Railways Board*

British Roadrailer Services Limited.  
Tartan Arrow Service (Holdings) Limited.

## SCHEDULE 4

Sections 4, 5, 7, 8, 17, 28, 29 and 53.

### SUPPLEMENTARY PROVISIONS AS TO CERTAIN TRANSFERS OF PROPERTY, RIGHTS AND LIABILITIES

#### *Allocation of property, rights and liabilities*

- 1 (1) The provisions of this paragraph shall have effect where a transfer to which this Schedule applies is a transfer of all property, rights and liabilities comprised in a specified part of the transferor's undertaking, but shall not apply to any such rights or obligations under an agreement for the rendering of personal services.
- (2) Any property, rights or liabilities held or subsisting partly for the purpose of a part of the transferor's undertaking which is transferred and partly for the purpose of a part of that undertaking which is retained by the transferor shall, where the nature of the property, rights or liability permits, be divided or apportioned between the transferor and the transferee in such proportions as may be appropriate ; and, where any estate or interest in land falls to be so divided, any rent payable under a lease in respect of that estate or interest, and any rent charged on that estate or interest, shall be correspondingly apportioned or divided so that the one part is payable in respect of, or charged on, only one part of the estate or interest and the other part is payable in respect of, or charged on, only the other part of the estate or interest.
- (3) Sub-paragraph (2) of this paragraph shall apply, with any necessary modifications, in relation to any feu duty payable in respect of an estate or interest in land in Scotland as it applies in relation to any rent charged on an estate or interest in land.
- (4) Any property, rights or liabilities held or subsisting as mentioned in sub-paragraph (2) of this paragraph the nature of which does not permit their division or apportionment as so mentioned shall be transferred to the transferee or retained by the transferor according to which of them appear at the transfer date likely to make use of the property, or, as the case may be, to be affected by the right or liability, to the greater extent, subject to such arrangements for the protection of the other of them as may be agreed between them or, if either of them is, or on a vesting by virtue of this Act will

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become, a wholly-owned subsidiary of some other body, as may be agreed between them and that other body.

- (5) It shall be the duty of the transferor and the transferee, whether before or after the transfer date, so far as practicable to arrive at such written agreements, and to execute such other instruments, as are necessary or expedient to identify or define the property, rights and liabilities transferred to the transferee or retained by the transferor and as will—
- (a) afford to the transferor and the transferee as against one another such rights and safeguards as they may require for the proper discharge of their respective functions; and
  - (b) make as from such date, not being earlier than the transfer date, as may be specified in that agreement or instrument such clarifications and modifications of the division of the transferor's undertaking as will best serve the proper discharge of the respective functions of the transferor and the transferee ;

and if either the transferor or the transferee is, or on a vesting by virtue of this Act will become, a wholly-owned subsidiary of some other body, references in the foregoing provisions of this sub-paragraph to the transferor or, as the case may be, the transferee shall include references to that other body.

- (6) Any such agreement shall provide so far as it is expedient—
- (a) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not;
  - (b) for the granting of indemnities in connection with the severance of leases and other matters ;
  - (c) for responsibility for registration of any matter in any description of statutory register.
- (7) If the transferor or the transferee (not being in either case a wholly-owned subsidiary of some other body), or any body of which the transferor or the transferee is, or on a vesting by virtue of this Act will become, a wholly-owned subsidiary, represents to the Minister, or if it appears to the Minister without such a representation, that it is unlikely in the case of any matter on which agreement is required under sub-paragraph (5) of this paragraph that such agreement will be reached, the Minister may, whether before or after the transfer date, give a direction determining the manner in which the property, rights or liabilities in question are to be divided between the transferor and the transferee, and may include in the direction any provision which might have been included in an agreement under the said sub-paragraph (5); and any property, rights or liabilities required by the direction to be transferred to the transferee shall be regarded as having been transferred to, and by virtue of this Act vested in, the transferee accordingly.

*Rights and liabilities under agreement for rendering of personal services*

- 2 (1) The provisions of this paragraph shall have effect where any rights and liabilities transferred under a transfer to which this Schedule applies are rights and liabilities under an agreement for the rendering of personal services.
- (2) Where the transfer is of all property, rights and liabilities comprised in a specified part of the transferor's undertaking, the rights and liabilities under any agreement for

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the rendering of personal services by any person (hereafter in this paragraph referred to as " an employee") shall be transferred only if immediately before the transfer date the employee is employed wholly or mainly for the purposes of the part of the transferor's undertaking which is transferred.

- (3) The transferor, the transferee or the employee may apply to the Minister to determine whether or not rights and liabilities in respect of the employee's services under any particular agreement are transferred, and the Minister's decision on the application shall be final.
- (4) Any right to services transferred shall have effect on and after the transfer date as a right not only to the services to which the agreement relates but also to any reasonably comparable services under the transferee to be selected by the transferee ; and any dispute between the transferee and the employee as to what are reasonably comparable services for the purposes of this sub-paragraph may be reported to the Secretary of State for Employment and Productivity by the transferee and, if a dispute so reported is not otherwise disposed of, that Secretary of State shall refer it for determination by the industrial court.

*Right to production of documents of title*

- 3 Where on any transfer to which this Schedule applies the transferor is entitled to retain possession of any documents relating in part to the tide to, or to the management of, any land or other property transferred to the transferee, the transferor shall be deemed to have given to the transferee an acknowledgment in writing of the right of the transferee to production of that document and to delivery of copies thereof; and, in England and Wales, section 64 of the Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

*Perfection of vesting of certain property or rights*

- 4 Where in the case of any transfer to which this Schedule applies any property or rights which fall to be transferred to the transferee cannot be properly vested in the transferee by virtue of this Act because transfers thereof are governed otherwise than by the law of a part of Great Britain, the transferor shall take all practicable steps for the purpose of securing that the ownership of the property or, as the case may be, the right is effectively transferred.

*Proof of title by certificate*

- 5 In the case of any transfer to which this Schedule applies, a joint certificate by or on behalf of the Railways Board and the Freight Corporation, or by or on behalf of the Railways Board and the Scottish Group, that any property specified in the certificate, or any such interest in or right over any such property as may be so specified, or any right or liability so specified, is by virtue of this Act for the time being vested in, or in such wholly-owned subsidiary of, such one of the certifying authorities as may be so specified shall be conclusive evidence for all purposes of that fact; and if on the expiration of one month after a request from one of those authorities for the preparation of such a joint certificate as respects any property, interest, right or liability, the authorities concerned have failed to agree on the terms of the certificate, they shall refer the matter to the Minister and issue the certificate in such terms as the Minister may direct.

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*Restrictions on dealing with certain land*

6 If the Minister is satisfied on the representation of the Railways Board, the Freight Corporation or the Scottish Group that, in consequence of a transfer to which this Schedule applies, different interests in land, whether the same or different land, are held by, or by a wholly-owned subsidiary of, that authority and by, or by a wholly-owned subsidiary of, another of those authorities and that the circumstances are such that this paragraph should have effect, the Minister may direct that this paragraph shall apply to such of that land as may be specified in the direction, and while that direction remains in force—

- (a) none of those authorities or their subsidiaries entitled to any interest in any of the specified land shall dispose of that interest except with the consent of the Minister ;
- (b) if in connection with any proposal to dispose of an interest of one of those authorities or their subsidiaries in any of the specified land it appears to the Minister to be necessary or expedient for the protection of any other of them, the Minister may—
  - (i) require any of those authorities or their subsidiaries entitled to an interest in any of the specified land to dispose of that interest to such person and in such manner as may be specified in the requirement; or
  - (ii) require any of those authorities or their subsidiaries to acquire from any other of them any interest in any of the specified land to which that other authority or subsidiary is entitled ; or
  - (iii) consent to the proposed disposal subject to compliance with such conditions as the Minister may see fit to impose ;

but a person other than one of those authorities or their subsidiaries dealing with, or with a person claiming under, one of those authorities or subsidiaries shall not be concerned to see or inquire whether this paragraph applies or has applied in relation to any land to which the dealing relates or as to whether the provisions of this subsection have been complied with in connection with that or any other dealing with that land, and no transaction with or between persons other than those authorities or subsidiaries shall be invalid by reason of any failure to comply with those provisions.

*Construction of agreements, statutory provisions and documents*

7 Where in the case of any transfer to which this Schedule applies any of the rights or liabilities transferred are rights or liabilities under an agreement to which the transferor was a party immediately before the transfer date, whether in writing or not, and whether or not of such nature that rights and liabilities thereunder could be assigned by the transferor, that agreement shall have effect on and after the transfer date as if—

- (a) the transferee had been a party to the agreement, and
- (b) for any reference (however worded and whether express or implied) to the transferor there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the transferee, and
- (c) any reference (however worded and whether express or implied) to any officer or any servant of the transferor were, as respects anything falling to be done on or after the transfer date, a reference to such person as the transferee may appoint or, in default of appointment, to the officer or

servant of the transferee who corresponds as nearly as may be to that officer or servant of the transferor, and

- (d) where the agreement refers to property, rights or liabilities which fall to be apportioned or divided between the transferor and the transferee, as if the agreement constituted two separate agreements separately enforceable by and against the transferor and the transferee respectively as regards the part of the property, rights and liabilities retained by the transferor or, as the case may be, the part thereof vesting in the transferee and not as regards the other part;

and sub-paragraph (d) of this paragraph shall apply in particular to the covenants, stipulations and conditions of any lease by or to the transferor.

- 8 Save as otherwise provided by any provision of this Act (whether expressly or by necessary implication) paragraph 7 of this Schedule, except sub-paragraph (a) thereof, shall apply in relation to any statutory provision, any provision of any agreement to which the transferor was not a party, and any provision of any document other than an agreement, if and so far as the provision in question relates to any of the transferred rights and liabilities, as it applies in relation to an agreement to which the transferor was a party, and, in relation to any such statutory or other provision as aforesaid, references in sub-paragraphs (b) and (c) of that paragraph to the transferor and to any officers or servants of the transferor include references made by means of a general reference to a class of persons of which the transferor is one, without the transferor himself being specifically referred to.
- 9 On and after the transfer date for any transfer to which this Schedule applies, any statutory provision to which paragraph 2(3) of Schedule 6 to the Act of 1962 applies if and so far as the provision in question relates to any of the transferred rights and liabilities, shall have effect as if—
- (a) any of the references modified by paragraph (a) of the said paragraph 2(3) were, as respects anything falling to be done on or after the transfer date, a reference to such person as the transferee may appoint, and
- (b) any of the references modified by paragraph (b) of the said paragraph 2(3) were, as respects a period beginning with the transfer date, a reference to so much of the undertaking of the transferee as corresponds as mentioned in the said paragraph (b).
- 10 Without prejudice to the generality of the provisions of paragraphs 7 to 9 of this Schedule, the transferee under a transfer to which this Schedule applies and any other person shall, as from the transfer date, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability transferred to and vested in the transferee by virtue of this Act as he would have had if that right or liability had at all times been a right or liability of the transferee, and any legal proceedings or applications to any authority pending on the transfer date by or against the transferor, in so far as they relate to any property, right or liability transferred to the transferee by virtue of this Act, or to any agreement or enactment to any such property, right or liability, shall be continued by or against the transferee to the exclusion of the transferor.
- 11 If, in the case of any transfer to which this Schedule applies the effect of any agreement, and in particular any agreement under the Railway Road Transport Acts of 1928 mentioned in paragraph 1 of Part II of Schedule 2 to the Act of 1962, which was executed before the passing of this Act and to which the transferee is by virtue

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of this Act a party depends on whether the transferee has power to carry on any activity, it shall be assumed for the purposes of the agreement that any activity which requires the consent of the Minister under the Act of 1962 or this Act has been authorised by such a consent.

- 12 (1) References in paragraphs 7 to 11 of this Schedule to agreements to which the transferor was a party and to statutory provisions include in particular references to agreements to which the transferor became a party by virtue of the Act of 1962 and statutory provisions which applied to the transferor by virtue of that Act.
- (2) The provisions of the said paragraphs 7 to 11 shall have effect for the interpretation of agreements, statutory provisions and other instruments subject to the context, and shall not apply where the context otherwise requires.

*Third parties affected by vesting provisions*

- 13 (1) Without prejudice to the provisions of paragraphs 7 to 12 of this Schedule, any transaction effected between a transferor and a transferee in pursuance of paragraph 1(5) or of a direction under paragraph 1(7) of this Schedule shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.
- (2) It shall be the duty of the transferor and transferee, if they effect any transaction in pursuance of the said paragraph 1(5) or a direction under the said paragraph 1(7), to notify any person who has rights or liabilities which thereby become enforceable as to part by or against the transferor and as to part by or against the transferee, and if such a person applies to the Minister and satisfies him that the transaction operated unfairly against him the Minister may give such directions to the transferor and the transferee as appear to him appropriate for varying the transaction.
- (3) If in consequence of a transfer to which this Schedule applies or of anything done in pursuance of the provisions of this Schedule the rights or liabilities of any person other than one of the Boards or new authorities or a wholly-owned subsidiary thereof which were enforceable against or by the transferor become enforceable as to part against or by the transferor and as to part against or by the transferee, and the value of any property or interest of that person is thereby diminished, such compensation as may be just shall be paid to that person by the transferor, the transferee or both, and any dispute as to whether and if so how much compensation is so payable, or as to the person to whom it shall be paid, shall be referred to and determined by an arbitrator appointed by the Lord Chancellor or, where the proceedings are to be held in Scotland, by an arbiter appointed by the Lord President of the Court of Session.
- (4) Where the transferor or the transferee under a transfer to which this Schedule applies purports by any conveyance or transfer to transfer to some person other than one of the Boards or new authorities or a wholly-owned subsidiary thereof for consideration any land or any other property which before the transfer date belonged to the transferor, or which is an interest in property which before that date belonged to the transferor, the conveyance or transfer shall be as effective as if both the transferor and the transferee had been parties thereto and had thereby conveyed or transferred all their interest in the property conveyed or transferred.
- (5) If at any stage of any court proceedings to which the transferor or transferee under a transfer to which this Schedule applies and a person other than one of the Boards or new authorities or a wholly-owned subsidiary thereof are parties, it appears to the court that the issues in the proceedings depend on the identification or definition



of any of the property, rights or liabilities transferred which the transferor and the transferee have not yet effected, or to raise a question of construction on the relevant provisions of this Act which would not arise if the transferor and the transferee constituted a single person, the court may, if it thinks fit on the application of a party to the proceedings other than such a body as aforesaid, hear and determine the proceedings on the footing that such one of the transferor and the transferee as is a party to the proceedings represents and is answerable for the other of them, and that the transferor and the transferee constitute a single person, and any judgment or order given by the courts, shall bind both the transferor and the transferee accordingly.

- (6) It shall be the duty of the transferor and the transferee under any transfer to which this Schedule applies to keep one another informed of any case where either of them may be prejudiced by sub-paragraph (4) or (5) of this paragraph, and if either the transferor or the transferee claims that he has been so prejudiced and that the other of them ought to indemnify or make a payment to him on that account and has unreasonably failed to meet that claim, he may refer the matter to the Minister for determination by the Minister.

## SCHEDULE 5

Section 9.

### PASSENGER TRANSPORT AUTHORITIES AND EXECUTIVES

#### PART I

##### *The Authority*

- 1 The Authority established for a designated area under an order made under section 9(1) of this Act shall consist of—
- (a) such number of members appointed respectively by such of the councils of constituent areas, or by such two or more of those councils acting jointly, as may be specified in the order;
  - (b) such number of members not exceeding one-sixth of the aggregate number of the members appointed under sub-paragraph (a) of this paragraph as the Minister may see fit to appoint from among persons appearing to him to have special knowledge or experience which would be of value to the Authority in the exercise of their functions;
- and the chairman of the Authority shall be such one of their number as the members of the Authority may with the approval of the Minister appoint.
- 2 If and to such extent as it appears to him appropriate so to do, the Minister may, in determining the council or councils by whom members of the Authority are to be appointed under paragraph 1(a) of this Part of this Schedule, take into account the product of a rate of one penny in the pound for so much of the respective areas of the councils of constituent areas as falls within the designated area.
- 3 A person may be appointed as a member of the Authority for a designated area under the said paragraph 1(a) whether or not he is a member of the council or one of the councils by whom he is so appointed ; but no person who is for the time being a member, officer or servant of the Executive for that designated area or who is for the time being a servant of a subsidiary of that Executive shall be appointed as a member of the Authority, and any person appointed to be a member of the Authority

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who subsequently becomes a member, officer or servant of that Executive or a servant of such a subsidiary shall forthwith vacate his membership of the Authority.

4 A person who at the date of his appointment as a member of the Authority under the said paragraph 1(a) was a member of the council or one of the councils by whom he was so appointed but who subsequently ceases to be a member of that council shall upon so ceasing also vacate office as a member of the Authority but shall be eligible for re-appointment.

5 If at any time not less than three months after the coming into force of the order under section 9(1) of this Act providing for the establishment of the Authority, or after a vacancy has arisen among the members of the Authority which falls to be filled by an appointment made under the said paragraph 1(a), the initial appointment of any member of the Authority falling to be made as aforesaid, or, as the case may be, an appointment to fill that vacancy, has not been made, the Minister, after consultation with the council or councils by whom the appointment falls to be made, may himself make the appointment on their behalf.

## PART II

### *The Executive*

1 The first persons to be appointed as the Director General or other members of the Executive for a designated area shall be appointed by the Authority for that area as soon as practicable after the establishment of that Authority.

2 No person who is for the time being a member of any of the councils of constituent areas shall be appointed as a member of the Executive, and any person appointed to be a member of the Executive who subsequently becomes a member of any of the councils of constituent areas shall forthwith vacate his membership of the Executive.

3 (1) Subject to paragraph 2 of this Part of this Schedule a member of the Executive shall hold and vacate his office in accordance with the terms of his appointment by the Authority and shall, on ceasing to be a member, be eligible for reappointment.

(2) Any member of the Executive may at any time by notice in writing to the Authority resign his office.

4 The Executive shall pay to or in respect of the members thereof such remuneration, allowances and pensions as the Authority may determine. ,

5 Without prejudice to section 10(1)(xxx) of this Act, the Executive shall be deemed to be a local authority within the meaning of the Local Government Superannuation Act 1937 or, as the case may be, the Local Government Superannuation (Scotland) Act 1937 ; and, accordingly, in the definition of "local authority" in section 40(1) of the first-mentioned Act and in section 34(1) of the second-mentioned Act, at the end there shall be added the words " and also includes the Executive for a designated area within the meaning of section 9(1) of the Transport Act 1968 ".

### PART III

#### *Matters which may be dealt with by order under s. 9(1)*

- 1 The fixing and notification of the dates on which the Authority and Executive respectively are to be established.
- 2 The incorporation of the Authority.
- 3 The appointment—
  - (a) in accordance with Part I of this Schedule of members of the Authority ; and
  - (b) by the Authority in accordance with section 9(1)(b) of this Act and Part II of this Schedule of members of the Executive.
- 4 The terms on which and period for which the members of the Authority are to hold office, and the vacation of office by those members.
- 5 The payment of allowances to, or to any class of, members of the Authority and the payment of remuneration to the chairman of the Authority.
- 6 The proceedings of the Authority and the Executive respectively.
- 7 The establishment by the Authority and the Executive respectively of committees and the composition of those committees, including the establishment of advisory committees consisting wholly or partly of persons who are not members of the Authority or Executive.
- 8 The delegation of functions by the Authority or the Executive to a committee or to the chairman of the Authority or, as the case may be, the Director General of the Executive.
- 9 The authentication of documents of the Authority and the Executive respectively and provision for the treatment of such documents as evidence, and in Scotland sufficient evidence, of such facts as may be specified by the order.
- 10 The appointment by, or provision by the Executive for, the Authority of officers and servants, and the payment of remuneration and allowances to any officers and servants appointed by the Authority.
- 11 Provision—
  - (a) for treating the Authority or any subsidiary of the Executive for the purposes of pensions to or in respect of persons who are or have been employed by them as if they were the Executive for a designated area ;
  - (b) as to the fund in the benefits of which any persons who are or have been employed by the Authority, the Executive or a subsidiary of the Executive are to be entitled to participate ;
  - (c) for the transfer to the authority administering that fund in relation to any such persons, instead of to the Executive, of any other fund in the benefits of which those persons are entitled to participate which would otherwise fall to be transferred to the Executive by an order under section 17 of this Act.
- 12 The provision of accommodation for the Authority by the Authority or by the Executive.
- 13 Provision applying, with or without modifications, to the Authority or the Executive, or to persons who are or have been members of the Authority or the Executive, or officers or servants of the Authority, the Executive or any subsidiary

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- of the Executive, any enactment or instrument made under an enactment relating, as the case may be, to, or to persons who are or have been members of, or officers or servants of, local authorities or local authorities of a particular description.
- 14 The making of reports and the furnishing of information by the Authority and Executive to the Minister.
- 15 Any particular matters to be dealt with in the annual report of the Authority and the Executive under section 16 of this Act.
- 16 Provision for the person or persons by whom a member of the Authority is appointed to appoint also a deputy to act in that member's place at any meeting of the Authority from which that member is absent, and for applying in relation to any such deputy, with or without modifications, any provision with respect to members of the Authority made by this Act or by the order.
- 17 Provision, as respects any period before the Authority appoint or are provided with their own officers and servants, for the discharge of functions of officers or servants of the Authority (including the convening of the first meeting of the Authority) by such officers or servants of such of the councils of constituent areas as may be determined in accordance with the order.

## SCHEDULE 6

Section 19.

### PROVISIONS AS TO EXISTING OPERATORS AND SERVICES ON MAKING OF ORDER UNDER S. 19(1)

#### *Introductory*

- 1 The provisions of this Schedule shall have effect with respect to a designated area upon the appointment of a date in relation to that area under section 19(1) of this Act; and in this Schedule—
- " the appointed date " means the date appointed as aforesaid in relation to the designated area in question ;
  - " existing operator " means a person who immediately before the appointed date was providing an area bus service in that area, not being a subsidiary of the Executive ;
  - " existing service " means that area bus service ;
  - " prescribed " means prescribed by regulations under section 21(5) of this Act;
  - " the relevant road service licence " means the road service licence under which as granted, or, as the case may require, under which as backed under section 137 of the Act of 1960, the existing service was provided immediately before the appointed date.

#### *Right to consent for continuance of existing service*

- 2 If an existing operator applies to the Executive within the prescribed period and in the prescribed manner for the Executive's consent under this Schedule to the continuance by that operator of an existing service, the Executive shall, subject to paragraphs 3 and 14 of this Schedule, grant that consent and attach thereto the like conditions (and no others) as were attached to the relevant road service licence so

far as those conditions relate to the carriage of persons who are both taken up and set down in the designated area in question.

- 3 Subject to paragraph 8 of this Schedule, the Executive may refuse an application under paragraph 2 thereof if the applicant has, during the period of six months ending with the appointed date, contravened any condition attached to the relevant road service licence.
- 4 Notwithstanding anything in section 19(2) of this Act, an existing operator who has duly applied for a consent under this Schedule in respect of any existing service may continue to provide that service as if the order under section 19(1) of this Act had not been made for any period—
- (a) before he is notified of the grant or refusal of the consent; or
  - (b) while he is entitled under paragraph 9 of this Schedule to appeal against any condition attached to the consent or, if the consent is refused, against the refusal; or
  - (c) if such an appeal has been duly made, before the appeal is determined or withdrawn.

#### *Variation of conditions*

- 5 The Executive—
- (a) shall not unreasonably refuse any application by an existing operator for the variation of a condition attached to a consent granted under this Schedule ; and
  - (b) may at any time without any such application by notice in writing to the operator make any reasonable variation of any such condition;
- but no such variation shall be made which affects the carriage of persons other than persons who are both taken up and set down in the designated area in question.

#### *Transfer of consent*

- 6 (1) Subject to sub-paragraph (4) of this paragraph, while a consent under this Schedule in respect of an existing service remains in force, the Executive shall on the application of any successor in title to the undertaking of the existing operator concerned so far as it consists of the provision of that service grant the like consent to that successor in title.
- (2) Where a consent has been granted under sub-paragraph (1) of this paragraph to a successor in title of an existing operator, any reference in paragraph 4, 5, 8, 9, 10 or 14 of this Schedule to the existing operator shall be construed as including a reference to that successor in title.
- (3) As from the date when an application under sub-paragraph (1) of this paragraph is made by a successor in title of an existing operator in relation to any consent granted under this Schedule in respect of an existing service, any reference in the said paragraph 4, 5, 8, 9, 10 or 14 to the existing operator shall, subject to sub-paragraph (4) of this paragraph, be construed as including a reference to that successor in title.
- (4) Where a consent under this Schedule in respect of an existing service is in force but a notice of revocation thereof has been given under paragraph 10(1) of this Schedule, that notice shall apply to any like consent applied for under this paragraph in respect

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of that service as it applies to the existing consent and as if the notice had been served on the applicant as well as on the holder of the existing consent.

*Revocation of consent*

- 7 Subject to paragraph 8 of this Schedule, a consent granted under this Schedule may be revoked at any time by the Executive—
- (a) on the ground that any condition attached to the consent has been contravened ; or
  - (b) on there coming to the notice of the Executive a contravention of a condition attached to the relevant road service licence which was not known to the Executive when the consent was granted,
- but, save in accordance with paragraph 10 of this Schedule, shall not be revoked on any other ground.

*Limitation on power to refuse or revoke consent*

- 8 The Executive shall not refuse a consent under paragraph 3 of this Schedule or revoke a consent under paragraph 7 thereof unless, owing to the frequency of the breach of conditions on the part of the existing operator, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Executive are satisfied that the consent should be refused or revoked.

*Appeals*

- 9 (1) An existing operator who is aggrieved by—
- (a) any condition attached to a consent under paragraph 2 of this Schedule ; or
  - (b) a refusal of a consent under paragraph 3 of this Schedule ; or
  - (c) the refusal of an application under paragraph 5(a) of this Schedule; or
  - (d) any variation of a condition under paragraph 5(b) of this Schedule; or
  - (e) the failure to grant a consent under paragraph 6 of this Schedule ; or
  - (f) the revocation of a consent under paragraph 7 of this Schedule,
- may, within the prescribed period and in the prescribed manner, appeal to the traffic commissioners by whom the relevant road service licence was granted or, as the case may require, backed who may make such order as they think fit which shall be binding on the Executive.
- (2) Any variation under paragraph 5(b) of this Schedule of a condition attached to a consent, and any revocation of a consent under paragraph 7 of this Schedule, shall not take effect until the expiration of the period prescribed for appealing against that variation or revocation or, if such an appeal is duly made, until the appeal is determined or withdrawn.

*Conditional right to revoke consent*

- 10 (1) Notwithstanding anything in the foregoing provisions of this Schedule, but subject to sub-paragraph (2) of this paragraph, the Executive may at any time by notice in writing to the existing operator concerned revoke as from a date specified in the notice, not being less than nine months after the date of the notice, any consent granted by the Executive under this Schedule; and any such notice shall specify a date, not being less than six months after the date of the Executive's notice, by which

any notice by the operator under sub-paragraph (2) of this paragraph must be served on the Executive.

(2) Where a notice under sub-paragraph (1) of this paragraph is served on any operator, the operator may at any time not later than the date specified for the purpose in the Executive's notice serve on the Executive a notice in writing either—

(a) requiring the Executive to pay to the operator compensation computed in accordance with paragraph 11 of this Schedule in respect of—

(i) any diminution in the value of the assets of the operator's relevant business ; and

(ii) any expenditure, other than payment of income tax (including surtax), capital gains tax or corporation tax, incurred in winding up his relevant business or any part thereof,

which the operator shows to be attributable to the revocation ; or

(b) requiring the Executive to purchase the operator's relevant business at a price computed in accordance with paragraph 12 of this Schedule ;

and, subject to any modification agreed between the operator and the Executive, the Executive shall comply with any such requirement duly made.

(3) In this paragraph and the said paragraphs 11 and 12—

" assets " means assets of any description and, subject to the provisions of the said paragraph 12, includes goodwill;

" relevant business " in relation to an operator means so much of a business or undertaking of the operator as relates to the provision of road passenger transport services.

11 (1) The amount of compensation payable in pursuance of a requirement under paragraph 10(2)(a) of this Schedule in respect of the diminution in value of the assets of the operator's relevant business shall be an amount equal to the difference between their market value immediately before the revocation in question and their market value immediately after that revocation.

(2) No compensation shall be paid in pursuance of such a requirement as aforesaid in respect of any expenditure incurred in winding up the whole or part of the operator's relevant business in so far as that expenditure is taken into account in computing the amount of compensation payable to him under sub-paragraph (1) of this paragraph.

(3) In this paragraph " market value ", in relation to any assets, means the amount which they would have fetched if sold in the open market by a willing seller to a willing buyer.

12 The price payable for an operator's relevant business in pursuance of a requirement under paragraph 10(2)(b) of this Schedule shall be the sum (not being less than the amount, if any, by which the value of the assets comprised therein, other than goodwill, exceeds the aggregate of the liabilities of that business) which the relevant business might have been expected to realise if—

(a) the consent in question had not been revoked ; and

(b) the relevant business had been sold as a going concern on the date when the revocation took effect in the open market by a willing seller to a willing buyer.

13 (1) The amount of any compensation in pursuance of a requirement under sub-paragraph (a), or the price of any purchase in pursuance of a requirement under sub-paragraph (b), of paragraph 10(2) of this Schedule, if not agreed between the

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Executive and the operator within six months of the service by the operator of his notice under the said paragraph 10(2), shall be determined by an arbitrator (or in Scotland an arbiter) appointed on the application of either party by the Minister.

- (2) Where any such amount or price falls to be determined in Scotland by an arbiter—
- (a) the arbiter shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the swearing of witnesses on oath and the awarding of expenses, as if the arbitration were under a submission ;
  - (b) the arbiter may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings ; and
  - (c) any award of the arbiter may be recorded in the Books of Council and Session for execution, and may be enforced accordingly.

*Nullification of consent*

- 14 An existing operator shall not be entitled to the grant by the Executive of a consent under this Schedule with respect to any existing service if the operator has entered into an agreement with the Executive with respect to that service under section 19(2) of this Act; and where an existing operator has entered into such an agreement with the Executive with respect to any existing service, any consent with respect to that service granted to that operator by the Executive under this Schedule shall be of no effect.

*Variation of route of existing service*

- 15 Where, in the case of any existing service in respect of which a consent under this Schedule is in force, the route authorised for that service by the relevant road service licence becomes impracticable but a variation of a minor nature only in that route would enable that service to be continued in substantially the same form, paragraph 5 and paragraph 9(1)(c) and (d) of this Schedule shall apply to that variation as if it were a variation of a condition attached to the consent, but as if—
- (a) in the said paragraph 5 the words from " but " onwards, and
  - (b) sub-paragraph (2) of the said paragraph 9,
- were omitted; and any reference in this Schedule to an existing service shall be construed as a reference to that service with any variation thereof by virtue of this paragraph.

SCHEDULE 7

Section 28.

BODIES WHOSE SECURITIES ARE TRANSFERRED TO BUS COMPANY

Aldershot and District Traction Company Limited.  
 Amalgamated Passenger Transport Limited.  
 Bath Electric Tramways Limited.  
 Bath Tramways Motor Company Limited.  
 The Birmingham and District Investment Trust Limited.  
 The Birmingham and Midland Motor Omnibus Company Limited.  
 Brighton, Hove and District Omnibus Company Limited.



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Bristol Commercial Vehicles Limited.  
Bristol Omnibus Company Limited.  
British Transport Advertising Limited.  
The City of Oxford Motor Services Limited.  
Cheltenham District Traction Company.  
Crosville Motor Services Limited.  
Cumberland Motor Services Limited.  
The Devon General Omnibus and Touring Company Limited.  
Durham District Services Limited.  
East Kent Road Car Company Limited.  
East Midland Motor Services Limited.  
East Yorkshire Motor Services Limited.  
Eastern Coach Works Limited.  
Eastern Counties Omnibus Company Limited.  
The Eastern National Omnibus Company Limited.  
Greenslades Tours Limited.  
Hants and Dorset Motor Services Limited.  
Hebble Motor Services Limited.  
Lincolnshire Road Car Company Limited.  
London Coastal Coaches Limited.  
The Maidstone and District Motor Services Limited.  
Mansfield District Traction Company.  
The Mexborough and Swinton Traction Company Limited.  
The Midland General Omnibus Company Limited.  
Neath and Cardiff Luxury Coaches Limited.  
North Western Road Car Company Limited.  
The Northern General Transport Company Limited.  
Nottinghamshire and Derbyshire Traction Company.  
Newbury and District Motor Services Limited.  
Otley Omnibus Stations Limited.  
Park Royal Vehicles Limited.  
The Potteries Motor Traction Company Limited.  
Red and White Services Limited.  
The Rhondda Transport Company Limited.  
Ribble Motor Services Limited.  
Shamrock and Rambler Motor Coaches Limited.  
South Midland Motor Services Limited.  
The South Wales Transport Company Limited.  
Southdown Motor Services Limited.  
The Southern National Omnibus Company Limited.  
The Southern Vectis Omnibus Company Limited.  
T.H.C. Bus Nominees Limited.  
The Thames Valley Traction Company Limited.  
Thomas Brothers (Port Talbot) Limited.  
Throughways Transport Limited.

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Tillings Transport (T.H.C.) Limited.  
 A. Timpson and Sons Limited.  
 Trent Motor Traction Company Limited.  
 United Automobile Services Limited.  
 United Counties Omnibus Company Limited.  
 United Welsh Services Limited.  
 West Riding Automobile Company Limited.  
 West Yorkshire Road Car Company Limited.  
 The Western National Omnibus Company Limited.  
 Western Welsh Omnibus Company Limited.  
 Wilts and Dorset Motor Services Limited.  
 The Yorkshire Traction Company Limited.  
 Yorkshire Woollen District Transport Company Limited.

## SCHEDULE 8

Section 32.

### NEW BUS GRANTS—SUPPLEMENTARY PROVISIONS

- 1 Any person who for the purpose of an application for a grant under section 32 of this Act knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable—
- (a) on summary conviction to a fine not exceeding £400 ; or
  - (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.
- 2 The Minister may by notice require any person who has received a grant under the said section 32, and any person acting on his behalf, to furnish to the Minister such information, or to produce for examination on behalf of the Minister such books, records or other documents, as may be specified in the notice for the purpose of enabling the Minister to determine whether any condition subject to which the grant is made is satisfied or is being complied with or whether the grant has become repayable in whole or in part in accordance with any such condition.
- 3 A notice under paragraph 2 of this Schedule may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified; but the time specified in such a notice for furnishing any information or producing any document shall not be earlier than the end of the period of twenty-eight days beginning with the service of the notice.
- 4 A notice under paragraph 2 of this Schedule may be served—
- (a) by delivering it to the person on whom it is to be served;
  - (b) by leaving it at the usual or last known place of abode of that person;
  - (c) by sending it by registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode ; or
  - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it by registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

- 5 Any person who, in purported compliance with a notice under paragraph 2 of this Schedule, knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable—
- (a) on summary conviction to a fine not exceeding £400; or
  - (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.
- 6 Any person who without reasonable excuse fails to comply with a notice under paragraph 2 of this Schedule shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 or, on a second or subsequent conviction, £400.
- 7 Any person who without reasonable excuse fails to comply with any condition subject to which a grant was made to him under the said section 32 requiring him to inform the Minister of any event whereby the grant becomes repayable in whole or in part shall be guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding £400 ; or
  - (b) on conviction on indictment, to a fine.
- 8 Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 (time limit for proceedings), summary proceedings in England and Wales for an offence under paragraph 7 of this Schedule may be taken by the Minister or the Director of Public Prosecutions at any time within twelve months from the date on which evidence sufficient in the opinion of the Minister or the Director, as the case may be, to justify the proceedings comes to his knowledge but no such proceedings shall be taken more than three years after the commission of the offence.
- 9 Summary proceedings in Scotland for an offence under paragraph 7 of this Schedule shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, such proceedings may be commenced at any time within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Minister, within twelve months after the date on which it came to the Minister's knowledge; and subsection (2) of the said section 23 shall apply for the purposes of this paragraph as it applies for the purposes of that section.
- 10 For the purposes of paragraphs 8 and 9 of this Schedule, a certificate of the Minister, the Director of Public Prosecutions or the Lord Advocate, as the case may be, as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact.
- 11 (1) Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (2) In the foregoing sub-paragraph "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

## SCHEDULE 9

Section 65.

## TRANSPORT MANAGERS' LICENCES

*Classes of licences*

- 1        There shall be such classes of transport manager's licences as may be prescribed.

*Issue of licences*

- 2        (1) An application for a transport manager's licence shall be made to the licensing authority for the area in which the applicant resides or, if he does not reside in any area for which there is a licensing authority, to the licensing authority for the Metropolitan Traffic Area.
- (2) A person applying for a transport manager's licence shall give to the licensing authority, in such form as the authority may require, such information as the authority may reasonably require for the discharge of his duties in relation to the application, and in particular such information as he may require with respect to the following matters—
- (a) the previous experience (if any) of the applicant in connection with the operation or maintenance of vehicles of any description and the capacity in which that experience was gained;
  - (b) any transport manager's licence previously held by the applicant and any revocation or suspension of that licence ;
  - (c) any disqualification imposed on the applicant under paragraph 4(3) of this Schedule ;
  - (d) any position carrying direct responsibility for the operation and maintenance of goods vehicles which the applicant holds or has been offered.
- (3) On an application for a transport manager's licence the licensing authority shall consider whether the following requirements are satisfied in the case of the applicant, that is to say—
- (a) that he is a fit person to hold a transport manager's licence ;
  - (b) that he has such qualifications, experience and knowledge as may be prescribed in relation to the class of licence applied for; and
  - (c) unless he is exempted from this paragraph by regulations, that he has at some time during the period of ten years ending with the date of the application passed the test prescribed in relation to that class of licence or held a transport manager's licence of that class ;
- and, if the licensing authority is of opinion that those requirements are so satisfied, he shall, subject to sub-paragraph (4) of this paragraph, grant the licence applied for.
- (4) Until provision is made by regulations in relation to any class of licence for the test mentioned in paragraph (c) of the last foregoing sub-paragraph—
- (a) that sub-paragraph shall have effect in relation to any application for a licence of that class as if the said paragraph (c) were omitted ; and
  - (b) the licensing authority may refuse to grant such a licence unless the applicant holds, or is entitled under a contract to take up, a position carrying direct responsibility for the operation and maintenance of goods vehicles.

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- (5) In this paragraph references to responsibility for the operation of any vehicles include (without prejudice to the generality of that expression) references to responsibility for securing that the drivers of the vehicles are properly licensed and comply with Part VI of this Act or, so long as those sections remain in force, sections 73 and 186 of the Act of 1960.

#### *Duration of licences*

- 3 (1) Subject to sub-paragraph (2) of this paragraph, a transport manager's licence shall, unless previously revoked, continue in force for five years from the date on which it is expressed to come into force.
- (2) If at the date on which such a licence is due to expire, proceedings are pending before the licensing authority on an application by the holder of that licence for the grant to him of a new licence in substitution therefor, the existing licence shall continue in force until—
- (a) the application ; and
  - (b) any appeal under paragraph 5 of this Schedule arising out of the application,
- are disposed of, without prejudice however to the exercise in the meantime of the powers conferred by paragraph 4 of this Schedule.

#### *Revocation and suspension*

- 4 (1) Subject to the provisions of this paragraph, any licensing authority may direct that a transport manager's licence be revoked or suspended on the ground that the holder of the licence—
- (a) has been convicted of an offence specified in regulations ; or
  - (b) has by his act or omission contributed to the giving of a direction under section 69 of this Act in relation to an operator's licence held by him, by a person in whose employment he is, by a company of which he is a director or by a person in partnership with whom he operated the authorised vehicles ;
- and during any time of suspension the transport manager's licence shall be of no effect.
- (2) A licensing authority shall not give a direction under sub-paragraph (1) of this paragraph in respect of any licence unless he is satisfied that, owing to the frequency with which the holder of the licence has been guilty of offences, acts or omissions which are grounds for the giving of such a direction or to the facts of the particular case being for any other reason sufficiently serious, such a direction should be given.
- (3) Where a licensing authority directs that a transport manager's licence be revoked the authority may order the person who was the holder thereof to be disqualified, indefinitely or for such period as the authority thinks fit or until he has, since the date of the order, passed the appropriate test mentioned in paragraph 2(3)(c) of this Schedule, from holding or obtaining any, or any specified class of, transport manager's licence ; and so long as the disqualification is in force—
- (a) notwithstanding anything in paragraph 2 of this Schedule, no transport manager's licence or, as the case may be, no such licence of the specified class shall be granted to him and any such licence obtained by him shall be of no effect; and
  - (b) if he applies for or obtains such a licence he shall be liable on summary conviction to a fine not exceeding £50.

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- (4) A licensing authority who has made an order under sub-paragraph (3) of this paragraph may, in such circumstances as may be prescribed, cancel that order.
- (5) A licensing authority shall not exercise any of his powers under sub-paragraph (1) or (3) of this paragraph in respect of any licence or the holder of any licence without first holding an inquiry, if the holder of the licence requests him to do so.
- (6) A licensing authority may direct that any direction or order given or made by him under sub-paragraph (1) or (3) of this paragraph shall not take effect until the expiration of the time within which an appeal may be made to the Transport Tribunal against the direction or order and, if such an appeal is made, until the appeal has been disposed of; and if the licensing authority refuses to give a direction under this sub-paragraph the holder of the licence may apply to the tribunal for such a direction, and the tribunal shall give its decision on the application within fourteen days.

#### *Rights of appeal*

- 5 A person who—
- (a) being an applicant for a transport manager's licence, is aggrieved by the refusal of the application ; or
  - (b) being the holder of such a licence, is aggrieved by any direction or order of a licensing authority under paragraph 4(1) or (3) of this Schedule,
- may appeal to the Transport Tribunal.

#### *Regulations*

- 6 (1) The Minister may make regulations for any purpose for which regulations may be made under the foregoing provisions of this Schedule and for prescribing anything which may be prescribed thereunder and generally for the purpose of carrying those provisions into effect and may, in particular, by regulations—
- (a) make provision with respect to the test mentioned in paragraph 2(3)(c) of this Schedule and, in particular, the nature of the test, the qualifications, selection, appointment and removal of the persons by whom the test may be conducted, and evidence of the results of the test;
  - (b) require applicants for that test to have such qualifications, experience and knowledge as may be prescribed ;
  - (c) require the payment of a fee of a prescribed amount by a person who applies for that test and provide for the repayment of any such fee in the prescribed circumstances;
  - (d) provide for any question whether that test has in any particular case been properly conducted in accordance with the regulations to be determined by a magistrates' court or, in Scotland, the sheriff, and enable the court or the sheriff, on making such a determination, to exercise such powers as may be prescribed;
  - (e) provide that a person submitting himself for, but failing to pass, that test shall not be eligible to submit himself for another test before the expiration of a prescribed period, except under an order made by a court or sheriff by virtue of paragraph (d) of this sub-paragraph ;
  - (f) make provision for preventing a person holding more than one transport manager's licence of the same class and for facilitating the identification of holders of such licences;

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- (g) make provision with respect to applications for and the issue of transport managers' licences ;
  - (h) make provision with respect to the custody and production of transport managers' licences and require the return to a prescribed licensing authority of any such licence which has expired or been revoked or suspended;
  - (i) provide for the issue of a new transport manager's licence in place of a licence lost or defaced on payment of the prescribed fee;
- and different provision may be made by the regulations for different cases.
- (2) Any person who contravenes a provision of regulations under this paragraph, a contravention of which is declared by the regulations to be an offence, shall be liable on summary conviction to a fine not exceeding £20.

*Power to modify foregoing provisions*

- 7
- (1) The Minister may by regulations modify the foregoing provisions of this Schedule in any respect, or substitute for any of them such other provisions relating to transport managers' licences as may be specified in the regulations.
  - (2) Regulations under this paragraph may make different provision for different cases and may contain such transitional and supplementary provisions as the Minister thinks necessary or expedient.
  - (3) Regulations under this paragraph shall not increase any penalty specified in the foregoing provisions of this Schedule as originally enacted or create any offences other than offences punishable on summary conviction with a fine not exceeding £50 or any lesser amount specified in the regulations.

SCHEDULE 10

Section 94.

AMENDMENTS CONSEQUENTIAL ON PART V

**PART I**

THE ROAD HAULAGE WAGES ACT 1938

| <i>Provision</i>                              | <i>Amendment</i>   |
|---|--|
| Section 4(2) (work to which Part II applies). | <p>After the word " 1933 " there shall be inserted the words " or (not being so specified) used wholly or mainly for a purpose for which, but for section 93 of the Transport Act 1968 (exemption for certain vehicles), such a licence would be required ".</p> <p>At the end of the proviso there shall be added the words " or to work in connection with a vehicle which is being used by, or by a subsidiary of, any of the Boards established by section 1 of the Transport Act 1962, by, or by a subsidiary of, the</p> |

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| <i>Provision</i>   | <i>Amendment</i>   |
|--|--|
|  | National Freight Corporation, the National Bus Company or the Scottish Transport Group or by a subsidiary of the Transport Holding Company ".  |
| <b>THE TRIBUNALS AND INQUIRIES ACT 1958</b>                                    |  |
| Schedule 1, paragraph 21(b) (tribunals relevant for the purposes of that Act). | For the words "Part I of the Road and Rail Traffic Act 1933 " there shall be substituted the words " Part IV of the Road Traffic Act 1960 or Part V of the Transport Act 1968 ".   |
| <b>THE ROAD TRAFFIC ACT 1960</b>   |  |
| Section 123 (appointment of deputies to traffic commissioners).                | In subsections (2) and (3) the references to Part IV of the Act of 1960 shall include references to Part V of this Act.  |
| Section 183(1) (powers of vehicle examiners).                                  | The reference to Part IV of the Act of 1960 shall include a reference to Part V of this Act.   |
| Section 232(1)(b) (duty to give information as to identity of driver).         | The reference to section 164(1) of the Act of 1960 shall include a reference to sections 60 and 71 of this Act.  |
| Section 233(1) (forgery of documents etc.).                                    | In paragraph (a) the reference to any licence under any Part of the Act of 1960 shall include a reference to any licence or authorisation under Part V of this Act or Schedule 9 thereto.<br><br>In paragraph (c) the reference to Part IV of the Act of 1960 shall include a reference to Part V of this Act, and that paragraph shall be deemed to include a reference to any means of identification required to be carried on, or by the driver of, a vehicle in pursuance of the provisions of the said Part V relating to special authorisations.<br><br>In paragraph (d) the reference to Part IV of the Act of 1960 shall include a reference to Part V of this Act. |
| Section 235(1) (false statements in connection with licences).                 | The reference to a licence under any Part of the Act of 1960 shall include a reference to any licence or authorisation under Part V of this Act or Schedule 9 thereto.   |
| Section 247 (destination of fines).  | References to the Act of 1960 or the foregoing provisions thereof shall include references to Part V of this Act and Schedule 9 thereto.   |



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| Sections 248 and 249 (inquiries).                       | The references to the Act of 1960 shall include references to Part V of this Act and Schedule 9 thereto.  |
| Section 255 (method of calculating weight of vehicles). | The reference to the Act of 1960 shall include a reference to Part V of this Act.   |
| Section 263(1)(protection of public interests).         | The reference to Part IV of the Act of 1960 shall include a reference to Part V of this Act and Schedule 9 thereto and the references to a licence shall include references to a special authorisation. |
| Section 269 (saving for law of nuisance).               | The reference to the Act of 1960 shall include a reference to Part V of this Act.   |

## THE TRANSPORT ACT 1962

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|---|---|
| Section 57 (the Transport Tribunal).  | In subsections (4) and (5) the references to Part IV of the Act of 1960 shall include references to Part V of this Act and Schedule 9 thereto.<br><br>In subsection (4) after the words " shall consist" there shall be inserted the words " except for the purpose of exercising the jurisdiction of the tribunal under Part V of, or Schedule 9 to, the Transport Act 1968 ". |
| Schedule 10, paragraphs 6(1) and 9(b) (special panel and expenses of tribunal). | The references to Part IV of the Act of 1960 shall include references to Part V of this Act and Schedule 9 thereto.   |

## PART II

AMENDMENTS AS FROM APPOINTED DAY FOR PURPOSES OF S. 94(8)

### THE ROAD HAULAGE WAGES ACT 1938

| <i>Provision</i>   | <i>Amendment</i>   |
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| Section 4(2) (work to which Part II applies).  | For the words from " specified" to the beginning of the proviso there shall be substituted the words " specified in an operator's licence granted under Part V of the Transport Act 1968 or (not being so specified) used wholly or mainly for a purpose for which, but for section 60(2)(a) of that Act (exemption for small vehicles), such a licence would be required ". |
| Section 7(8) (enforcement of payment of statutory remuneration where vehicle is used without carrier's licence). | For the words from " Part I " to " required" there shall be substituted the words " Part V of the Transport Act 1968 of using a goods  |

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| <i>Provision</i>             | <i>Amendment</i>   |
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| Section 15 (interpretation). | <p>vehicle for a purpose for which an operator's licence is required " and for the words " specified in an A licence, a B licence or a C licence granted under that Act as the case may be " there shall be substituted the words " specified in an operator's licence granted under the said Part V ".</p> <p>In subsection (1), the words "A licence ", " B licence " and " C licence " shall be omitted, and for the words " Part I of the Road and Rail Traffic Act 1933 " there shall be substituted the words " Part V of the Transport Act 1968 ".</p> <p>In subsection (2), for the words " paragraph (b) or paragraph (c) of subsection (6) of section 2 of the Road and Rail Traffic Act 1933 " there shall be substituted the words " paragraph (b) or (c) of section 61(1) of the Transport Act 1968 ", the words from " being a motor vehicle " to " trailer " shall be omitted and for the words " specified in an A licence or a B licence " there shall be substituted the words " specified in an operator's licence ".</p> <p>In the proviso, paragraphs (a) and (b) shall be omitted and, in paragraph (c), the words " whatever classes of such licences are held " shall be omitted and for the words " Part I of the said Act " there shall be substituted the words " Part V of the Transport Act 1968 ".</p> |

#### THE ROAD TRAFFIC ACT 1960

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| Section 123(2) and (3) (appointment of deputies to traffic commissioners).                           | For the references to Part IV of the Act of 1960 there shall be substituted references to Part V of this Act.  |
| Section 183(1) (powers of vehicle examiners).  | For the reference to Part IV of the Act of 1960 there shall be substituted a reference to Part V of this Act.  |
| Section 185(4) (notification of withdrawal or removal of prohibition of use of unfit goods vehicle). | For the words " to the licensing authority by whom the carrier's licence was granted " there shall be substituted the words " within the meaning of Part V of the Transport Act 1968, to the licensing authority by whom the operator's licence (within the meaning of the said Part V) was granted for the vehicle ". |
| Section 191(1)   | After the definition of " goods vehicle " there shall be inserted the words " ' licensing  |

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|  | authority' means a licensing authority for the purposes of Part V of the Transport Act 1968 ".   |
| Section 232(1)(b) (duty to give information as to identity of driver).                   | For the words " any offence under subsection (1) of section 164 " there shall be substituted the words " any offence under section 60 or 71 of the Transport Act 1968 ". |
| Section 233(1) (forgery of documents etc.).  | In paragraphs (c) and (d), for the references to Part IV of the Act of 1960 there shall be substituted references to Part V of this Act.                                 |
| Section 263(1)(protection of public interests).  | For the reference to Part IV of the Act of 1960 there shall be substituted a reference to Part V of this Act and Schedule 9 thereto.                                     |
| Section 265(2) (construction of references to licensing authorities for goods vehicles). | For the words "Part IV of this Act" there shall be substituted the words " Part V of the Transport Act 1968 ".   |

#### THE TRANSPORT ACT 1962

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| Section 57 (the Transport Tribunal).  | In subsection (4), for the words " Part IV of the Road Traffic Act 1960 (which relates to road carriers' licences)" there shall be substituted the words " Part V of, and Schedule 9 to, the Transport Act 1968 (which relate to the regulation of the carriage of goods by road) ". |
|   | In subsection (5), for the words " Part IV of the Road Traffic Act 1960 " there shall be substituted the words " Part V of, or Schedule 9 to, the Transport Act 1968 ".  |
| Schedule 10, paragraphs 6(1) and 9(b) (special panel and expenses of tribunal). | For the words "Part IV of the Road Traffic Act 1960" there shall be substituted the words " Part V of, and Schedule 9 to, the Transport Act 1968 ".  |

#### THE ROAD SAFETY ACT 1967

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| Section 16(8)(b) (notification of prohibition of driving of unfit goods vehicle). | For the words from "Part IV of the principal Act" to the end there shall be substituted the words " Part V of the Transport Act 1968, of the licensing authority by whom the operator's licence (within the meaning of the said Part V) was granted for the vehicle ". |
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SCHEDULE 11

Section 103.

AMENDMENTS CONSEQUENTIAL ON PART VI

THE ROAD HAULAGE WAGES ACT 1938

| <i>Provision</i>                          | <i>Amendment</i>  |
|---|---|
| Section 11(1)(a) (production of records). | For the words " section 16 of that Act" there shall be substituted the words " Part VI of the Transport Act 1968 ". |

THE ROAD TRAFFIC ACT 1960

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| Section 232(1) (duty to give information as to identity of driver). | The word " and " at the end of paragraph (d) shall be omitted and after paragraph (e) there shall be added “and<br><div style="text-align: center;">(f) to any offence under Part VI of the Transport Act 1968”.</div>  |
| Section 244 (time for commencing summary proceedings).              | The words " an offence under section 234 thereof consisting in the alteration of an entry made in a record under section 186 thereof" shall be omitted and after the words " 236 thereof " there shall be inserted the words " or an offence under section 99(5) of the Transport Act 1968 ".   |
| Section 247 (destination of fines).                                 | References to the Act of 1960 or the foregoing provisions thereof shall include references to Part VI of this Act.  |
| Section 255 (method of calculating weight of vehicles).             | The reference to the of Act 1960 shall include a reference to Part VI of this Act.  |
| Section 259(1) (exclusion for tramcars and trolley vehicles).       | For the word " None" there shall be substituted the words " Neither Part VI of the Transport Act 1968 nor any " and the words " and 73 " shall be omitted.  |
| Schedule 14 (matters relevant to grant or revocation of licences).  | Paragraph 1 shall have effect, except as respects convictions before the day on which sections 96 and 98 of this Act come into force, with the omission of sub-paragraph (c) and, in sub-paragraph (d), the words "hours of work"; and after that paragraph there shall be inserted—<br><div style="text-align: center;">“1A      A conviction, in relation to an authorised vehicle, of the holder of the licence or a servant or agent of his under section 96, 97 or 98 of the Transport Act 1968.”.</div> |

## THE WAGES COUNCILS ACT 1959

Section 19(3)(b) (production of records).

For the words " section 16 of that Act" there shall be substituted the words " Part VI of the Transport Act 1968 ".

## SCHEDULE 12

Section 104.

### COMMERCIAL AND CRUISING WATERWAYS

#### PART I

##### COMMERCIAL WATERWAYS

The main navigable channels of the following waterways:—

The Aire and Calder Navigation from the tail of River Lock, Leeds, and from the Calder and Hebble navigation at Wakefield, to its entrance to Goole Docks and to its junction with the River Ouse at Selby.

The Calder and Hebble Navigation from the tail of Greenwood Lock to its junction with the Aire and Calder Navigation at Wakefield.

The Caledonian Canal.

The Crinan Canal.

The Sheffield and South Yorkshire Navigation from the tail of the bottom lock at Tinsley to its junction with the River Trent at Keadby.

The New Junction Canal connecting the Sheffield and South Yorkshire Navigation with the Aire and Calder Navigation.

The Trent Navigation from the tail of Meadow Lane Lock, Nottingham, to Gainsborough Bridge.

The Weaver Navigation and the Weston Canal from Winsford Bridge to the junctions with the Manchester Ship Canal at Marsh Lock and at Delamere Dock.

The River Severn from Stourport to its junction with the Gloucester and Sharpness Canal at Gloucester.

The Gloucester and Sharpness Canal.

The River Lee Navigation from Hertford to the River Thames at Limehouse and to the tail of Bow Locks.

#### PART II

##### CRUISING WATERWAYS

The main navigable channels of the following waterways:—

The Ashby Canal from its junction with the Coventry Canal to Snarestone.

The Birmingham Canal from its junction with the Birmingham and Fazeley Canal at Farmer's Bridge and from its junction with the Worcester and Birmingham Canal at Worcester Bar to its junction with the Staffordshire and Worcestershire Canal at Aldersley by way of the Birmingham level as far as the head of Factory Locks, Tipton, and thence

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by way of the Wolverhampton Level, including the branch leading to its junction with the Stourbridge Canal at Black Delph by way of the Netherton Tunnel.

The Birmingham and Fazeley Canal from its junction with the Birmingham Canal at Farmer's Bridge to its junction with the Trent and Mersey Canal at Fradley, including the detached portion of the Coventry Canal between Huddlesford Junction and Fradley Junction and the Digbeth branch.

The Calder and Hebble Navigation from Sowerby Bridge to the tail of Greenwood Lock, including the Huddersfield Broad Canal to Aspley Basin.

The Chesterfield Canal from the tail of Morse Lock, Worksop, to its junction with the River Trent.

The Coventry Canal from its junction with the Birmingham and Fazeley Canal at Fazeley to Coventry.

The Erewash Canal from Tamworth Road Bridge to its junction with the River Trent.

The Fossdyke Navigation.

The Grand Union Canal from its junctions with the Birmingham and Fazeley Canal at Digbeth and Salford to its junctions with the River Thames at Brentford and at Regent's Canal Dock, including the branches to Northampton and Aylesbury and the Hertford Union Canal leading to the River Lee at Old Ford.

The Grand Union Canal from Leicester to Norton Junction, including the branch to Market Harborough.

The Kennet and Avon Canal from High Bridge, Reading, to the tail of Tyle Mill Lock, and from the head of Bull's Lock to the tail of Hamstead Lock, and from the tail of Hanham Lock to the tail of the bottom lock at Bath.

The Lancaster Canal from Preston to Tewitfield, including the branch to Glasson Dock.

The Leeds and Liverpool Canal from Old Roan Bridge, Aintree, to Leeds, including the branches to Tarleton and Leigh.

The Macclesfield Canal.

The Oxford Canal from its junction with the Grand Union Canal at Braunston to its junction with the Coventry Canal at Hawkesbury and from its junction with the Grand Union Canal at Napton to Oxford, including the branch to the River Thames.

The Peak Forest Canal from the top of Marple Locks to Whaley Bridge.

The Ripon Canal from its junction with the River Ure to the tail of Littlethorpe Lock.

The Shropshire Union Canal from its junction with the Manchester Ship Canal at Ellesmere Port to its junction with the Staffordshire and Worcestershire Canal at Atherley, including the branches to the River Dee at Chester, to Llantisilio and to Middlewich.

The River Soar Navigation from its junction with the River Trent to Leicester.

The Staffordshire and Worcestershire Canal.

The River Stort Navigation.

The Stourbridge Canal from its junction with the Birmingham Canal at Black Delph to its junction with the Staffordshire and Worcestershire Canal at Stourton.

The Stratford-on-Avon Canal from its junction with the Worcester and Birmingham Canal at King's Norton to its junction with the Grand Union Canal at Kingswood.

The Trent and Mersey Canal, including the branch to Hall Green.

The Trent Navigation from Shardlow to the tail of Meadow Lane Lock, Nottingham, by way of the Beeston Canal and part of the Nottingham Canal and including the branch to the River Soar and the length of the River Trent from its junction with the Nottingham Canal to Beeston Weir.

The River Ure Navigation from its junction with the Ripon Canal to Swale Nab.

The Witham Navigation from Lincoln to Boston.

The Worcester and Birmingham Canal.

## SCHEDULE 13

Sections 104, 105 and 112.

### ORDERS RELATING TO INLAND WATERWAYS

#### *Preliminary*

- 1 Before making an order under section 104(3), 105(3) or 112 of this Act the Minister shall comply with the requirements of this Schedule applicable to that order and may then make the order as originally proposed or with such modifications as he thinks fit.

#### *Consultation*

- 2 (1) In the case of a proposed order under section 104(3) adding to or reducing the waterways in Part I of Schedule 12 to this Act, the Minister shall consult with any organisation appearing to him to represent persons operating, or (in relation to a waterway which is to be added) desiring to operate, commercial freight-carrying vessels on the waterway in respect of which the order is to be made.

- (2) In the case of a proposed order under section 104(3)—  
(a) adding to or reducing the waterways in Part II of that Schedule ; or  
(b) removing from Part I without adding to Part II thereof a waterway which is to a substantial extent used by cruising craft,

the Minister shall consult with the Inland Waterways Amenity Advisory Council, consultation in a case within paragraph (b) above being limited to the effect of the proposed order on such use as is mentioned in that paragraph.

- 3 In the case of a proposed order under section 105(3)—  
(a) in respect of a commercial waterway or any part thereof, the Minister shall consult—  
(i) with any organisation appearing to him to represent persons operating commercial freight-carrying vessels on that waterway or part ; and  
(ii) if the waterway or part is to a substantial extent used by cruising craft, with the said Council as to the effect of the proposed order on such use as aforesaid ;  
(b) in respect of a cruising waterway or any part thereof, the Minister shall consult with the said Council.

- 4 In the case of a proposed order under section 112 in respect of a canal or part of a canal (within the meaning of that section) which appears to the Minister to be used to a significant extent for the purpose of navigation, the Minister shall consult with any organisation appearing to him to represent persons using it as aforesaid.

#### *Publication of proposed orders and consideration of objections*

- 5 (1) In the case of a proposed order under section 104(3), 105(3) or 112 in respect of any waterway the Minister shall—

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- (a) publish in the London Gazette (or, if the waterway is situated in Scotland, the Edinburgh Gazette), in a national newspaper and in one or more local newspapers circulating in the area in which the waterway is situated ; and
  - (b) cause to be displayed in one or more places adjacent to the waterway, a notice containing a statement—
    - (i) of the general effect of the proposed order; and
    - (ii) that objections to the order can be made to him within such time (not being less than twenty-eight days) and in such manner as is specified in the notice ;
 and shall consider any such objection which is duly made and not withdrawn, and, if he has caused an inquiry to be held in connection with the proposed order, the report of the person holding it.
- (2) The holding of an inquiry shall be obligatory—
- (a) in connection with—
    - (i) a proposed order under section 104(3) removing a waterway from Part I of Schedule 12 to this Act, or removing a waterway from Part II of that Schedule without adding it to Part I thereof;
    - (ii) a proposed order under section 105(3) ;
    - (iii) a proposed order under section 112,
 if an objection is duly made to the proposed order (and is not withdrawn) by a local authority or a river authority ;
  - (b) in connection with any such proposed order as aforesaid relating to a waterway which appears to the Minister to have been used to a significant extent for the purpose of navigation at the time when notice of the proposed order was published, if an objection is duly made to the proposed order (and is not withdrawn) by any organisation appearing to him to represent a substantial number of persons using it as aforesaid at that time.
- (3) In this paragraph " waterway " means, in relation to an order under section 104(3) or 105(3), the waterway or part thereof in respect of which the order is to be made and, in relation to an order under section 112, the canal or part thereof (within the meaning of that section) in respect of which the order is to be made.

#### *Interpretation*

- 6 In this Schedule " cruising craft " has the meaning assigned by section 105(1)(b) of this Act.

### SCHEDULE 14

Sections 126, 129 and 130.

#### AMENDMENTS OF ROAD TRAFFIC REGULATION ACT 1967

### PART I

#### SUBSECTIONS TO BE INSERTED IN SECTION 1

- “(3B) A traffic regulation order may make provision for identifying any part of any road to which, or any time at which or period during which, any provision contained in the order is for the time being to apply by means of a traffic sign of a type or character specified



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in the order (being a type prescribed or character authorised under section 54 of this Act) and for the time being lawfully in place; and for the purposes of any such order so made any such traffic sign placed on or near a road shall be deemed to be lawfully in place unless the contrary is proved.

- (3C) A traffic regulation order which imposes any restriction upon the use by vehicles of a road, or the waiting of vehicles in a road, may include provision with respect to the issue and display of certificates or other means of identification of vehicles which are excepted from the restriction, whether generally or in particular circumstances or at particular times.
- (3D) A traffic regulation order may also include provision with respect to the issue, display and operation of devices (to be approved either generally or specially by the appropriate Minister) for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, any place in a road in which waiting is restricted by the order, or one or other of those times, and for treating the indications given by any such device as evidence of such facts and for such purposes as may be prescribed by the order.”

## PART II

### SECTION TO BE INSERTED AFTER SECTION 26

#### **“26A Power of local authorities in Greater London to prohibit traffic on roads to be used as playgrounds.**

- (1) Subject to the provisions of this section, the council of a London borough or the Common Council of the City of London shall have power, for the purpose of enabling roads within their area in respect of which they are the highway authority to be used as playgrounds for children, to make an order prohibiting or restricting, subject to such exceptions and conditions as to occasional user or otherwise as may be specified in the order, the use of any specified road by vehicles, or by vehicles of any specified class, either generally or on particular days or during particular hours.
- (2) An order made under this section with respect to a road shall make provision for permitting reasonable access to premises situated on or adjacent to it.
- (3) No order made under subsection (1) above shall be of any effect unless and until it is confirmed by the Greater London Council who, if they confirm it, may confirm it either without modification or subject to such modifications as they think fit, but that Council shall not confirm an order until twenty-eight days at least have elapsed since the making of the order and, before confirming it, shall consider any objections which may have been made to them against the order and, if they think fit, may cause a public inquiry to be held.
- (4) Without prejudice to section 84D of this Act, the Greater London Council may at any time after giving notice in writing to the authority by whom an order under subsection (1) above was made, and after holding, if the Council think fit, a public inquiry, by order of the Council vary or revoke the authority's order.
- (5) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of an order in force under this section shall be liable on summary conviction to a fine not exceeding £50.

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- (6) The Greater London Council may make regulations for prescribing the procedure to be followed in connection with the making of orders by any other authority under this section and the confirmation thereof and for prescribing the manner in which that other authority shall publish notice of the fact that any such order has been made and confirmed and of its effect.”

### PART III

#### SECTION TO BE INSERTED AFTER SECTION 56

#### “56A Power of certain traffic authorities in respect of traffic signs.

- (1) This section applies to any authority having power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 12, 15, 26, 26A, 28, 31, 33, 35, 36, 37(2) and (3), 73(3) and 74, or an order as respects a road outside Greater London under section 9 of this Act.
- (2) Without prejudice to any powers conferred by or under any other provision of this Act, but subject to subsection (3) below, an authority to whom this section applies may place and maintain, or cause to be placed and maintained, such traffic signs of any type prescribed or character authorised under section 54 of this Act as the authority may consider necessary in connection with any such order as aforesaid made by the authority as respects any road ; but if the order is made by an authority other than the highway authority for that road, the authority by whom the order was made—
- (a) shall consult with the highway authority as to the placing of the signs ; and
  - (b) unless the highway authority are unwilling so to do, shall enter into arrangements with the highway authority for the signs to be placed and maintained by the highway authority.
- (3) The powers conferred by subsection (2) above on an authority to whom this section applies shall be exercisable subject to and in conformity with any general directions given under section 55(1) of this Act whether or not that authority is a highway authority; and any other power conferred by the said section 55 to give directions to a highway authority shall include power to give the like directions to any authority to whom this section applies.
- (4) In relation to an order under section 15 or 33 of this Act, the appropriate Minister for the purposes of any directions under the said section 55 by virtue of subsection (3) above shall, notwithstanding anything in section 104(1) or section 108 of this Act, in all cases be the Minister of Transport.”

### PART IV

#### AMENDMENTS OF SECTIONS 35 TO 40

- 1 For section 35(1) there shall be substituted the following:—

“(1) Subject to sections 84A, 84B and 84C of this Act, the following authority, namely—

- (a) as respects any part of Greater London, the Greater London Council on the application of the local authority;

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- (b) as respects any other area, the local authority with the consent, if they are not the highway authority for the highway in question, of that highway authority,  
may by order designate parking places on highways in the local authority's area for vehicles or vehicles of any class) specified in the order, and the local authority may make charges for vehicles left in any parking place so designated of such amount as is prescribed under section 36 of this Act.”
- 2 In section 35(2), for the words " the Minister " there shall be substituted the words " the authority concerned " and for the word " he " there shall be substituted the words " that authority " .
- 3 In section 35(3), for the words " a local authority of their " there shall be substituted the words " any authority of " .
- 4 In section 35(4), after the words " London borough " there shall be inserted the words " or, in Scotland, a county council or a town council " .
- 5 For section 35(5) to (7) there shall be substituted the following :—
- “(5) If it appears to the Greater London Council, without any application being made by the local authority, that it is expedient that parking places be designated under this section on highways at any sites in Greater London, then, subject to sections 84A, 84B and 84C of this Act, they may by order designate those parking places for vehicles or vehicles of any class specified in the order, and may make charges for vehicles left in any parking place so designated of such amount as is prescribed under section 36 of this Act; and—
- (a) in relation to parking places designated by virtue of this subsection references in sections 36 and 37 of this Act to the local authority shall be construed as references to the Greater London Council;
- (b) if the Greater London Council enter into an agreement with the local authority for the transfer to the local authority of the operation of any parking place so designated, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, the Greater London Council in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Greater London Council) as may be so specified ;
- (c) from the taking effect of any such transfer of the operation of a parking place the order designating the parking place shall have effect subject to such modifications (if any) as the Greater London Council may direct, being modifications appearing to them requisite in consequence of the transfer, and the provisions of this section and sections 36, 37, 42 and 44 of this Act shall thereafter apply as if the parking place had been designated by order made on the application of the local authority.
- (6) Where an order has been made under paragraph (a) of subsection (1) above on the application of a local authority, an order under that paragraph by virtue of section 84D(1) of this Act varying or revoking the first-mentioned order may be made without such an application.
- (7) Subject to sections 84A, 84B and 84C of this Act, in any case where it appears to the authority concerned to be expedient so to do having regard to

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any objections duly made in respect of proposals made by that authority for a designation order or, where that authority are the Greater London Council, in respect of an application made to that Council for such an order, they may, if they think fit, make an interim order pursuant to the proposals or application in respect of any one or more of the sites affected or in respect of any part of any of those sites and postpone for further consideration the making of any further order in pursuance of the proposals or application.”

- 6 In section 36(1), for the words from the beginning to " section 35 of this Act" there shall be substituted the words " Subject to sections 84A, 84B and 84C of this Act, the authority by whom a designation order is made shall by order prescribe any charges to be paid for vehicles left in a parking place designated by tile order ".
- 7 In section 36(2), for the words from the beginning to " section 35 of this Act" there shall be substituted the words " Subject to the said sections 84A, 84B and 84C, the authority by whom a designation order is made may by order make such provision as may appear to that authority to be necessary or expedient for regulating or restricting the use of any parking place designated by the order ".
- 8 In section 36(2)(e), for the words " of the appropriate Minister " there shall be substituted the words " relating to the parking place ".
- 9 In section 37(3)—
- (a) for the words from the beginning to "Minister" there shall be substituted the words " Subject to sections 84A, 84B and 84C of this Act, the authority by whom a parking place is designated under section 35 of this Act ";
  - (b) for the words " a parking place designated under section 35 of this Act" and for the words " such a parking place " in both places where they occur there shall in each case be substituted the words " the parking place ".
- 10 In section 37(5), at the end there shall be added the words " and in this subsection the expression ' prescribed' means prescribed by order of the appropriate Minister made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and the power to make an order under this subsection shall include power to make an order varying or revoking any previous order thereunder ".
- 11 In section 39(1), for the words "appropriate Minister considers " there shall be substituted the words " authority making the order may consider ".

## PART V

### SECTIONS TO BE INSERTED AFTER SECTION 84

#### “84A Reserve powers of appropriate Minister as to certain orders.

- (1) Subject to subsection (5) below and to section 84C(7) of this Act—
- (a) the Minister may, after consultation with the Greater London Council, give to that Council with respect to any of the following provisions of this Act, namely, sections 6, 9, 31, 33, 35, 36, 37(2) and (3), 73(3) and 74, and
  - (b) in the case of any other local authority, being an authority who have power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 9, 15, 28, 31, 33, 35, 36, 37(2) and (3), 39, 73(3) and 74 (hereafter in this section referred to as an "authorised authority"), the

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appropriate Minister may, after consultation with the authorised authority, give to that authority with respect to any of those provisions,

a direction—

- (i) requiring the Council or authority to make an order under or by virtue of the provision or provisions in question for a specified purpose and coming into operation before the expiration of a specified period ; or
- (ii) prohibiting the Council or authority (either generally or without that Minister's consent or for a specified period) from making or bringing into operation an order under or by virtue of the provision or provisions in question with respect to specified matters or a specified area.

(2) Any power to make an order conferred on the Greater London Council by any of the provisions referred to in paragraph (a) or conferred on an authorised authority by any of the provisions referred to in paragraph (b) of subsection (1) above shall be exercisable by the appropriate Minister as well as by the Council or authority, and where that Minister has made an order by virtue of this subsection—

- (a) then, so far as appears to him necessary in order to make the order effective, he, or (except where the power is a power of the Greater London Council) any other local authority with whom he may make arrangements for the purpose, shall have power to do anything which the Council or, as the case may be, the authorised authority would have had power to do if the order had been made by them; and
- (b) he may recover from the Council or, as the case may be, from the authorised authority summarily as a civil debt any expenses incurred by him by virtue of paragraph (a) above;

but no Minister shall make any order by virtue of this subsection except for the purpose of securing the object of a direction given to the Greater London Council or an authorised authority under subsection (1) above with which that Council or authority have failed to comply.

(3) Where by virtue of subsection (2) above a parking place has been designated under section 35(1) or (5) of this Act by an order of the appropriate Minister, then—

- (a) if that Minister, with the consent of the Treasury, enters into an agreement with the local authority within the meaning of that section or, in the case of an order under the said section 35(5), with the local authority or the Greater London Council for the transfer to that authority or Council of the operation of that parking place, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, that Minister in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by that Minister) as may be so specified;
- (b) from the taking effect of any such transfer of the operation of the parking place the order designating the parking place shall have effect subject to such modifications (if any) as that Minister may direct, being modifications appearing to him requisite in consequence of the transfer, and the provisions of the said section 35 and sections 36, 37, 42 and 44 of this Act shall thereafter apply as if the parking place had been designated under the said section 35(1) by an order made by, or on the application of, the local authority or, where the transfer is to the Greater London Council, under the said section 35(5) by an order made by that Council.

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- (4) Without prejudice to any power to make an order for the like purpose by virtue of subsection (2) above and section 84D of this Act, but subject to subsection (5) below, the appropriate Minister may, after giving notice to the Greater London Council or, as the case may be, the authorised authority concerned and holding, if he thinks fit, a public inquiry, by order vary or revoke any order made or having effect as if made under or by virtue of any of the provisions referred to in subsection (1)(a) or (b) above.
- (5) No Minister shall give any direction under subsection (1) above or, subject to subsection (6) below, make any order under subsection (4) above unless he is satisfied, having regard to any matters appearing to him to be relevant, that the duty under section 84(1) of this Act of the Greater London Council or, as the case may be, of the authorised authority concerned is not being satisfactorily discharged by that Council or authority and that the giving of the direction or, as the case may be, the making of the order is necessary in order to secure compliance with that duty.
- (6) The appropriate Minister may make an order under subsection (4) above notwithstanding that he is not satisfied as mentioned in subsection (5) above if he is satisfied, having regard to any matters appearing to him to be relevant, that there are special circumstances which make it expedient that the order should be made.
- (7) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport,
- (8) In its application to Scotland, subsection (2)(b) above shall have effect as if the words "summarily as a civil debt" were omitted.

#### **84B Consent of appropriate Minister to certain orders.**

- (1) Where in the case of any order proposed to be made by a local authority other than the Greater London Council under or by virtue of any of the following provisions of this Act, namely, sections 1, 5, 9, 15, 26, 28, 31, 33, 35, 36, 37, 73(3) and 74, it is proposed to include in the order any provision—
  - (a) so prohibiting or restricting the use of a road as to prevent for more than eight hours in any period of twenty-four hours access for vehicles of any class to any premises situated on or adjacent to that road or any other premises accessible for vehicles of that class from, and only from, that road; or
  - (b) applying to a trunk road; or
  - (c) directing that a principal road shall be, or cease to be, a restricted road for the purposes of section 71 of this Act; or
  - (d) in the case of an order for the purposes of section 74(1) of this Act—
    - (i) applying to a principal road ; or
    - (ii) applying to any road a speed limit of less than 30 miles an hour ; or
  - (e) varying or revoking within twelve months of its making any order made by, or made in pursuance of a direction given by, the appropriate Minister ; or
  - (f) making provision as respects any length of road for any purpose within twelve months after the date when a previous order made as respects that length of road for a similar purpose was varied or revoked by an order made by, or made in pursuance of a direction given by, the appropriate Minister; or
  - (g) varying or revoking an order under section 1 of this Act as respects a road which is not a trunk road made by the appropriate Minister on the application of the governing body of a university,

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then, except where the provision is to be included in pursuance of a direction under section 84A(1) of this Act, the order shall not be made except with the consent of the appropriate Minister.

- (2) Where in the case of any order proposed to be made by the Greater London Council under or by virtue of any of the following provisions of this Act, namely, sections 6, 9, 31, 33, 35, 36, 37, 73(3) and 74, it is proposed to include in the order any provision such as is mentioned in paragraphs (b) to (f) of subsection (1) above, then, except where the provision is to be included in pursuance of a direction under section 84A(1) of this Act, the order shall not be made except with the consent of the Minister.
- (3) The appropriate Minister may by order add to or remove from the orders for which his consent is required by the foregoing provisions of this section such orders made by such local authorities for such purposes or in such circumstances as he may see fit to specify in his order ; but—
  - (a) no order under this subsection removing any order from the orders for which the Minister's consent is for the time being required under this section shall be made unless a draft of the order has been approved by resolution of each House of Parliament; and
  - (b) any other order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) The appropriate Minister may, in consenting to any order submitted to him for his consent under this section, consent to that order either in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the local authority in question and other persons likely to be concerned.
- (5) The appropriate Minister may by order grant a general consent to the making of orders requiring his consent under this section—
  - (a) of such descriptions, or
  - (b) with respect to such matters only, or
  - (c) made by such local authorities or by authorities of such classes or descriptions, or
  - (d) made in such circumstances, or
  - (e) complying with such requirements,as may be specified in the order; but any order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The power to make an order conferred by subsection (3) or (5) above shall be exercisable by statutory instrument and shall include power to make an order under that subsection varying or revoking any previous order made thereunder.
- (7) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.
- (8) In subsection (1)(c) and (d) above, the expression "principal road" means a road for the time being classified as a principal road—

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- (a) by the Minister under section 27(2) of the Local Government Act 1966 for the purposes of advances under section 235 of the Highways Act 1959 ; or
- (b) by the Secretary of State under section 28(2) of the Local Government (Scotland) Act 1966 for the purposes of advances under section 8 of the Development and Road Improvement Funds Act 1909.

**84C Procedure as respects certain orders and consents.**

- (1) Without prejudice to any further requirements contained in any regulations made under the subsequent provisions of this section, and except where the order is made in pursuance of a direction given by the appropriate Minister under section 84A(1) of this Act, before the Greater London Council or any other local authority make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 5, 6, 9, 15, 26, 26A, 28, 31, 33, 35, 36, 37, 73(3) and 74, they shall consult with the chief officer of police of any police area in which any road or other place to which the order is to relate is situated; and if the order in question falls to be submitted to the appropriate Minister for his consent under section 84B of this Act, the authority shall so consult before so submitting the order.
- (2) The appropriate Minister may make regulations as respects orders of a local authority other than the Greater London Council under any of the provisions referred to in subsection (1) above other than section 26A for providing the procedure to be followed in connection with the making of such orders, the submission of such orders for the consent of the appropriate Minister, where such submission is required, and the consideration by that Minister of any such order submitted to him; and the appropriate Minister shall by regulations under this subsection make such, if any, provision as he considers appropriate with respect to—
  - (a) the publication of any proposal for the making of such an order;
  - (b) the making and consideration of objections to any such proposal; and
  - (c) the publication of notice of the making of the order and of its effect.
- (3) Without prejudice to the generality of subsection (2) above, regulations under that subsection may include provision—
  - (a) as to the form of any such order as is mentioned in that subsection;
  - (b) for the holding of inquiries for the purposes of any such order, and as to the appointment of the person by whom any such inquiry is to be held ;
  - (c) for the making of modifications in any such order, whether in consequence of any objections or otherwise, before the' order is made;
  - (d) requiring any such order to include such exemptions for such purposes and subject to such exceptions as may be provided for by the regulations ;
  - (e) requiring the authority by whom any such order is made to place and maintain, or cause to be placed and maintained, such traffic signs in connection with that order as may be so provided for.
- (4) The Minister, after consultation with the Greater London Council, may make regulations—
  - (a) as respects orders made by that Council under any of the provisions referred to in subsection (1) above other than section 26A, for any of the like purposes as those for which regulations are required or authorised to be made under subsection (2) above;



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- (b) with respect to any other order the making of which by that Council requires the consent of the Minister, for providing the procedure to be followed in connection with the obtaining of that consent.
- (5) The appropriate Minister may make regulations with respect to the procedure in connection with the making by him—
  - (a) of any order made by virtue of subsection (2) or made under subsection (4) of section 84A of this Act;
  - (b) of any order which he is authorised to make with respect to trunk roads under any of the provisions referred to in subsection (1) above.
- (6) Any regulations under this section may make different provision for different orders or for different circumstances ; and where any such regulations require an authority to post any notice in a 'highway the authority may, whether or not they are the highway authority, take such steps for that purpose as they think fit, including the use for that purpose of any lamp-post, traffic sign or other structure whatsoever in the highway, whether or not belonging to that authority.
- (7) Before giving any authority a direction under section 84A(1) of this Act to make with or without modifications an order under any of the provisions referred to in subsection (1) above in connection with which steps have already been taken in pursuance of regulations under this section, the appropriate Minister—
  - (a) shall consider any objections made to that order; and,
  - (b) if the order is directed to be made with modifications which appear to him to affect substantially the character of the order, shall take such steps as appear to him to be sufficient and reasonably practicable for informing any local authority concerned and any other person likely to be concerned.
- (8) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.

**84D Provisions as to variation or revocation, and as to making by Ministers of certain orders.**

- (1) Subject to subsection (3) below, and without prejudice to section 35(6) of this Act, any power to make an order as respects any road or parking place conferred by or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 6, 9, 15, 26, 26A, 28, 31, 33, 35, 36, 37(2) and (3), 39, 73, 74 and 84A(4), shall include power for the authority for the time being having power to make such an order as respects that road or parking place to make such an order varying or revoking any previous order as respects that road or parking place made, or having effect as if made, under or by virtue of the provision in question, whether that previous order was made by that or some other authority and notwithstanding that the previous order was, and the order varying or revoking it is not, made in pursuance of a power exercisable by statutory instrument.
- (2) For the avoidance of doubt it is hereby declared that, subject to section 84B of this Act, the power to vary or revoke an order made under or by virtue of any of the provisions referred to in subsection (1) above extends to the variation or revocation of any such order in connection with the provision in question as is hereinafter mentioned, notwithstanding that it was made by, or by direction of, a Minister, namely—
  - (a) an order under or by virtue of the provision in question made in pursuance of a direction under section 84A(1) of this Act:

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- (b) an order under or by virtue of the provision in question (not being section 35, 36, 37 or 39 of this Act) made by virtue of section 84A(2) of this Act;
  - (c) an order under or by virtue of the provision in question (being the said section 35, 36, 37 or 39) made by virtue of the said section 84A(2) if that order relates to a parking place for the time being controlled by the local authority within the meaning of the said section 35 or by the Greater London Council;
  - (d) an order under section 26(5) or 84A(4) of this Act.
- (3) Where a Minister proposes to make an order varying or revoking an order made by him by virtue of section 1(2) of this Act upon the application of the governing body of a university, he shall before making the order give notice to that body and, if he thinks fit, hold a public inquiry.
- (4) Nothing in subsection (5) of section 84A of this Act shall prevent the exercise by a Minister of the power to revoke any order made by that Minister under subsection (4) of that section.
- (5) Any power of a Minister to make an order under or by virtue of any of the provisions referred to in subsection (1) above shall be exercisable by statutory instrument.

#### **84E Limitation of right to challenge certain orders in legal proceedings.**

- (1) If in the case of an order made under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 6,9,15, 28 and 33, any person desires to question the validity of, or of any provision contained in, the order on the ground that it is not within the powers with respect to such an order conferred by this Act, or on the ground that any requirement with respect to such an order of, or of any instrument made under, any provision of this Act has not been complied with in relation to the order, he may, within six weeks from the date on which the order is made, make an application for the purpose to the High Court or, in Scotland, to the Court of Session.
- (2) Subsections (2) and (3) of section 41 of this Act shall apply in relation to an application under subsection (1) above and to such an order as is mentioned in the said subsection (1) as they apply in relation to an application under subsection (1) of the said section 41 and to a designation order.”

## **PART VI**

### CONSEQUENTIAL AMENDMENTS

- 1 In each of the following provisions, namely sections 1(1), 6(1), 9(1), 28(1), 31(1), 73(3) and 74(1), at the beginning there shall be inserted the words " Subject to sections 84A, 84B and 84C of this Act ".
- 2 In section 1(1), for the words "this and the four next following sections" there shall be substituted the words " this section and section 5 of this Act ".
- 3 In section 1(3), for the words " subsection (4)" there shall be substituted the words " subsections (3A) and (4) ".
- 4 After section 1(8) there shall be added the following subsection :—  
 “(9) If any local Act contains any provision extending the powers conferred by section 26 of the Road Traffic Act 1960 in the application of that section to the area of any local authority, the appropriate Minister, after consultation

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with that local authority, may by order made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, repeal any provision of that local Act which appears to that Minister to be unnecessary, or make any other amendments to that local Act which appear to that Minister to be required, in consequence of the provisions of Part IX of the Transport Act 1968 ; and the power to make an order under this subsection shall include power to make an order varying or revoking any previous order thereunder.”

5 In section 5(1), for the words from the beginning to "jointly" there shall be substituted the words " Without prejudice to sections 84A, 84B and 84C of this Act, section 1(5), so far as it relates to vehicles, section 1(6) and section 28(2)(a) of this Act shall not apply to any order made under the said sections 1 and 28 jointly " .

6 In section 5(3)—

- (a) for the words from the beginning to " he is " there shall be substituted the words " No authority shall make an order by virtue of subsection (1) above unless they are " ;
- (b) in paragraph (c), for the word " him " there shall be substituted the words " the appropriate Minister " .

7 In section 7(2), for the words " the said section 6 " there shall be substituted the words " section 6 of this Act " .

8 In section 8(1)—

- (a) for the words from the beginning to "police and" there shall be substituted the words " Without prejudice to subsection (1) and to any regulations under subsection (4) of section 84C of this Act, before making any order under section 6 of this Act otherwise than in pursuance of a direction given by the Minister under section 84A(1) thereof, the Greater London Council (hereafter in this section referred to as " the Council") shall consult" ;
- (b) at the end there shall be added the words " and, if the order is required to be submitted to the Minister for his consent under section 84B(2) of this Act, the Council shall so consult before so submitting it. "

9 In section 9(1), for the words " this section" there shall be substituted the words " this subsection " .

10 For section 9(10) there shall be substituted the following:—

“(10) Section 1(3B) or, as the case may be, section 6(4) of this Act shall apply in relation to an experimental traffic order as it applies in relation to an order under the said section 1 or 6.”

11 In section 11(2), at the end there shall be added the words " but the Minister shall not give such a direction unless he is satisfied, having regard to any matters appearing to him to be relevant, that the Council's duty under section 84(1) of this Act is not being satisfactorily discharged by the Council and that the giving of the direction is necessary in order to secure compliance with that duty. "

12 In section 15(1), after the word "below" there shall be inserted the words " and to sections 84A, 84B and 84C of this Act " .

13 In section 15(4)—

- (a) for the words from the beginning to " aforesaid and " there shall be substituted the words " Without prejudice to subsection (1) and to any regulations under subsection (2) of section 84C of this Act, before making

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- any order under subsection (1) above otherwise than in pursuance of a direction given by the Minister under section 84A(1) of this Act, the local authority ”;
- (b) at the end there shall be added the words " and, if the local authority's area is situated wholly or partly within an area designated under section 9(1) of the Transport Act 1968, with the Executive for that area; and if the order is required to be submitted to the Minister for his consent under section 84B(1) of this Act, the local authority shall so consult before so submitting it. "
- 14 In section 20, at the end there shall be added the following subsection—
- “(4) The foregoing provisions of this section shall have effect subject to the provisions of any order for the time being in force under section 25 of the Civic Amenities Act 1967.”
- 15 In section 26(1), at the beginning there shall be inserted the words " Subject to sections 84B and 84C of this Act ".
- 16 For section 26(5) there shall be substituted the following:—
- “(5) Without prejudice to section 84D of this Act, the appropriate Minister may at any time after giving notice in writing to the authority by whom an order under the foregoing provisions of this section was made, and after holding, if he thinks fit, a public inquiry, by order under this subsection, vary or revoke the authority's order.”
- 17 In section 27, after the words " section 26 " there shall be inserted the words " or 26A ".
- 18 In section 33(1) at the beginning there shall be inserted the words " Subject to subsection (1A) below and to sections 84A, 84B and 84C of this Act ".
- 19 After section 33(1) there shall be inserted the following subsection :—
- “(1A) Without prejudice to subsection (1) and to any regulations under subsection (2) or (4) of section 84C of this Act, before making an order under subsection (1)(a) above otherwise than in pursuance of a direction given by the Minister under section 84A(1) of this Act, the local authority shall consult—
- (a) with the appropriate traffic commissioners; and
- (b) if the local authority's area is situated wholly or partly within an area designated under section 9(1) of the Transport Act 1968, with the Executive for that area;
- and, if the order is required to be submitted to the Minister for his consent under section 84B of this Act, the authority shall so consult before so submitting it.”
- 20 In section 33(5), for the words from the beginning to " consult with " there shall be substituted the words " In this section, the expression ' the appropriate traffic commissioners' means ".
- 21 In section 41(1), for the words " of Schedule 4 to this Act" there shall be substituted the words " of section 84A, 84B or 84C of this Act or of any regulations made under the said section 84C ".
- 22 In section 42(8)—

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- (a) after the words " a local authority " there shall be inserted the words " or the Greater London Council ";
  - (b) for the words " for which they are the local authority" there shall be substituted the words " controlled by them ".
- 23 In each of sections 44(5), 52(5) and 85(2), for the words " sections 35(5) and 38" there shall be substituted the words " section 35(5) ".
- 24 In section 45(1)—
  - (a) for the words from the beginning to " cover " there shall be substituted the words " Where by virtue of section 84A(2) of this Act a parking place has been designated under section 35 of this Act by a Minister, that Minister may make grants out of moneys provided by Parliament towards the cost of the provision and maintenance of off-street parking places, whether in the open or under cover, or for any purpose such as is mentioned in section 44(3)(d) (i) or (ii) of this Act ";
  - (b) for the words " designated under section 35(5) of this Act" there shall be substituted the words " designated by him under the said section 35 ".
- 25 In section 52, at the end there shall be added the following subsection:—

“(10) The foregoing provisions of this section shall have effect subject to the provisions of any order for the time being in force under section 25 of the Civic Amenities Act 1967”.
- 26 In section 53, at the end there shall be added the following subsection:—

“(5) The foregoing provisions of this section shall have effect subject to the provisions of any order for the time being in force under section 25 of the Civic Amenities Act 1967”.
- 27 In section 67, after the sectional reference " 56 " there shall be inserted the sectional reference " 56A ".
- 28 In section 82(3), after the sectional reference " 26(1)" there shall be inserted the sectional reference " 26A(1) ".
- 29 In section 84(3), for the words from the beginning to "this Act" there shall be substituted the words " Where the Greater London Council or any other local authority are authorised or required by or under any provision of this Act to hold an inquiry for the purpose of any of their functions, any person appointed by that council or authority to hold the inquiry ".
- 30 In section 87, for the sectional references " 25, 26 or 80 " there shall be substituted the sectional references " 25, 80 or 84C ".
- 31 In section 94(1) after the sectional reference " 26(6) " there shall be inserted the sectional reference " 26A(5) ".
- 32 In Schedule 8, in paragraph 7, for the words from the beginning to " subparagraph (a) above " there shall be substituted the words " References in any order made by the Minister under section 7(4) of the Roads Act 1920 ".
- 33 In Schedule 8, at the end there shall be added the following new paragraphs:—

“14 Any order made or having effect as if made by any Minister under this Act as originally enacted, being an order made under a power which, apart from section 84A(2) of this Act, is as a result of the provisions of Part IX of the Transport Act 1968 no longer exercisable by that Minister,

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- shall continue in force as if made by virtue of the said section 84A(2) in exercise of the power of the Greater London Council or some other local authority to make an order for the like purpose after that date conferred on that Council or other authority by this Act as amended by the said Part IX.
- 15 Where any provision of this Act as originally enacted which conferred a power to make orders is repealed by the Transport Act 1968, any order made or having effect as if made in pursuance of that power and in force immediately before the date of the repeal shall continue in force as if made in pursuance of the corresponding power conferred by this Act as amended by that Act.
- 16 Subject to paragraph 17 of this Schedule, anything begun or falling to be treated as having been begun under this Act before the date of the coming into force of, or of any relevant instrument made under, any relevant provision of Part IX of the Transport Act 1968, so far as not completed before that date, may be continued and completed in accordance as nearly as may be with the provisions of, or of any relevant instrument made under, this Act as amended by any relevant provision of that Act.
- 17 (1) Where an order under any provision of this Act as originally enacted does, but the like order under that provision as amended by the Transport Act 1968 does not, require the confirmation or consent of the appropriate Minister, and at the date when that amendment comes into force—
- (a) an application has been made to the appropriate Minister for his confirmation, or, as the case may be, for his consent to the making, of such an order ; or
  - (b) notice of a proposal to make such an order has been published stating that objections may be made to the appropriate Minister,
- and in either case that Minister has not yet given or refused his confirmation of or consent to the order, then, without prejudice to the right of the authority so submitting the order or proposals to withdraw their application for that Minister's confirmation or consent, that order shall not be brought into force or, as the case may be, made except with the consent of that Minister.
- (2) The appropriate Minister may make regulations as respects any order requiring his consent under this paragraph for any of the like purposes as those for which regulations are required or authorised to be made under section 84C (2) or (4) of this Act and for regulating the procedure to be followed in connection with any such withdrawal of an application as aforesaid and subsection (4) of section 84B of this Act shall apply to any order submitted to the appropriate Minister for his consent under this paragraph as it applies to an order so submitted under that section.
- (3) In relation to an order under section 15 or 33 of this Act, references in this paragraph to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.
- 18 Where any order made or having effect as if made under section 35 or 36 of this Act includes any provision made by virtue of section 26 of the Greater London Council (General Powers) Act 1967, that provision

shall continue to have effect as if made by virtue of the said sections 35 and 36 as amended by section 127 of the Transport Act 1968.”

## SCHEDULE 15

Section 143.

### CHANNEL TUNNEL PLANNING COUNCIL

#### PART I

##### *The Council*

- 1 The Council shall be a body corporate with perpetual succession and a common seal.
- 2 The Council shall consist of not less than four nor more than six members appointed by the Minister, and the Minister shall appoint one of those members to be chairman and another of those members to be deputy chairman of the Council.
- 3 (1) Each member of the Council shall hold and vacate office in accordance with the terms of his appointment, but notwithstanding anything in those terms he may at any time resign his office by notice in writing to the Minister.
- (2) A person who has held office as a member of the Council shall be eligible for reappointment.
- 4 (1) The Council—
- (a) shall pay to a person holding office as chairman, deputy chairman or other member of the Council such remuneration in respect of that office as the Minister may, with the approval of the Treasury, determine and such reasonable allowances as may be so determined in respect of expenses properly incurred by that person in the performance of his functions;
  - (b) in the case of such members as the Minister may, with the approval of the Treasury, determine, shall pay such pensions or make such payments towards the provision of pensions to or in respect of those members as he may with the like approval determine in the case of those members respectively.
- (2) The Minister shall, as soon as possible after appointing any person to the office of chairman, deputy chairman or other member of the Council, lay before each House of Parliament a statement of the remuneration that is or will be payable to that person under sub-paragraph (1) of this paragraph; and, if a subsequent determination by him under that sub-paragraph involves a departure from the terms of the said statement, or if a determination by him under that sub-paragraph relates to the payment of, or to payments towards the provision of, a pension to or in respect of a member of the Council, the Minister shall as soon as possible after the determination lay a statement thereof before each House of Parliament.
- 5 The Council may act notwithstanding a vacancy amongst their members, and no act of the Council shall be deemed to be invalid by reason only of a defect in the appointment of any of their members.
- 6 In the case of an equality of votes at a meeting of the Council the chairman of the meeting shall have a second or casting vote.

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- 7 Subject to the foregoing provisions of this Schedule and to any directions given from time to time by the Minister, the Council may determine their own quorum and procedure.
- 8 (1) Subject to any directions given from time to time by the Minister, the Council shall appoint a secretary and may appoint such other officers, and such servants, as the Council may determine.
- (2) The Council shall—
- (a) pay to their officers and servants such remuneration as they may determine, and
  - (b) as regards any officers or servants in whose case it may be determined by the Council with the approval of the Minister so to do, pay such pensions, or make such payments towards the provision of pensions, to or in respect of them, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.
- 9 The application of the seal of the Council shall be authenticated by the signature of the secretary of the Council or some other person authorised by the Council, either generally or specially, to act for that purpose.

## PART II

### *Borrowing powers and accounts of Council*

- 10 (1) The Council may borrow from the Minister, but not from any other person, such sums as the Council may require for meeting their obligations or discharging their functions under section 143 of this Act.
- (2) Any loans by the Minister under this paragraph shall be made out of moneys provided by Parliament: and any such loans shall be repaid to the Minister at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.
- (3) Any sums received by the Minister under this paragraph shall be paid into the Consolidated Fund.
- 11 The Council—
- (a) shall cause proper accounts and other records in relation thereto to be kept, and
  - (b) shall prepare an annual statement of accounts in respect of such accounting period, in such form, and containing such particulars, compiled in such manner, as the Minister may from time to time direct with the approval of the Treasury.
- 12 (1) The accounts of the Council shall be audited by an auditor or auditors appointed annually by the Minister; and any auditor so appointed shall be entitled to require from any officer of the Council such books, deeds, contracts, accounts, vouchers, receipts and other documents, and such information and explanations, as may be necessary for the performance of his duties.
- (2) A person shall not be appointed auditor as aforesaid unless he is a member, or is a firm in Scotland each of the partners wherein is a member, of one or more of the following bodies, namely—



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the Institute of Chartered Accountants in England and Wales;  
the Institute of Chartered Accountants of Scotland ;  
the Association of Certificated and Corporate Accountants;  
the Institute of Chartered Accountants in Ireland ;  
any other body of accountants established in the United Kingdom and for the time being recognised for the purpose of section 161(1)(a) of the Companies Act 1948 by the Board of Trade.

- 13      So soon as the accounts of the Council have been audited as aforesaid, the Council shall send to the Minister, and the Minister shall cause to be laid before Parliament, a copy of the statement of accounts referred to in paragraph 11(b) of this Schedule, together with a copy of the report made by the auditor or auditors on that statement.

## SCHEDULE 16

Section 156.

### SUPPLEMENTARY OR CONSEQUENTIAL PROVISIONS

- 1      (1) The enactments specified in sub-paragraph (2) of this paragraph shall apply to all railways of the Freight Corporation, and shall so apply as if references in those enactments to the company were references to that Corporation.
- (2) The enactments referred to in the foregoing sub-paragraph are—
- (a) sections 105, 144 and 152 of the Railways Clauses Consolidation Act 1845 ;
- (b) sections 98, 136 and 144 of the Railways Clauses Consolidation (Scotland) Act 1845,
- including any of those enactments as incorporated in any statutory provision passed or made whether before or after the passing of this Act
- 2      In the Regulation of Railways Act 1871, references to a railway company or a company as defined by that Act shall include references to the Freight Corporation.
- 3      (1) For the avoidance of doubt it is hereby declared that the matters to which the licensing authority is to have regard in exercising his discretion under section 174 of the Act of 1960 do not include any duty imposed upon any of the new authorities by this Act.
- (2) For the purposes of section 180 of the Act of 1960 (which relates to carriers' licences for the vehicles of a subsidiary) each of the new authorities shall be deemed to be a company.
- (3) Where on a vesting by virtue of this Act a subsidiary of one body becomes a subsidiary of another body, any carriers' licence under Part IV of the Act of 1960 held by the first-mentioned body for a vehicle owned by the subsidiary shall thereafter have (effect as if granted to the second-mentioned body; and for the purposes of the said section 180 the second-mentioned body shall be deemed to have made the application for the licence and to have signified to the licensing authority their desire that the section should have effect as respects the subsidiary.
- (4) If, as a result of a transaction effected by any of the new authorities not more than twelve months after the transfer date for a transfer to that authority under section 4, 5 or 28 of this Act and at a time when that authority hold carriers' licences under the said Part IV for vehicles owned by a subsidiary, the subsidiary becomes a wholly-owned subsidiary of a company (hereafter in this sub-paragraph referred to as " the company ") which is itself a wholly-owned subsidiary of that authority, any such

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licence for a vehicle then owned by the subsidiary shall thereafter have effect as if granted to the company; and for the purposes of the said section 180 the company shall be deemed to have made the application for the licence and to have signified to the licensing authority their desire that the section should have effect as respects the subsidiary.

- (5) For the purposes of this paragraph, the provisions of section 51(5) of this Act shall be disregarded.
- 4 (1) The power to make bylaws conferred by subsection (1) of section 67 of the Act of 1962 shall be exercisable by the Freight Corporation as well as by the Boards there referred to and the power to make bylaws conferred by subsection (2) of that section shall be exercisable by the Scottish Group as well as by the Railways Board, and accordingly, subsections (3) to (12) of that section shall apply as if the expression "Board" included the Corporation and the Scottish Group.
- (2) Any bylaws made by the Railways Board under the said subsection (1) and in force with respect to any railway or railway premises immediately before their transfer to the Freight Corporation or a wholly-owned subsidiary of the Freight Corporation shall continue in force until varied or revoked by the Corporation by virtue of the said subsection (12).
- (3) Any bylaws made by the Railways Board under the said subsection (2) and in force with respect to any harbour immediately before its transfer to the Scottish Group or to a wholly-owned subsidiary of that Group shall continue in force until varied or revoked by the Scottish Group by virtue of the said subsection (12).
- (4) In relation to the Scottish Group any reference to the Minister in the said section 67 shall be construed as a reference to the Secretary of State.
- (5) For the purposes of the said section 67, railways, railway premises, or officers and servants of, or ships operated by, a wholly-owned subsidiary of the Railways Board, the London Board, the Freight Corporation or the Scottish Group shall be deemed to be railways, railway premises, or officers or servants of, or ships operated by, that Board, Corporation or Group.
- 5 (1) This paragraph shall apply to the Freight Corporation and to the Scottish Group.
- (2) The Railways Board may make an agreement with either of the authorities to whom this paragraph applies for making available to that authority or to any wholly-owned subsidiary of that authority for such period, to such extent and on such terms as may be specified in the agreement, the services of the British Transport Police Force, that is to say, the force organised under the scheme set out in the Schedule to the British Transport Police Force Scheme 1963 (Approval) Order 1964 made under section 69 of the Act of 1962.
- (3) Where such an agreement has been made members of the said 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 authority or subsidiary in question notwithstanding the provisions of section 53(1) of the British Transport Commission Act 1949 (which restricts them to so acting in, on and in the vicinity of premises belonging to, leased to or worked by one of the Boards).
- (4) The Minister, after consultation with the Boards and either or both of the authorities to whom this paragraph applies, may by order make such adaptations in the said scheme and in sections 69 to 71 of the Act of 1962 as appear to him expedient to

enable that scheme and those sections to have effect as respects any period after the making of the order as if that authority or, as the case may be, each of those authorities were one of the Boards.

6 Section 82 of the Act of 1962 (modification of enactments relating to Wages Councils) shall have effect as if the expression " Board " included each of the new authorities.

7 (1) The references to be substituted—  
(a) as mentioned in Part I of Schedule 2 to the Act of 1962 in the provisions specified in sub-paragraph (2) of this paragraph; or  
(b) as mentioned in Part III of that Schedule in the provisions specified in sub-paragraph (3) of this paragraph,

shall in each case include a reference to the Freight Corporation and to any wholly-owned subsidiary of the Freight Corporation or of any of the Boards.

(2) The provisions referred to in sub-paragraph (1)(a) of this paragraph are—  
(a) section 41(3) of the Criminal Justice Act 1948;  
(b) section 22 of the Diseases of Animals Act 1950;  
(c) section 13(1) of the Transport Charges (Miscellaneous Provisions) Act 1954;  
(d) section 11(2) of the Food and Drugs Act 1955 ;  
(e) section 11(2) of the Food and Drugs (Scotland) Act 1956 ;  
(f) sections 192(3) and 295(5) of the Highways Act 1959 ;  
(g) section 12(3) of the Criminal Justice Act (Northern Ireland) 1953.

(3) The provisions referred to in sub-paragraph (1)(b) of this paragraph are—  
(a) sections 54, 55, 56 and 57 of the British Transport Commission Act 1949 ;  
(b) section 18 in the Schedule to the British Transport Commission Order Confirmation Act 1953 ;  
(c) section 52 of the British Transport Commission Act 1953 ;  
(d) section 24 of the British Transport Commission Act 1954.

(4) In section 23 of the British Railways Act 1964 (which provides for the aforesaid section 54 of the British Transport Commission Act 1949 to continue in force in its application to the Railways Board) and in any enactment passed after this Act which provides for the said section 54 so to continue in force for a further period, the reference to the Railways Board shall be construed as a reference to the Railways Board, the Freight Corporation and any wholly-owned subsidiary of that Board or Corporation.

8 (1) In the Harbours Act 1964—  
(a) in section 30(1), for paragraph (b) there shall be substituted the following:—  
    “(b) by virtue of section 43 of the Transport Act 1962 by any of the Boards at a harbour which, in the exercise and performance of statutory powers and duties, that Board are engaged in improving, maintaining or managing, except where the Board in question are the British Transport Docks Board, the British Railways Board or the British Waterways Board and the harbour in question is not specified in Schedule 9 to that Act”;  
(b) in section 30(4) the words " (other than any of the Boards) " and the words from " or by" to " 1962 " shall cease to have effect;

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- (c) in section 36(a) for the words " any of the Boards" there shall be substituted the words " the British Transport Docks Board, the British Railways Board or the British Waterways Board ";
  - (d) in section 57(1)—
    - (i) at the end of the definition of " the Boards" there shall be added the words " and includes the National Freight Corporation, the Scottish Transport Group and any subsidiary within the meaning of the Transport Act 1968 of any of those Boards or of that Corporation or Group ";
    - (ii) in the definition of " marine work " for the words " vested in any of the Boards or " there shall be substituted the words " which is vested in any of the Boards other than the Scottish Transport Group or a subsidiary within the meaning of section 154 of the Companies Act 1948 of that Group or which is ".
- (2) In any case where, by virtue of sub-paragraph (1)(d)(i) of this paragraph, the Board within the meaning of section 41 of the Docks and Harbours Act 1966 are a subsidiary of one or more of the Docks Board, the Railways Board, the Waterways Board, the Freight Corporation and the Scottish Group, that section shall be construed as if—
- (a) any reference therein otherwise than in subsection (1) thereof to the Board were a reference to the body, or to each respectively of the bodies, of which the Board within the meaning of that section are a subsidiary; and
  - (b) the property, rights and liabilities transferred by the order or scheme in question from the subsidiary were, to an extent proportionate to the extent of the interest of that body in the subsidiary, property, rights and liabilities so transferred from that body.
- (3) The said section 41 shall have effect with the substitution—
- (a) in subsection (2)(b)—
    - (i) for the words " as determined under section 39 of the Transport Act 1962 " of the words " under section 39 of the Transport Act 1962 or Schedule 2 to the Transport Act 1968 ";
    - (ii) for the words "that Act" of the words "the Transport Act 1962 ";
  - (b) in subsection (3)—
    - (i) for the words " section 39 of the said Act of 1962 " of the words " the said section 39 or Schedule 2 ";
    - (ii) for the words "section 20 of that Act" of the words " the said section 20 ".
- (4) In any application of the said section 41 to the Scottish Group or to any other body in the capacity of a subsidiary of that Group, any reference to the Minister shall be construed as a reference to the Secretary of State.
- 9 In the Building Control Act 1966, in the Schedule, for the entry beginning " Any subsidiary " there shall be substituted the following:—
- “The National Freight Corporation.  
 The National Bus Company.  
 The Scottish Transport Group.  
 Any subsidiary (as defined in the Transport Act 1968) of any of the bodies mentioned above.”

- 10 In the Industrial Development Act 1966, in Schedule 2 (which specifies bodies which are not to be eligible for certain grants under that Act) after the entry relating to the Waterways Board there shall be inserted the following entries:—  
“The National Freight Corporation.  
The National Bus Company.  
The Scottish Transport Group.”
- 11 The persons entitled to deposit money in the savings bank established under subsection (2) of section 32 of the British Railways Act 1966 shall, in addition to the persons specified in that subsection, include—  
(a) any persons who, on the transfer date for any transfer under section 4, 5, 7, 8, 28 or 29 of this Act—  
(i) are depositors in that bank ; and  
(ii) apart from this paragraph would by reason of the transfer cease to be entitled as aforesaid ; and  
(b) where any of those depositors is a man who dies leaving a widow, his widow during her widowhood.
- 12 In the Industrial Expansion Act 1968, in Schedule 1 (which specifies bodies not eligible for financial support under industrial investment schemes made under that Act) at the end there shall be added the following entries:—  
“The National Freight Corporation,  
The National Bus Company,  
The Scottish Transport Group.”

## SCHEDULE 17

Section 164.

### APPLICATION TO NORTHERN IRELAND

#### PART I

##### *Provisions extending to Northern Ireland*

Part I.

Part II (except sections 10(3), (4), (5) and (9), 13 and 18 to 21).

Sections 24 to 29.

Section 33.

Part IV (except sections 39, 40, 47(1)(a)(ii) and (v), 54 and 56).

Sections 100 and 101.

Sections 104 to 107 and 110, and so much of section 115 as relates to those sections.

Sections 134, 135, 136, 137, 146, 150, 155, 160, 161 and 164.

So far as they relate to any provision of this Act which extends to Northern Ireland sections 156 to 159, 163, 165 and 166.

Schedules 1 to 5, 7 and 16.

This Schedule.

In Schedule 18, Part I, and so far as it relates to the House of Commons Disqualification Act 1957, Part III.

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## PART II

### *Modifications*

- 1 In section 10(1)(xxix), the reference to Parliament shall include a reference to the Parliament of Northern Ireland.
- 2 In section 12(6), for the reference to section 1 of the Borrowing (Control and Guarantees) Act 1946 there shall, in relation to borrowing in Northern Ireland, be substituted a reference to section 2 of the Loans Guarantee and Borrowing Regulation Act (Northern Ireland) 1946.
- 3 In section 135(4)(b), for the reference to a tribunal established under section 12 of the Industrial Training Act 1964 there shall be substituted a reference to a tribunal established under section 13 of the Industrial Training Act (Northern Ireland) 1964.
- 4 In section 137(3)(a) and (4), the references to the Secretary of State for Employment and Productivity shall, in relation to agreements affecting persons employed in Northern Ireland by an authority to whom that section applies, include a reference to the Ministry of Health and Social Services for Northern Ireland.
- 5 In section 160, references to sections 12 and 112 of the Stamp Act 1891, section 12 of the Finance Act 1895 and section 8 of the Finance Act 1899 shall be construed as including references to those sections as they apply in relation to stamp duties chargeable in Northern Ireland ; and for the purposes of the application of the said section 160 in relation to those duties, references to the Commissioners of Inland Revenue shall be construed as references to the Ministry of Finance for Northern Ireland.
- 6 In Schedule 4, in paragraph 2(4), the reference to the Secretary of State for Employment and Productivity shall, in relation to agreements affecting persons employed in Northern Ireland, include a reference to the Ministry of Health and Social Services for Northern Ireland.
- 7 In Schedule 4, in paragraph 3, for the reference to section 64 of the Law of Property Act 1925, there shall be substituted a reference to section 9 of the Conveyancing Act 1881.
- 8 An arbitrator for the purposes of paragraph 13(3) of Schedule 4 shall, where the proceedings are to be held in Northern Ireland, be appointed by the Lord Chief Justice of Northern Ireland.
- 9 References to enactments or statutory provisions include references to enactments of the Parliament of Northern Ireland and provisions, whether of a general or special nature, contained in, or in any document made or issued under, any Act of the Parliament of Northern Ireland, whether of a general or a special nature.

## SCHEDULE 18

Sections 94 and 165.

### REPEALS

#### PART I

##### REPEALS IN [TRANSPORT ACT 1962 \(10 & 11 ELIZ. 2 C. 46\)](#)

Section 2.

In section 4, as from the appointed day for the purposes of the transfer to the Bus Company under section 29(2) of this Act, subsection (2)(a) and (b) and subsections (3) and (4).

Section 6.

In section 10, subsection (2) and, in subsection (4), the words " and (2)".

In section 11(4), the words from "but the Minister" to "by the Board".

In section 13, subsection (2), subsection (4) (except as respects proposals approved thereunder before the appointed day for the purposes of section 48 of this Act), and subsections (5) to (8).

Section 18(1).

In section 19(3), as from 1st January 1969, paragraph (b) from " but " onwards and paragraph (i).

Sections 20(6), 22(2), (3), (6) and (7), 23(2), (3), (5), and (6), and 25(3) and (4).

In section 39(6), the words " Subject to the next following section ".

Sections 40 and 42(2).

In section 53, paragraph (a) of subsection (1), subsection (2), and in subsection (4) the words " paragraph (b) of subsection (2) or ".

Sections 55, 56(11), (16) and (18), 61(1) and (3), 64 and 72(4).

In section 85(1) the words from " After the entry relating to the National" onwards.

In section 85(2), the words " or the Hotel Company " and the words from " or of" onwards.

In section 85(3), the words from " or of " onwards.

Section 87.

In Schedule 1, in the heading, the words " THE REGIONAL RAILWAY BOARDS " and Part II.

In Schedule 7, paragraphs 9 and 10.

In Schedule 11, in Part II, in paragraph 1, the words "In subsection (5) of section 2 and ".

#### PART II

##### REPEALS IN [ROAD TRAFFIC REGULATION ACT 1967 \(1967 C. 76\)](#)

In section 1(2), the words from " The powers " onwards ; and, in section 1(5), the words from " but" onwards.

Sections 2, 3 and 4.

In section 5(1), the words "and confirmed by the appropriate Minister " and die words " and confirmed " in the second place where they occur; in section 5(2), the words " and confirmed" in both places where they occur ; and section 5(5) and (6).

In section 6(2), the words " or the Minister " and the words from " but" onwards; and section 6 (10).

Section 7(1).

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Section 8(2) to (5).

In section 9(1), the words " and the next following" and the words from "(including" to "Minister)"; in section 9(2), the words " or the appropriate Minister" and the words from " but" onwards; and section 9(6) and (7).

Section 10.

In section 11(2), the words " subject to section 84(2) of this Act".

Section 15(3); in section 15(4), the words " being the traffic area "; and section 15(5) to (7).

Section 26(3), (4), (7) and (8).

In section 28(7), the words " 31(7) or 32(1)".

Section 32(1) to (4).

In section 33(2)(a), the words " with the consent of the Minister " ; section 33(4); in section 33(5), the words " being the traffic area " ; and section 33(6), (7) and (10).

Section 35(8); and in section 35(9) the words " or an order under subsection (8) above ".

Section 38.

Section 39(3), (4) and (5).

Section 40(1); in section 40(2), the words " of the Minister or the appropriate Minister " ; and section 40(3) to (8).

Section 41(4)

In section 42(1)(b), the words " of the appropriate Minister or the Greater London Council" ; in section 42(3), the word " local", the words " (or the appropriate Minister, if he controls it) are or ", and the words " or, as the case may be, that Minister " ; and section 42(9).

Section 45(2).

In section 56(1), the words " Minister or the" in both places where they occur, the words " the Minister or, as the case may be ", and the words " to the Minister or ".

In section 56(2), the words from " or, to " to " or 9, the Minister " and the words " or Minister ".

In section 56(3), the words from " and the Minister " onwards.

In section 62(3), the words " the Minister or " in both places where they occur, and the words " as the case may be ".

In section 73(2), the words " by statutory instrument"; section 73(3) from the word " after" where first occurring onwards; and section 73(4) and (5).

In section 74(2)(b), the words " either the appropriate Minister or " ; and section 74(3) to (6).

In section 76(2)(b), the words from " and, in " onwards.

Section 77(4).

In section 80(1)(a), the words " left or parked ".

Section 84(2).

In section 97(2), the words " to 4 " and the words from " (except " to " 39(3))".

In section 104(1), in the definition of "designation order", the words " designating parking places" and the words from " and " onwards.

In section 106(1) and in section 106(3), the words " to 4 ".

Section 113(2) from the beginning to " the said ".

Schedule 4.

So much of Schedule 6 as amends section 153(4) of the Act of 1960.



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### PART III

#### MISCELLANEOUS REPEALS

| Chapter                | Short Title  | Extent of Repeal   |
|------------------------|--|--|
| 51 & 52 Vict. c. 25.   | The Railway and Canal Traffic Act 1888.                    | Section 45.  |
| 20 & 21 Geo. 5. c.43.  | The Road Traffic Act 1930.                                 | Section 102.   |
| 10 & 11 Geo. 6. c. 49. | The Transport Act 1947.                                    | Section 37.  |
| 1 & 2 Eliz. 2. c. 11.  | The Harbours, Piers & Ferries (Scotland) Act 1953.         | The whole Act.   |
| 3 & 4 Eliz. 2. c.26.   | The Public Service Vehicles (Travel Concessions) Act 1955. | In section 1, subsections (4) and (6).   |
| 5 & 6 Eliz. 2. c. 20.  | The House of Commons Disqualification Act 1957.            | In Part II of Schedule 1, and in the Part substituted therefor by Schedule 3, the entries " The Nationalised Transport Advisory Council " and "A Regional Railway Board "<br><br>In Part III of Schedule 1, in the entry beginning " Director of the Holding Company" the words " or the Hotel Company " and the words from " or of " onwards.<br><br>In Schedule 3, in the Part substituted by that Schedule for the said Part III, in the entry beginning " Director of the Holding Company " the words from " or of" onwards. |
| 6 & 7 Eliz. 2. c. 55.  | The Local Government Act 1958.                             | Section 38(6).   |
| 8 & 9 Eliz. 2. c. 16.  | The Road Traffic Act 1960.                                 | Section 73.<br><br>Section 154(1).<br><br>Section 186.<br><br>Section 188(1).<br><br>Section 227(1) and (2).<br><br>In section 234 the words " section 186 of this Act or "<br><br>In section 237, in subsection (1), the  |

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| Chapter                 | Short Title   | Extent of Repeal  |
|-------------------------|---|---|
| 10 & 11 Eliz. 2. c. 59. | The Road Traffic Act 1962.                            | <p>words " (other than a document produced by virtue of subsection (2) of section 227)" and, in subsection (2), paragraph (d), together with the word " or " which precedes it.</p> <p>In section 250(3) the words "and 73 ".</p> <p>Sections 20 and 21.</p> <p>In Schedule 4, in Part I, the entry relating to section 259 of the Road Traffic Act 1960.</p> |
| 1964 c. 40.             | The Harbours Act 1964.                                | <p>In section 30(4) the words " (other than any of the Boards)" and the words from "or by" to " 1962 ".</p>   |
| 1965 c. 62.             | The Redundancy Payments Act 1965.                     | <p>In section 48, in subsection (5), the words from " except" to " subsection ", and subsection (6).</p>  |
| 1966 c. 17.             | The Transport Finances Act 1966.                      | <p>Section 1(2).</p> <p>In section 1(3), the words from " except "to " pounds ".</p> <p>Section 2.</p> <p>In section 3(3), the words "except section 2".</p>  |
| 1966 c. 18.             | The Finance Act 1966.                                 | <p>In section 35(3), the words " in either case ".</p>  |
| 1966 c. 46.             | The Bus Fuel Grants Act 1966.                         | <p>As from 1st January 1969, the whole Act.</p>   |
| 1967 c. xx.             | The Greater London Council (General Powers) Act 1967. | <p>Section 26.</p>  |
| 1968 c. 3.              | The Capital Allowances Act 1968.                      | <p>In section 83(4), the words " (whether under paragraph (a) or (b) above)".</p>   |
| 1968 c. 44.             | The Finance Act 1968.                                 | <p>As from 1st January 1969, section 2(1)(b).</p>   |

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## PART IV

REPEALS AS FROM APPOINTED DAY FOR PURPOSES OF SECTION 94(8)

| <i>Chapter</i>        | <i>Short Title</i>                    | <i>Extent of Repeal</i>   |
|-----------------------|---------------------------------------|---|
| 1 & 2 Geo. 6. c.44.   | The Road Haulage Wages Act 1938.      | Section 9.  |
| 6 & 7 Eliz. 2. c. 66. | The Tribunals and Inquiries Act 1958. | In Schedule 1, in paragraph 21(b), as amended by Schedule 10 to this Act, the words " Part IV of the Road Traffic Act 1960 or ".  |
| 7 & 8 Eliz. 2. c. 69. | The Wages Councils Act 1959.          | Section 21.   |
| 8 & 9 Eliz. 2. c. 16. | The Road Traffic Act 1960.            | Sections 164 to 182.<br>Section 188(2).<br>In section 189, in subsection (2), the words from "licensing authorities" to "licensing authority" and the words " and any other officers or servants appointed for the purposes of this Part of this Act", and, in subsection (3), the words " establishment charges and ", " licensing authorities " and " and any other officers or servants appointed by the Minister for the purposes of this Part of this Act".<br>In section 190, in subsection (1), the words " or the Thirteenth Schedule thereto ", paragraph (a), in paragraph (b) the words from " applications " to " licences, and on" and paragraphs (c) to (f), and subsection (2).<br>In section 191, in subsection (1), the words "and the Thirteenth and Fourteenth Schedules thereto " and the definition of " statutory attendant", and subsection (2).<br>In section 237(2), paragraphs (a) and (b), and the words |

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| <i>Chapter</i>                         | <i>Short Title</i>                                      | <i>Extent of Repeal</i>  |
|--|---|--|
| 10 & 11 Eliz. 2. c. 46.                | The Transport Act 1962.                                 | " or plate " wherever they occur.<br>In section 254(1), the words " and the Thirteenth Schedule thereto ".<br>Section 259(3).<br>Schedules 13 and 14.<br>In Schedule 19, in paragraph 4(2), the words from " except" onwards.<br>In section 57(4) the words from " and shall consist" onwards.<br>Section 60(1).<br>Section 82.<br>In Schedule 2, in Part I, the provision relating to section 174 of the Road Traffic Act 1960. |
| 11 & 12 Eliz. 2. c. 59.<br>1967 c. 30. | The Road Traffic Act 1962.<br>The Road Safety Act 1967. | Section 22.<br>Section 18(4).<br>In section 33(3) the words "or paragraph (2) of Schedule 14 to ".<br>In Schedule 1. paragraph 19.   |
| 1968 c. 73.                            | The Transport Act 1968.                                 | In Schedule 16, paragraphs 3 and 6.  |