



Transport (London) Act 1969

1969 CHAPTER 35

PART VI

MISCELLANEOUS AND GENERAL

37 Compensation for loss of employment, etc.

(1) The Minister shall by regulations require the payment by the Executive, the Railways Board or the Bus Company, as may be determined by or under the regulations, in such cases and to such extent as may be so determined, of compensation to or in respect of any person who is on the date of the happening of any of the following events, namely—

- (a) a transfer of any property, rights or liabilities under section 16, 21 or 22 of, or Schedule 2 to, this Act, or in pursuance of a direction given under section 20(1) of this Act; or
- (b) any change in the manner in which the Executive's undertaking is organised made in accordance with section 11(6) of this Act in pursuance of a direction by, or with the approval of, the Council; or
- (c) the making of any adaptations such as are mentioned in paragraph 5(4) of Schedule 16 to the Act of 1968 as applied by paragraph 7(1) of Schedule 3 to this Act,

or who has before that date been, in any employment so determined and who suffers any loss of employment, or loss or diminution of emoluments or pension rights, or worsening of his position, which is properly attributable to the happening of that event.

(2) Any such regulations may apply in relation to any such person whether or not he continues in the employment determined as aforesaid until the date of the happening of the relevant event aforesaid, and whether or not he is a party to an agreement for the rendering of personal services which is affected by the happening of that event.

(3) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect from a date prior to the making thereof, so, however, that so much of any such regulations as provides that any provision thereof is to have effect as from a date earlier than the

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making thereof shall not place any person other than the person required to pay the compensation in a worse position than he would have been in if the regulations had been made to have effect only as from the making thereof.

- (4) Regulations under this section—
- (a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined; and
 - (b) may in particular contain provisions enabling appeals from any determination as to any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, before a tribunal established under section 12 of the Industrial Training Act 1964.
- (5) No regulations shall be made under this section unless a draft thereof has been approved by a resolution of each House of Parliament.
- (6) Where the Executive, the Railways Board or the Bus Company are required by any such regulations to pay compensation thereunder, the others of those authorities may arrange to make to the compensating authority payments by way of contributions towards the liability of the compensating authority under the regulations ; and if the compensating authority satisfy the Minister that either of the other authorities have not made a proper contribution towards that liability, whether by payment of money or by finding employment for persons to or in respect of whom the compensation has become payable, the Minister may require that other authority to make such payment to the compensating authority as appears to the Minister to be just.

38 Payments on termination of appointment of members of London Board

- (1) If a person ceases to be a member of the London Board, otherwise than on the expiration of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, then, if the Minister has not before the vesting date exercised his power under paragraph 8(1) of Schedule 1 to the Act of 1962 to require the London Board to make a payment for that purpose to that person, the Minister may with the approval of the Minister for the Civil Service require the Executive to make to that person a payment of such amount as the Minister may with the like approval determine.
- (2) This section shall apply whether or not any pension is payable to the person in question under sub-paragraph (b) of the said paragraph 8(1), and shall apply to persons who ceased to be members of the London Board before the passing of this Act as well as to persons who cease to be members at a later time.

39 Dissolution of London Board

- (1) The London Board shall cease to exist on the vesting date.
- (2) The Executive shall prepare a statement, in such form, and containing such particulars, compiled in such manner, as the Minister may with the approval of the Treasury direct, of the London Board's accounts for the period from the end of that dealt with in the last annual statement of accounts published by the London Board down to the vesting date.
- (3) The Minister shall arrange that an auditor or auditors of the accounts aforesaid are appointed under section 24(2) of the Act of 1962 and the auditor or auditors so appointed shall, if the audit is not completed on the vesting date, continue and complete

the audit after the vesting date; and any liability to pay the remuneration of the auditor or auditors so appointed outstanding on the vesting date shall be transferred to the Executive.

- (4) The Executive shall as soon as may be after the vesting date make to the Minister a report on the exercise and performance by the London Board of their functions during any period since that dealt with in the last report made by the London Board under section 27(8) of the Act of 1962, and that report by the Executive—
- (a) shall include a copy of the statement of accounts prepared under subsection (2) of this section and of the report on that statement made by the auditor or auditors appointed in pursuance of subsection (3) of this section; and
 - (b) shall set out any directions given by the Minister to the London Board during that period, unless the Minister has notified to the London Board or the Executive his opinion that it is against the interests of national security to do so; and
 - (c) shall include a statement of the salary or fees and emoluments of each of the members of the London Board during that period;
- and the Minister shall lay a copy of that report before each House of Parliament.
- (5) Any liability of the London Board in respect of payments by way of interest on, or the repayment of, the commencing capital debt of the Board under section 39 of the Act of 1962 or any sums lent to that Board by the Minister under section 20 of that Act, being payments in respect of a period before the vesting date which are outstanding at that date, shall be transferred to the Executive.
- (6) As from the vesting date, the Minister may make to the Executive any payment under section 3 of the Selective Employment Payments Act 1966 which, as the designated Minister for the purposes of that section, he was authorised to make to the London Board and which had not been so made at that date.

40 Travel concessions

Section 138 of the Act of 1968 (which relates to travel concessions) shall have effect—

- (a) as if the expression " local authority" included the council of a London borough and the Common Council;
- (b) as if the Executive were the Executive for a designated area within the meaning of section 9(1) of that Act and Greater London were that designated area; and
- (c) as if the journeys referred to in subsection (1)(a) of the said section 138 included in the case of the Executive journeys between places outside but in the vicinity of Greater London ;

and, in the application to the Executive of subsection (1) of the said section 138, the reference to the approval mentioned in that subsection as not required for any travel concessions granted under that subsection shall be construed as a reference to the approval of the Council under section 11(2)(d) of this Act.

41 Provisions as to approvals, consents and directions

- (1) Any approval or consent of the Council under any provision of, or applied by, this Act shall be given in writing; and any such approval or consent may be given for any case or description of cases specified in the approval or consent, or may be general, and may be given subject to conditions.

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- (2) Nothing done by the Executive shall be held to be unlawful on the ground that the approval or consent of the Council to the doing of that thing was required by any provision of, or applied by, this Act and that it was done without obtaining that approval or consent; but if it appears to the Council that the Executive propose to do anything, or have done anything, without the approval or consent of the Council which in the opinion of the Council requires their approval or consent, the Council may give to the Executive such directions as appear to the Council to be appropriate to secure so far as practicable the observance of the rights of the Council in relation to the doing of that thing, and those directions may include directions to discontinue any specified activity or dispose of any specified assets.
- (3) Any direction under this Act by the Council to the Executive or by the Minister to the Executive or to the Council shall be in writing, and the Executive or, as the case may be, the Council shall comply with any such direction given to them notwithstanding, in the case of a direction under subsection (2) of this section, that it may result in the Executive having to dispose of any assets at a loss or incurring liability to other persons; but before the Council give any direction to the Executive under this Act they shall consult with the Executive.

42 Power to modify Act by order

In the event of any alteration in the boundaries of Greater London, the Minister may by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make any modifications to any of the provisions of this Act which appear to him to be necessary or expedient in consequence of that alteration.

43 Orders and regulations

Any power to make orders or regulations conferred on a Minister by any provision of this Act shall be exercisable by statutory instrument; and any power to make an order conferred on a Minister by any provision of this Act shall include power to make an order under that provision varying or revoking any previous order thereunder.

44 Stamp duty

- (1) Nothing in section 12 of the Finance Act 1895 (which requires Acts to be stamped as conveyances on sale in certain cases) shall be taken as applying to this Act.
- (2) Stamp duty shall not be chargeable—
- (a) under section 112 of the Stamp Act 1891 in respect of the amount which is to form the nominal share capital of the designated company, or in respect of any increase in the nominal share capital of that company which the Commissioners of Inland Revenue are satisfied is to take place before the vesting date ; or
 - (b) under section 8 of the Finance Act 1899 in respect of the amount proposed to be secured by an issue of loan capital by the designated company which those Commissioners are satisfied is to take place before that date,
- if or to the extent that those Commissioners are also satisfied that the total capital of that company, whether nominal share capital or loan capital, on the vesting date will not exceed the total value of the assets less liabilities transferred to that company under section 16 of this Act.

- (3) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Executive or the Bus Company as having been made or executed in pursuance of Schedule 2 to this Act or in pursuance of Schedule 4 to the Act of 1968 as applied by section 22(3) of this Act; but no such instrument shall be deemed to be duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

45 Interpretation

- (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—
- " the Act of 1960 " means the Road Traffic Act 1960;
 - " the Act of 1962 " means the Transport Act 1962;
 - " the Act of 1967 " means the Road Traffic Regulation Act 1967;
 - " the Act of 1968 " means the Transport Act 1968 ;
 - " appointed day " means the relevant day appointed under section 47(5) of this Act;
 - " the Boards " means the Boards established under section 1 of the Act of 1962 other than the London Board, and references to a Board shall be construed accordingly ;
 - " the Bus Company " means the National Bus Company established under section 24 of the Act of 1968 ;
 - " charges " includes fares, rates, tolls and dues of every description;
 - " the Commission " means the British Transport Commission dissolved in pursuance of section 80 of the Act of 1962;
 - " the Common Council " means the Common Council of the City of London;
 - " the Council " means the Greater London Council;
 - " the designated company " means the company designated under section 16(2) of this Act;
 - " the Executive " means the London Transport Executive established under section 4 of this Act;
 - " functions " includes powers, duties and obligations ;
 - " goods " includes animals, parcels and mails ;
 - " Greater London " means the administrative area of Greater London as for the time being constituted;
 - " hovercraft " has the same meaning as in the Hovercraft Act 1968;
 - " land " includes land covered by water and any interest or right in, over or under land ;
 - " lease " includes an agreement for a lease ;
 - " liability " includes an obligation;
 - " the London Board " means the London Transport Board established under section 1 of the Act of 1962;
 - " London bus service " has the meaning assigned by section 23(7) of this Act;
 - " the Minister " means the Minister of Transport;

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" the national transport authorities " means the Boards, the Bus Company, the National Freight Corporation established under section 1 of the Act of 1968, the Scottish Transport Group established under section 24 of the Act of 1968 and the Transport Holding Company established under section 29 of the Act of 1962;

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

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

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

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

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

" the Railways Board " means the British Railways Board established under section 1 of the Act of 1962;

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

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

" subsidiary " and " wholly-owned subsidiary " have the same meanings respectively as for the purposes of the Act of 1968;

" vehicle " includes a hovercraft;

" the vesting date " means the appointed day for the purposes of section 16 of this Act.

- (2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

46 Expenses

There shall be paid out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister under or in consequence of the provisions of this Act;
- (b) any increase attributable to any of the provisions of this Act in the sums so payable under any other Act.

47 Short title, repeals, extent and commencement

- (1) This Act may be cited as the Transport (London) Act 1969.
- (2) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) The provisions of this Act other than—
 - (a) sections 8(8) and 9(2);
 - (b) section 27(5) and the repeal of section 57(3)(a) of the Transport Act 1962 ; and
 - (c) the repeals made in the House of Commons Disqualification Act 1957,shall not extend to Scotland.
- (4) Except for the repeals made in the House of Commons Disqualification Act 1957, the provisions of this Act shall not extend to Northern Ireland.
- (5) This Act shall come into force on such day as the Minister may by order appoint, and different days may be appointed for different purposes and different provisions of this Act.