

SCHEDULES

SCHEDULE 13

Section 152.

TRANSITIONAL PROVISIONS AND SAVINGS

The Central Committee

- 1 (1) Unless the Secretary of State otherwise directs, any person who, immediately before the coming into force of section 3 of this Act, is—
- (a) the chairman of the former Central Committee, or
 - (b) one of the other members of that Committee appointed as such by the Secretary of State,
- shall, for the remainder of the period for which he was appointed as such, be the chairman or, as the case may be, one of the other members of the Central Committee.
- (2) Any reference or representation—
- (a) which was made under section 56(4)(a) or (b) of the 1962 Act to the former Central Committee,
 - (b) which relates to a matter which is within the competence of the Central Committee, and
 - (c) which has not been disposed of by the former Central Committee before the coming into force of section 3 of this Act,
- shall be treated as a reference or representation made to the Central Committee pursuant to paragraph (a) or (b) of subsection (2) of section 76 of this Act for the purposes of subsection (1) of that section.
- (3) Any matter—
- (a) which was under consideration by the former Central Committee pursuant to section 56(4)(c) of the 1962 Act,
 - (b) which is within the competence of the Central Committee, and
 - (c) which has not been disposed of by the former Central Committee before the coming into force of section 3 of this Act,
- shall be treated as a matter which ought to be considered by the Central Committee under subsection (1) of section 76 of this Act by virtue of subsection (2)(c) of that section.
- (4) It shall be the duty of the former Central Committee to secure that all papers and other material relating to any representation, reference or matter falling within subparagraph (2) or (3) above are delivered up to the Central Committee as soon as reasonably practicable after the coming into force of section 3 of this Act.
- (5) In any case where—
- (a) any recommendation made under section 56(4) of the 1962 Act by the former Central Committee has been received by the Secretary of State before the coming into force of section 3 of this Act, but

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- (b) the Secretary of State has not disposed of that recommendation before the coming into force of that section,
 he may, before the expiration of the period of twelve months beginning with the coming into force of that section, give a direction to any person providing a railway service whom he considers responsible for the matters dealt with in the recommendation.
- (6) As respects the financial year at the beginning of which, or during which, section 3 of this Act comes into force—
- (a) the Central Committee shall as soon as practicable prepare and send to the Regulator a statement of the expenses which they expect to incur in respect of that financial year for the purposes of, or in connection with, the carrying out of their functions; and
- (b) the Regulator shall consider any statement sent to him under paragraph (a) above and shall either approve the statement or approve it with such modifications as he considers appropriate.
- (7) In this paragraph—
- “the 1962 Act” means the Transport Act 1962;
 “the Central Committee” has the same meaning as in Part I of this Act;
 “the former Central Committee” means the Central Transport Consultative Committee for Great Britain, established under section 56 of the 1962 Act.
- (8) For the purposes of this paragraph the matters which are within the competence of the Central Committee are any matters of a kind which, after the coming into force of section 3 of this Act, the Central Committee has power, or is under a duty, to investigate under section 76 of this Act.

Consultative committees

- 2 (1) Until such time as the Regulator otherwise directs—
- (a) there shall be the same number of consultative committees as there are Area Committees immediately before the coming into force of section 2 of this Act; and
- (b) there shall be a consultative committee for each area for which, immediately before the coming into force of that section, there is an Area Committee.
- (2) Unless the Regulator otherwise directs, any person who, immediately before the coming into force of section 2 of this Act, is the chairman or one of the other members of an Area Committee for any area shall, for the remainder of the period for which he was appointed as such, be the chairman or, as the case may be, one of the other members of the consultative committee for that area.
- (3) Any reference or representation—
- (a) which was made under section 56(4)(a) or (b) of the 1962 Act to an Area Committee for any area,
- (b) which relates to a matter which is within the competence of the consultative committee for that area, and
- (c) which has not been disposed of by the Area Committee before the coming into force of section 2 of this Act,

shall be treated as a reference or representation made to the consultative committee pursuant to paragraph (a) or (b) of subsection (2) of section 77 of this Act for the purposes of subsection (1) of that section.

- (4) Any matter—
- (a) which was under consideration by an Area Committee for any area pursuant to section 56(4)(c) of the 1962 Act,
 - (b) which is within the competence of the consultative committee for that area, and
 - (c) which has not been disposed of by the Area Committee before the coming into force of section 2 of this Act,

shall be treated as a matter which ought to be considered by the consultative committee under subsection (1) of section 77 of this Act by virtue of subsection (2) (c) of that section.

- (5) It shall be the duty of the Area Committee for any area to secure that all papers and other material relating to any representation, reference or matter falling within subparagraph (3) or (4) above are delivered up to the consultative committee for that area as soon as reasonably practicable after the coming into force of section 2 of this Act.

- (6) In any case where—
- (a) any recommendation made under section 56(4) of the 1962 Act by an Area Committee has been received by the Secretary of State before the coming into force of section 2 of this Act, but
 - (b) the Secretary of State has not disposed of that recommendation before the coming into force of that section,

he may, before the expiration of the period of twelve months beginning with the coming into force of that section, give a direction to any person providing a railway service whom he considers responsible for the matters dealt with in the recommendation.

- (7) As respects the financial year at the beginning of which, or during which, section 2 of this Act comes into force—
- (a) each consultative committee shall as soon as practicable prepare and send to the Regulator a statement of the expenses which they expect to incur in respect of that financial year for the purposes of, or in connection with, the carrying out of their functions; and
 - (b) the Regulator shall consider any statement sent to him under paragraph (a) above and shall either approve the statement or approve it with such modifications as he considers appropriate.

- (8) In this paragraph—
- “the 1962 Act” means the Transport Act 1962;
 - “Area Committee” means an Area Transport Users Consultative Committee, established under section 56 of the 1962 Act;
 - “consultative committee” means a consultative committee established under subsection (2) of section 2 of this Act.

- (9) For the purposes of this paragraph the matters which are within the competence of a consultative committee are any matters of a kind which, after the coming into force of section 2 of this Act, the committee has power, or is under a duty, to investigate under section 77 of this Act.

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Proposed closures

- 3 (1) This paragraph applies in any case where—
- (a) notice of a proposed closure has been given pursuant to subsection (7) of section 56 of the 1962 Act before the relevant date, but
 - (b) the Minister has not, before that date, either given or refused his consent to the proposed closure.
- (2) Where this paragraph applies, subsections (7) to (10) and (13) of section 56 of the 1962 Act (and, accordingly, section 54 of the 1968 Act) shall, notwithstanding anything in section 49(1) of this Act, continue to have effect in relation to the proposed closure in question, but with the substitution—
- (a) for any reference to an Area Committee of a reference to a consultative committee, and
 - (b) for any reference to the former Central Committee of a reference to the Central Committee,
- and the closure provisions of this Act shall not have effect in relation to that proposed closure.
- (3) In this paragraph—
- “the 1962 Act” means the Transport Act 1962;
 - “the 1968 Act” means the Transport Act 1968;
 - “Area Committee” means an Area Transport Users Consultative Committee, established under section 56 of the 1962 Act, and includes a reference to the London Regional Passengers' Committee in its capacity as such a Committee by virtue of section 41 of the London Regional Transport Act 1984;
 - “the Central Committee” has the same meaning as in Part I of this Act;
 - “the closure provisions of this Act” means sections 37 to 49 of this Act and Schedule 5 to this Act;
 - “consultative committee” has the same meaning as in Part I of this Act and includes a reference to the London Regional Passengers' Committee in its capacity as consultative committee for the Greater London area, within the meaning of section 2 of this Act;
 - “the former Central Committee” means the Central Transport Consultative Committee for Great Britain, established under section 56 of the 1962 Act;
 - “the Minister” has the same meaning as in section 56 of the 1962 Act;
 - “proposed closure” has the same meaning as in section 56 of the 1962 Act;
 - “the relevant date” means the date on which the closure provisions of this Act come into force.

Saving for section 41 of the Channel Tunnel Act 1987

- 4 (1) Section 41 of the Channel Tunnel Act 1987 (which applies certain statutory functions of consumer committees to complaints about international railway passenger services as they apply in relation to services and facilities provided by the Board and its subsidiaries) shall continue to have effect as if section 78(1) of this Act and paragraphs 6(6)(b) and 18(3) to (8) and (10) of Schedule 12 to this Act had not been enacted.

- (2) In the application of subsection (5) of section 40 of the London Regional Transport Act 1984 by virtue of section 41 of the Channel Tunnel Act 1987, for the words in that subsection from “those services or facilities are within the competence of the Committee” onwards there shall be substituted the words “those services or facilities are provided within the area which is for the time being “the Greater London area” for the purposes of section 2 of the Railways Act 1993.”