



# Transport Act 1962

## 1962 CHAPTER 46

### PART I

#### THE BOARDS AND THE HOLDING COMPANY

##### *Preliminary*

#### **1 The four Boards**

- (1) For the purposes of this Act there shall be four public authorities to be called—  
the British Railways Board (in this Act referred to as the " Railways Board ");  
the London Transport Board (in this Act referred to as the "London Board");  
the British Transport Docks Board (in this Act referred to as the " Docks Board "); and  
the British Waterways Board,  
among whom the functions and (subject to the provisions of this Act relating to the Holding Company) the property of the British Transport Commission (hereinafter referred to as " the Commission ") shall be divided in accordance with this Act.
- (2) The chairman of each Board shall be appointed by the Minister, and the other members of each Board (including any vice chairman) shall be appointed by the Minister after consultation with the chairman of that Board.
- (3) The British Railways Board shall consist of a chairman, a vice chairman, or two vice chairmen, and not more than sixteen nor less than ten other members; the chairmen and other members of the Board shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, administration, applied science, or the organisation of workers, and the Minister in appointing them 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 Board.
- (4) The London Transport Board shall consist of a chairman, a vice chairman and not more than nine nor less than four other members; the chairmen and other members of

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the Board shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, urban transport, industrial, commercial or financial matters, administration, applied science, or the organisation of workers.

- (5) The British Transport Docks Board shall consist of a chairman, a vice chairman and not more than nine nor less than four other members; the chairmen and other members of the Board shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, the operation, management or administration of docks, or transport, industrial, commercial or financial matters, administration, applied science, or the organisation of workers, and the Minister in appointing them 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 Board.
- (6) The British Waterways Board shall consist of a chairman, a vice chairman and not more than nine nor less than four other members; the chairmen and other members of the Board shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, the operation, management or administration of inland navigations or related matters or who appear to him to have special knowledge relating to some important aspect of the Board's work or to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, administration, applied science or the organisation of workers, and the Minister in appointing them 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 Board.
- (7) Part I of the First Schedule to this Act shall have effect as regards the constitution and proceedings of the Boards, and as regards their members.

## **2 The Regional Railway Boards**

- (1) The Railways Board shall set up Boards (hereafter in this Act referred to as " Regional Railway Boards ") which shall, in accordance with the provisions of this section, share between them responsibility for all parts of the national railway system.
- (2) In the first instance there shall be six Regional Railway Boards to be known as—
  - the Eastern Railway Board,
  - the London Midland Railway Board,
  - the North Eastern Railway Board,
  - the Scottish Railway Board,
  - the Southern Railway Board,
  - the Western Railway Board,but the Minister may, after consulting the Railways Board, by order alter the number of Regional Railway Boards or give them names or new names.

An order made under this subsection may vary a previous order so made and shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) Part II of the First Schedule to this Act shall have effect as regards the constitution and proceedings of Regional Railway Boards, and as regards their members.

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- (4) Each Regional Railway Board shall, on behalf of the Railways Board, exercise such functions of the Railways Board as respects the part of the national railway system for the management of which that Regional Railway Board is to be responsible as are for the time being delegated to them by the Railways Board ; and the Railways Board shall, in determining what functions are to be so delegated by them, act on lines settled from time to time with the approval of the Minister.
- (5) The Railways Board shall from time to time determine the parts of the national railway system for the management of which the Regional Railway Boards are to be responsible.

The Railways Board shall publish in the London and Edinburgh Gazettes notice of any determination made by them under this subsection, stating the places at which copies of the maps, plans and other documents which implement the determination may be inspected by the public, and shall at all times afford reasonable facilities in appropriate places for inspection by the public of such maps, plans and other documents authenticated by a certificate in writing by the Railways Board.

### *The Railways Board*

## **3 Duty and powers of Railways Board**

- (1) It shall be the duty of the Railways Board in the exercise of their powers under this Act to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation.
- (2) The Railways Board shall co-operate with the London Board for the purpose of ensuring that the railway services provided by the Railways Board in the London Passenger Transport Area are properly coordinated with the services provided by the London Board, and shall afford to the London Board such information of proposed changes in their railway services in the said Area, and such opportunities for consultation, as the London Board may reasonably require for that purpose.
- (3) Subject to this Act, the Railways Board shall have power—
  - (a) to carry goods and passengers by rail within Great Britain,
  - (b) in the circumstances specified in the next following section, to carry goods and passengers by road,
  - (c) to operate the harbours owned or managed by the Railways Board, and to provide port facilities at those harbours,
  - (d) to consign goods on behalf of other persons from any place in Great Britain, or from any place to which the Railways Board have themselves carried the goods in question to any other place, whether in Great Britain or elsewhere,
  - (e) to store within Great Britain goods which have been or are to be carried by the Railways Board, and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods,
  - (f) to enter into and carry out agreements—
    - (i) with carriers outside Great Britain for the through carriage of goods and passengers under one contract or at a through charge or in the same vehicles or containers, and

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(ii) with any person engaged in coastal shipping for co-ordinating the activities of that person with those of the Board, and in particular for facilitating the through carriage of goods, for the quoting of through rates and for the pooling of receipts or expenses.

(4) Subsections (1) and (2) of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

#### **4 Railways Board's road services**

(1) Subject to this section, the Railways Board shall have power—

(a) to provide transport services by road—

(i) for the carriage of goods which have been or are to be carried by rail or water by the Railways Board, and

(ii) for the carriage of goods where a railway service has been temporarily interrupted, and

(iii) for the carriage of passengers where a railway service has been temporarily interrupted, or has been discontinued,

and to carry goods and passengers by those services ;

(b) to exercise the powers conferred by the Railway Road Transport Acts of 1928 (which relate to the provision of road transport services).

(2) The Railways Board shall not in exercise of the powers conferred by the said Acts of 1928 without the consent of the Minister—

(a) enter into any agreement for the provision of services for the carriage of passengers by road, whether or not by way of varying an existing agreement, or

(b) except in pursuance of an agreement under the said Acts (whether entered into before or after the passing of this Act) provide any service for the carriage of passengers by road which was not being provided by the Commission immediately before the vesting date, or

(c) carry any goods by road for hire or reward.

(3) The foregoing provisions of this section shall not empower the Railways Board to run any public service vehicle as a contract carriage, but the Board shall have power to use any public service vehicle as a contract carriage to carry a pleasure party consisting of persons employed by the Board, with or without their families or friends.

(4) Notwithstanding the last foregoing subsection, the Railways Board may carry any party by contract carriage on a journey which begins or ends within the city of Sheffield, the county borough of Halifax, the county borough of Huddersfield or the borough of Todmorden.

(5) Nothing in this section shall authorise the Railways Board to carry passengers by road in a hackney carriage adapted to carry less than eight passengers and used in plying or standing for hire in the street.

(6) Except as provided by this section the Railways Board shall not have power to provide services for the transport of goods or passengers by road.

(7) In this section " the Railway Road Transport Acts of 1928 " has the meaning assigned by paragraph 1 of Part II of the Second Schedule to this Act.

## **5 Railways Board's shipping services and power to provide air services**

- (1) The Railways Board shall have the powers conferred by the Railway Shipping Acts but shall not without the consent of the Minister exercise those powers to provide any regular shipping service for the carriage of passengers or goods to or from a port or place outside Great Britain which is not a service which was being provided by the Commission or by one of the bodies listed in Part I of the Fourth Schedule to this Act in the period from the first day of June, nineteen hundred and sixty, to the vesting date, or in some part of that period.
- (2) The Railways Board shall have the powers conferred by the Railway Air Transport Acts of 1929 but shall not exercise those powers without the consent of the Minister.
- (3) Except as provided by this section the Railways Board shall not have power to provide—
  - (a) shipping services for the carriage of goods or passengers to or from any port or place outside Great Britain, or
  - (b) air transport services.
- (4) In this section " the Railway Shipping Acts " and " the Railway Air Transport Acts of 1929" have the meanings assigned by paragraphs 2 and 3 of Part II of the Second Schedule to this Act.

## **6 Railways Board's power to provide hotels**

The Railways Board shall have power to provide hotels in places where those using the railway services provided by the Board may require them, for use both by those and other persons, and shall have power to manage hotels, but the Board shall not exercise their power of managing hotels without the consent of the Minister.

### *The London Board*

## **7 Duty and powers of London Board**

- (1) It shall be the duty of the London Board in the exercise of their powers under this Act to provide or secure the provision of an adequate and properly coordinated system of passenger transport for the London Passenger Transport Area, and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them.
- (2) The London Board shall co-operate with the Railways Board for the purpose of ensuring that the services provided by the London Board are properly coordinated with the railway services of the Railways Board in the London Passenger Transport Area, and shall afford to the Railways Board such information of proposed changes in their services, and such opportunities for consultation, as the Railways Board may reasonably require for that purpose.
- (3) Subject to this Act, the London Board shall have power to carry passengers by rail and road inside the London Passenger Transport Area and, in the circumstances specified in the next following section, to carry passengers by road outside that Area.
- (4) The London Board shall have the powers conferred by section twenty-six of the London Passenger Transport Act, 1933 (which relates to the carriage of goods on public service vehicles), and, as respects each of the railways vesting in the London

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Board under Part II of this Act, the powers of carrying goods on that railway conferred by any local enactment in force immediately before the vesting date.

- (5) Subject to the next following subsection, the London Board shall have power to let motor vehicles on hire to other persons who hold public service vehicle licences under Part III of the Road Traffic Act, 1960, for use by them for the carriage of passengers.
- (6) The London Board shall not keep for operation as public service vehicles more vehicles than are in their opinion required for the purpose of providing such transport services as they have power to provide under subsection (3) of this section and under the next following section and, accordingly, they shall not keep for operation as public service vehicles more vehicles than they would keep if they did not possess the power conferred by the last foregoing subsection.
- (7) The London Board shall not have power to let motor vehicles on hire to other persons for use by them for the carriage of goods.
- (8) The London Board shall not have power to carry passengers by road in a hackney carriage adapted to carry less than eight passengers and used in plying or standing for hire in the street.
- (9) Subsections (1) and (2) of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

## **8 London Board's road services outside London**

- (1) The London Board shall have power to carry passengers outside the London Passenger Transport Area by stage or express carriage—
  - (a) on roads within a radius of ten miles, or in the county of Kent five miles, from any point on the boundary of the London Passenger Transport Area, and
  - (b) on the London Transport Executive's routes (so far as they extend beyond the limits specified in paragraph (a) of this subsection), and
  - (c) with the consent of the Minister, by any service beyond the limits specified in paragraphs (a) and (b) of this subsection.

The Minister shall not give his consent under paragraph (c) of this subsection unless he is satisfied that there are exceptional circumstances which make it desirable that the Board should carry passengers on a particular route outside the said limits.

- (2) The London Board shall have power to carry passengers outside the London Passenger Transport Area by contract carriage—
  - (a) on roads within a radius of ten miles, or in the county of Kent five miles, from any point on the boundary of the London Passenger Transport Area, and
  - (b) where the passengers consist of a pleasure party of persons employed by the Board, with or without their families or friends, on roads within a radius of one hundred miles from Charing Cross.
- (3) Nothing in this section shall be taken as exempting the London Board from any of the requirements of Part III of the Road Traffic Act, 1960, or of those requirements as extended by Part IV of this Act.
- (4) Except as provided by this section the Board shall not have power to carry passengers by road outside the London Passenger Transport Area.

- (5) In this section the expression " the London Transport Executive's routes " means such routes as the Minister may by order contained in a statutory instrument certify to be the routes on which the London Transport Executive had, at any time in the period of twelve months ending on the second day of November, nineteen hundred and sixty-one, power to carry passengers by stage or express carriage.

For the purposes of this subsection any power to carry passengers in accordance with a working agreement which was made in pursuance of section eighteen of the London Passenger Transport Act, 1933, and to which the Commission became a party by virtue of Part II of the Transport Act, 1947, shall be left out of account.

- (6) Any order under the last foregoing subsection shall be made not later than the vesting date.

### *The Docks Board*

## **9 Duty and powers of Docks Board**

- (1) It shall be the duty of the Docks Board in the exercise of their powers under this Act to provide, to such extent as they may think expedient, port facilities at the harbours owned or managed by the Board, and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them.
- (2) Subject to this Act, the Docks Board shall have power—
- (a) to operate the harbours owned or managed by the Board and to provide port facilities at those harbours,
  - (b) to consign goods on behalf of other persons to or from, or on routes through, the harbours owned or managed by the Board,
  - (c) to store goods which have been or are to be loaded or unloaded in or carried through any harbour owned or managed by the Board and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods.
- (3) Subsection (1) of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

### *The British Waterways Board*

## **10 Duty and powers of British Waterways Board**

- (1) It shall be the duty of the British Waterways Board in the exercise of their powers under this Act to provide to such extent as they may think expedient—
- (a) services and facilities on the inland waterways owned or managed by them, and
  - (b) port facilities at any harbour owned or managed by them,
- and to have due regard to efficiency, economy and safety of operation as respects the services and facilities provided by them.

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- (2) It shall also be the duty of the Board to review the manner in which the inland waterways owned or managed by them, so far as not required for the discharge of their duty under subsection (1) of this section, may be put to the best use, to formulate proposals with the object of putting them to the best use and to take all steps open to them to achieve that object whether by developing or converting any inland waterway themselves or by selling or leasing to other persons.
- (3) Subject to this Act, the British Waterways Board shall have power—
- (a) to carry goods and passengers by inland waterway and to provide facilities for traffic on the inland waterways owned or managed by them,
  - (b) to operate the harbours owned or managed by them and to provide port facilities at those harbours,
  - (c) to provide transport services by road—
    - (i) for the carriage of goods which have been or are to be carried by the Board by inland waterway, and
    - (ii) for the carriage of goods where the use of an inland waterway owned or managed by the Board has been temporarily interrupted,
 and to carry goods by those services,
  - (d) to abstract and sell untreated water from any inland waterway owned or managed by the Board for any purpose,
  - (e) to consign goods on behalf of other persons on routes wholly or partly over any of the inland waterways owned or managed by them or to or from, or on routes through, any of the harbours owned or managed by them,
  - (f) to store goods which have been or are to be carried on any of the inland waterways owned or managed by the Board, or which have been or are to be loaded or unloaded in or carried through any of the harbours owned or managed by them, and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods,
  - (g) to enter into and carry out agreements—
    - (i) with carriers outside Great Britain for the through carriage of goods and passengers under one contract or at a through rate or in the same vessels or containers, and
    - (ii) with any person engaged in coastal shipping for coordinating the activities of that person with those of the Board and, in particular, for facilitating the through carriage of goods, for the quoting of through rates and for the pooling of receipts or expenses.
- (4) Subsections (1) and (2) of this section shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

*Provisions concerning all the Boards*

## 11 Development of land

- (1) Subject to this section, each Board shall have power to develop their land in such manner as they may think fit.
- (2) Each Board may, in particular, and subject to this section.—



- (a) retain any part of their land which is not required for the purposes of their business and develop it for use by other persons, and
- (b) where the use of their land for the purposes of their business can be combined with its use for other purposes, develop the land by constructing or adapting buildings thereon for use wholly or partly by other persons,

with a view to selling or otherwise disposing of any right or interest in the land or, as the case may be, the buildings or any part of the buildings, after the development is carried out.

- (3) A Board shall not incur any substantial item of expenditure in developing their land for use for purposes which are not the purposes of their business without the consent of the Minister, and the Minister may from time to time give directions to the Boards indicating what is to be treated for the purposes of this section as a substantial item of expenditure.
- (4) Where a Board propose under this section to develop any land for use otherwise than for the purposes of their business they shall have power, with the consent of the Minister, to acquire by agreement adjoining land for the purpose of developing it together with the other land, but the Minister shall not give his consent under this subsection unless it appears to him that the other land cannot be satisfactorily developed unless the adjoining land is acquired by the Board.

Except as provided by the foregoing provisions of this subsection, a Board shall not have power to acquire land for purposes Which are not related to any of the activities of the Board other than the development of land.

## **12 Pipe-lines**

- (1) Subject to this section, the Boards shall have power—
  - (a) to construct and operate pipe-lines in Great Britain, and
  - (b) to enter into transactions with other persons for the construction or operation by those other persons of pipe-lines on land in Great Britain belonging to the Boards.
- (2) The Boards shall not have power to acquire land for the purpose of constructing pipe-lines except—
  - (a) where the pipe-line is or is to be mainly on land belonging to the Boards and acquired for other purposes, or
  - (b) where the pipe-line is required for the purposes of the business of the Board other than the operation of pipe-lines.
- (3) A Board shall not without the consent of the Minister construct any pipe-line unless the pipe-line is required for the purposes of the business of the Board other than the operation of pipe-lines.
- (4) In this section the expression " pipe-line" means any main or pipe for the transmission of any substance, together with any works provided in connection with the operation of such a main or pipe.

## **13 The Boards' powers of manufacture and production**

- (1) Each of the Boards shall have power to construct, manufacture, produce, purchase, maintain and repair anything required for the purposes of the business—

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- (a) of that Board,
- (b) of any other Board, or
- (c) of a subsidiary of any of the Boards or of a subsidiary of the Holding Company,

and, subject to section eleven of this Act and to the following provisions of this section, the Boards shall not have power to construct, manufacture, produce, purchase, maintain or repair anything not required for any of those purposes.

- (2) The British Waterways Board shall have power to construct, manufacture or produce any plant or equipment of a kind ordinarily made for use in connection with the operation of an inland waterway with a view to its sale for use in that connection, and to repair plant or equipment of such a kind:

Provided that this subsection shall not apply to barges or any other description of vessels.

- (3) Subsection (1) of this section shall not affect the powers conferred by section forty-three of the British Transport Commission Act, 1950 (which relates to the supply of railway equipment to the Ulster Transport Authority, and which will under this Act apply to the Railways Board), or section sixty-seven of the British Transport Commission Act, 1957 (which relates to the supply of heat to the Royal Naval College at Greenwich, and which will under this Act apply to the London Board).
- (4) Each of the Boards shall from time to time submit to the Minister proposals as to the manner in which their powers of construction, manufacture and production under the foregoing provisions of this section are to be exercised, and shall exercise those powers in accordance with those proposals as approved by the Minister with or without modification; but the Minister may, after consultation with a Board, direct that Board to discontinue any of the activities which they are carrying on in accordance with proposals so approved.
- (5) Without prejudice to so much of subsection (1) of this section as restricts the Boards' powers, a Board shall not have power to manufacture, otherwise than for purposes of research or development, road vehicles, bodies or chassis for road vehicles or major components of road vehicles.

This subsection shall not come into force as respects the Railways Board until the expiration of the period of three years from the vesting date, so, however, that if it appears to the Minister that that Board can properly terminate the activities restricted by this subsection before then, he may direct that for the period of three years there shall be substituted such shorter period as may be specified in the direction.

- (6) Without prejudice to so much of subsection (1) of this section as restricts the Boards' powers, a Board shall not have power—
  - (a) to purchase any road vehicle for the purpose of sale to any person other than another Board or a subsidiary of any of the Boards or of the Holding Company,
  - (b) to trade in spare parts for or accessories to road vehicles, or in petrol or oil for road vehicles, except by way of sale to any of the other Boards, or a subsidiary of any of the Boards or of the Holding Company, or
  - (c) to engage in the maintenance or repair of road vehicles or spare parts for or accessories to road vehicles, other than vehicles, spare parts or accessories used by any of the Boards, or any subsidiary of any of the Boards or of the Holding Company, for the purposes of their business.

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- (7) The Boards shall not have power to engage in the building of ships, except lighters, barges or like vessels of a gross tonnage not exceeding one hundred and seventy-five tons, but this subsection—
- (a) shall not apply to the conversion by the British Water ways Board of a ship from one type to another, and
  - (b) shall not be taken as preventing any of the Boards from manufacturing furnishings or fittings for ships to be operated by them or any of their subsidiaries.
- (8) For the purposes of this section—
- " body ", in relation to a vehicle in which the framework to which the major components are attached forms an integral whole with the body-structure, includes that framework;
  - " chassis " means—
    - (a) in relation to a vehicle in which the framework to which the major components are attached is distinct from the body-structure, that framework together with the complement of major components required in order to construct a road vehicle on that framework, or
    - (b) in relation to a vehicle in which the framework to which the major components are attached forms an integral whole with the body-structure, the complement of major components required in order to complete that body-structure, when new, as a road vehicle;
  - " major component " means the complete power unit, complete transmission system, complete suspension system, complete steering gear, complete braking system or complete axle of a vehicle;
  - " manufacture ", in relation to the body of a road vehicle, and in relation to the chassis of a road vehicle where the framework to which the major components are attached is distinct from the body-structure, includes the assembly of the parts of the body or, as the case may be, of the parts of the chassis for the purpose of constructing a new body or, as the case may be, a new chassis;
  - " road vehicle " includes any vehicle designed to be used both as railway rolling stock and on roads.

## **14 Supplemental provisions relating to the Boards' powers**

- (1) Subject to this Act, the Boards shall have power—
- (a) to enter into and carry out agreements with any person for the carrying on by that person, whether as agent for the Board or otherwise, of any of the activities which the Board may themselves carry on,
  - (b) without prejudice to the foregoing paragraph, to enter into agreements with the other Boards and with any subsidiary of any of the Boards or of the Holding Company, for the management, working and use by one party to the agreement of works, land or other property belonging to the other party, and with respect to the rendering of services and the pooling of receipts or expenses,
  - (c) to acquire land for the purposes of their business,
  - (d) in places where those using the services and facilities provided by the Board may require them, to provide both for them and for other persons facilities for the purchase and consumption of food and drink, places for refreshment and

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such other amenities and facilities as it may appear to the Board requisite or expedient to provide,

- (e) to dispose (whether absolutely or for a term of years) of any part of the undertaking of the Board or any property which in their opinion is not required by them for the purposes of their business, and, in particular, to dispose of an interest in, or right over, any property, which, subject to the interest or right, is retained by the Board,
  - (f) to do anything for the purposes of advancing the skill of persons employed by the Board or the efficiency of the equipment of the Board or of the manner in which that equipment is operated, including the provision by the Board, and the assistance of the provision by others, of facilities for training, education and research,
  - (g) to provide houses, hostels and other like accommodation for persons employed by the Board,
  - (h) to make housing loans to persons employed by the Board to assist them to acquire housing accommodation and to guarantee loans made by building societies and other bodies to such persons for housing purposes,
  - (j) to invest any sums which are not immediately required by the Board for the purposes of their business,
  - (k) to turn their resources to account so far as not required for the purposes of their business, and
  - (l) to do all other things which in the opinion of the Board are necessary to facilitate the proper carrying on of their business.
- (2) The Boards shall have power to acquire any undertaking or part of an undertaking if the assets comprised in the undertaking or the part of the undertaking are wholly or mainly assets which the Board require for the purposes of their business.
- (3) Each of the Boards shall have power with the consent of the Minister, and for the purposes of their business, to lend money to, or give a guarantee for the benefit of, any person for the purposes of an undertaking carried on by him, or, where that person is a body corporate, any undertaking carried on by a subsidiary of that body corporate.
- (4) Each of the Boards shall have power with the consent of the Minister, and for the purposes of their business, to subscribe for or acquire any securities of a body corporate.
- (5) Subsections (3) and (4) of this section shall not affect the power of a Board—
- (a) to lend money by way of investment or to subscribe for or acquire securities by way of investment, or
  - (b) to leave outstanding any loan made or guarantee given, or to retain any securities acquired, by the Commission before the vesting date.
- (6) Each of the powers conferred on any Board by the foregoing provisions of this Act shall be deemed to be in addition to, and not in derogation of, any other powers so conferred; and it is hereby declared that those provisions relate only to the capacity of the Boards as statutory corporations, and nothing in those provisions shall be construed as authorising the disregard by any of the Boards of any enactment or rule of law.

## **15 Compulsory purchase of land**

- (1) Subject to this section, the Minister may authorise any Board to purchase compulsorily any land in Great Britain which they require for the purposes of their business and the

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Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply as if each Board were a local authority within the meaning of that Act and as if this Act had been in force immediately before the commencement of that Act:

Provided that this subsection shall not be taken as authorising a Board to purchase compulsorily land which they have power to acquire by agreement under subsection (4) of section eleven of this Act.

- (2) The Minister shall not under this section authorise a Board to purchase land for the purpose of constructing a pipeline if the construction of that pipe-line requires the consent of the Minister under subsection (3) of section twelve of this Act.
- (3) The power of purchasing land compulsorily in this section shall include power to acquire an easement or other right over land by the creation of a new right:

Provided that this subsection shall not apply to an easement or other right over any land which would for the purposes of the Acquisition of Land (Authorisation Procedure) Act, 1946, form part of a common, open space or fuel or field garden allotment.

- (4) In the application of this section to Scotland, there shall be substituted, for any reference to the Acquisition of Land (Authorisation Procedure) Act, 1946, a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947, and, for any reference to an easement, a reference to a servitude ; and the reference in the last foregoing subsection to a fuel or field garden allotment shall be omitted.

## **16 Working agreements involving the delegation of special statutory powers**

- (1) A Board may enter into any working agreement to which this section applies notwithstanding that it involves the delegation of the functions of the Board under any enactment relating to any part of their undertaking.
- (2) In the foregoing subsection the reference to a working agreement to which this section applies is a reference to an agreement of one of the kinds described in paragraph (f) of subsection (3) of section three or paragraph (g) of subsection (3) of section ten or paragraph (b) of subsection (1) of section fourteen of this Act.

## **17 Power to promote and oppose Bills**

- (1) Each Board may, with the consent of the Minister, promote Bills in Parliament and may oppose any Bill in Parliament.
- (2) The power conferred by subsection (1) of this section shall be in lieu of any power to promote or oppose Bills which a Board might otherwise possess under the provisions of this Act as successors to the persons carrying on any undertaking, and, in particular, the persons carrying on any undertaking transferred to the Commission by the Transport Act, 1947, but nothing in this section shall be construed as prejudicing any power exercisable by any Board as successors to apply for orders, and oppose applications for orders, including orders subject to special parliamentary procedure.
- (3) In the application of this section to Scotland, " Bill in Parliament" includes an order under the Private Legislation Procedure (Scotland) Act, 1936.

### *Financial provisions*

#### **18 Financial duty of Boards**

- (1) Each of the Boards shall so conduct their business as to secure that their revenue is not less than sufficient for making provision for the meeting of charges properly chargeable to revenue, taking one year with another.
- (2) Each Board shall charge to revenue in every year all charges which are proper to be made to revenue, including, in particular, proper provision for the depreciation or renewal of assets and proper allocations to general reserve, and the reference in subsection (1) of this section and other references in this Act to charges properly chargeable to revenue shall be construed accordingly.
- (3) Without prejudice to the Board's powers to establish specific reserves, each Board shall establish and maintain a general reserve.
- (4) The management by each Board of their general reserve, the sums to be carried from time to time to the credit thereof, and the application of the moneys comprised therein shall be as the Board may determine:

Provided that—

- (a) no part of the moneys comprised in the general reserve shall be applied otherwise than for the purposes of the Board; and
  - (b) the Minister may, with the approval of the Treasury, give to the Board directions as to any matter relating to the establishment or management of the general reserve or the carrying of sums to the credit thereof, or the application thereof.
- (5) Each of the Boards may, with the consent of the Minister given with the approval of the Treasury, make charges to capital account representing interest on expenditure of a capital nature (including expenditure of a capital nature incurred by the Commission before the vesting date), being interest for any period which ends on or before the end of the accounting period in which the project or scheme to which the expenditure relates is in the opinion of the Minister completed.
  - (6) This section shall have effect subject to the following provisions of this Part of this Act relating to the Railways Board and the British Waterways Board.

#### **19 Borrowing powers of Boards**

- (1) Subject to the limit in subsection (3) of this section, each of the Boards may borrow temporarily, by way of overdraft or otherwise, either from the Minister or, with the consent of the Minister, from any other person, such sums as the Board may require for meeting their obligations or discharging their functions under this Act, but the aggregate of the amounts outstanding in respect of any temporary loans raised by a Board under this subsection shall not exceed such limit as the Minister may for the time being have imposed on that Board for the purposes of this subsection by a direction given to the Board.
- (2) Subject to the limit in subsection (3) of this section, each of the Boards may borrow (otherwise than by way of temporary loan) from the Minister such sums as the Board may require for all or any of the following purposes—

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- (a) for meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets in connection with the business of the Board,
  - (b) for the provision of working capital,
  - (c) for acquiring an undertaking or part of an undertaking,
  - (d) for lending money to, or meeting a guarantee given for the benefit of, any person for the purpose of an undertaking carried on by him, or where that person is a body corporate, an undertaking carried on by a subsidiary of that body corporate,
  - (e) for subscribing for or acquiring securities of a body corporate, otherwise than by way of investment,
  - (f) for the payment of interest charged to capital account under subsection (5) of the last foregoing section,
  - (g) to pay off—
    - (i) any part of the commencing capital debt of the Board,
    - (ii) any money borrowed by the Board,
    - (iii) any liability transferred to the Board from the Commission under or in pursuance of this Act,
  - (h) for any purpose for which capital moneys are properly applicable (whether or not specified in the foregoing paragraphs).
- (3) The aggregate amount outstanding in respect of—
- (a) the principal of any money borrowed by a Board under this section, and
  - (b) the Board's commencing capital debt, as defined in Part II of this Act but excluding, in the case of the Railways Board, the Railways Board's suspended debt as so defined,
- taken together shall not exceed—
- (i) for the Railways Board, eleven hundred million pounds or such greater sum not exceeding fourteen hundred million pounds as the Minister may from time to time by order specify;
  - (ii) for the London Board, two hundred million pounds or such greater sum not exceeding two hundred and seventy million pounds as the Minister may from time to time by order specify ;
  - (iii) for the Docks Board one hundred and twenty million pounds; and
  - (iv) for the British Waterways Board thirty million pounds.
- An order under this subsection shall be made by statutory instrument, and no such order shall be made unless a draft of the order has been approved by a resolution of the Commons House of Parliament.
- (4) A Board shall not have power to borrow money except in accordance with this section.
- (5) References in this section to borrowing do not include—
- (a) borrowing by a Board from a body corporate which is a subsidiary of that Board ; or
  - (b) the receipt of money by a Board in the course of the carrying on of a savings bank operated by the Board or the use by the Board of money so received, or
  - (c) the receipt or use by a Board of money of a pension fund established for the purposes of a pension scheme in which employees of the Board or of a subsidiary of the Board participate.

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- (6) This section shall have effect subject to the following provisions of this Part of this Act relating to the Railways Board and the British Waterways Board.

## **20 Exchequer loans**

- (1) Subject to this Act the Minister may with the approval of the Treasury lend to a Board any sums which that Board have power to borrow under subsection (1) or subsection (2) of the last foregoing section.
- (2) Any loans which the Minister makes under this section shall be repaid to him 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) The Treasury may issue out of the Consolidated Fund to the Minister such sums as are necessary to enable him to make loans under subsection (1) of this section.
- (4) For the purpose of providing sums to be issued under the last foregoing subsection, or of providing for the replacement of sums so issued, the Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939, and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under that Act.
- (5) Any sums received by the Minister under subsection (2) of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury as follows, that is to say—
- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit, and
  - (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.
- (6) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of sums issued to him under this section and of the sums to be paid into the Exchequer under subsection (5) of this section and of the disposal by him of those sums respectively, and send it to the Comptroller and Auditor General not later than the end of November following the year; and the Comptroller and Auditor General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

## **21 Treasury guarantees**

- (1) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, and the payment of interest on, any sums which a Board borrow from a person other than the Minister in exercise of their powers under subsection (1) of section nineteen of this Act.
- (2) Immediately after any guarantee is given under this section the Treasury shall lay a statement of the guarantee before each House of Parliament, and where any sum is issued for fulfilling such a guarantee the Treasury shall, as soon as possible after the end of each financial year, beginning with that in which the sum is issued and ending with that in which all liability in respect of the principal of the sum and in respect of



interest thereon is finally discharged, lay before each House of Parliament a statement relating to that sum.

- (3) Any sums required by the Treasury for fulfilling any guarantee under this section shall be charged on and issued out of the Consolidated Fund.
- (4) If any sums are issued in fulfilment of any guarantee given under this section in favour of a Board, that Board shall make to the Treasury, at such times and in such manner as the Treasury may from time to time direct, payments of such amounts as the Treasury may so direct in or towards repayment of the sums so issued, and payments of interest on what is outstanding for the time being in respect of sums so issued at such rate as the Treasury may so direct.
- (5) Any sums received by the Treasury under the last foregoing subsection shall be paid into the Exchequer.

## **22 Special provision for Railways Board**

- (1) The Minister may, with the approval of the Treasury, out of money provided by Parliament make grants to the Railways Board to meet any deficit on their revenue account arising during the period of five years beginning with the vesting date.
- (2) No loan shall be made by the Minister under subsection (1) of section twenty of this Act to the Railways Board to meet any deficit on their revenue account arising more than five years after the vesting date.
- (3) The aggregate of any grants made under this section to the Railways Board, together with any loans made by the Minister under subsection (1) of section twenty of this Act to that Board to meet any deficit on their revenue account, shall not exceed four hundred and fifty million pounds, and both the power conferred by subsection (1) of this section and the power of the Minister to make loans under subsection (1) of the said section twenty shall be limited accordingly.
- (4) During the period of five years beginning with the vesting date subsection (1) of section eighteen of this Act shall not apply to the Railways Board, but the Railways Board shall so conduct their business as to place themselves at the earliest possible date in such a position that their revenue will be, and continue to be, not less than sufficient for making provision for the meeting of charges properly chargeable to revenue, taking one year with another.
- (5) For the purposes of the last foregoing subsection and, after the expiration of the said period of five years beginning with the vesting date, for the purposes of subsection (1) of section eighteen of this Act as it applies to the Railways Board, the Railways Board shall take into consideration deficits on revenue account arising at any time after the vesting date, except so far as the Minister has, under subsection (1) of this section, made a grant to meet any such deficit.
- (6) Notwithstanding the provisions of subsection (3) of section eighteen of this Act, the Railways Board need not establish a general reserve until they have fulfilled their duty under subsection (4) of this section.
- (7) Nothing in this section shall be taken as imposing any duty or obligation on the Minister to advance money by way of grant or loan to the Railways Board.

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## **23 Special provision for British Waterways Board**

- (1) The Minister may, with the approval of the Treasury, out of money provided by Parliament make grants to the British Waterways Board to meet any deficit on their revenue account arising during the period of five years beginning with the vesting date.
- (2) No loan shall be made by the Minister under subsection (1) of section twenty of this Act to the British Waterways Board to meet any deficit on their revenue account arising more than five years after the vesting date.
- (3) The aggregate of any grants made under this section to the British Waterways Board, together with any loans made by the Minister under subsection (1) of section twenty of this Act to that Board to meet any deficit on their revenue account, shall not exceed ten million pounds, and both the power conferred by subsection (1) of this section and the power of the Minister to make loans under subsection (1) of the said section twenty shall be limited accordingly.
- (4) During the period of five years beginning with the vesting date subsection (1) of section eighteen of this Act shall not apply to the British Waterways Board, but the British Waterways Board shall so conduct their business as to keep the deficits incurred on their revenue account at the lowest possible level.
- (5) Notwithstanding the provisions of subsection (3) of section eighteen of this Act, the British Waterways Board need not establish a general reserve so long as deficits are being incurred on their revenue account.
- (6) Nothing in this section shall be taken as imposing any duty or obligation on the Minister to advance money by way of grant or loan to the British Waterways Board.

## **24 Accounts**

- (1) Each Board—
  - (a) shall cause proper accounts and other records in relation thereto to be kept, and
  - (b) shall prepare an annual statement of accounts 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.
- (2) The accounts of each Board shall be audited by an auditor or auditors to be appointed annually by the Minister and a person shall not be qualified to be so appointed unless he is a member of one or more of the following bodies—
  - The Institute of Chartered Accountants in England and Wales;
  - The Institute of Chartered Accountants of Scotland;
  - The Association of Certified 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 purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.
- (3) So soon as the accounts of a Board have been audited as aforesaid, they shall send a copy of the statement of accounts referred to in paragraph (b) of subsection (1) of this section to the Minister, together with a copy of the report made by the auditor or auditors on that statement, and a copy of that statement and of any such report shall

be included in the report which is under this Act to be laid by the Minister annually before each House of Parliament.

- (4) Section thirty-nine of the Railway and Canal Traffic Act, 1888, and the Railway Companies (Accounts and Returns) Act, 1911 (which relate to the making of returns and the keeping of statistics by railway and canal companies), and, except so far as the Minister may by order made by statutory instrument otherwise provide, so much of any statutory provision as relates to the accounts, statistics and returns to be kept or made by the owners of undertakings which were by the Transport Act, 1947, transferred to the Commission, or as relates to the audit or publication of any such accounts, shall not apply to any of the Boards.

#### *Supplemental provisions relating to the Boards*

### **25 The Boards' subsidiaries**

- (1) It shall be the duty of a Board which has a subsidiary to exercise its control over the subsidiary so as to ensure that the subsidiary—
- (a) does not engage in activities in which the Board has no power to engage (including activities in which the Board has no power to engage because the consent of the Minister has not been obtained), and
  - (b) does not do anything which the Minister has directed the Board not to do, and
  - (c) does not, except with the consent of the Minister, borrow money from any person other than the Board, and
  - (d) does not, except with the consent of the Minister, raise money by the issue of shares or stock to any person other than the Board.
- (2) The Minister may give to a Board such directions as appear to him appropriate for ensuring that the Board carry out the duty imposed on them by the foregoing subsection.
- (3) Paragraph (a) of subsection (1) of this section shall not apply to the power of managing hotels exercisable by the Hotel Company, but, without prejudice to that paragraph as it applies in relation to any subsidiary of the Railways Board, the Railways Board shall in exercise of their control of their subsidiaries take such steps as are open to them to ensure that nothing is done which will result in the Board having a subsidiary, other than the Hotel Company, which owns or manages a hotel.
- (4) Paragraph (a) of subsection (1) of this section shall not apply to the provision of any shipping service by the Caledonian Steam Packet Company Limited in the River or Firth of Clyde or in the lochs, bays, channels or inlets connecting therewith.

### **26 Stamp duty on transfers between Boards and their subsidiaries**

For the purpose of section forty-two of the Finance Act, 1930 (which relates to stamp duty on transfers between associated companies), each of the Boards shall be deemed to be a company with limited liability.

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## 27 Powers of Minister in relation to Boards

- (1) The Minister may, after consultation with any Board, give to that Board directions of a general character as to the exercise and performance by the Board of their functions in relation to matters which appear to him to affect the national interest.
- (2) A Board, in framing and carrying out proposals involving substantial outlay on capital account by the Board or by a subsidiary of the Board, shall act on lines settled from time to time with the approval of the Minister.
- (3) In the exercise and performance of their functions as to training, education and research, each Board shall act on lines settled as aforesaid.
- (4) Without prejudice to the foregoing provisions of this section, the Minister may, after consultation with any Board, direct the Board to discontinue any of their activities, dispose of any part of their undertaking, dispose of any assets held by them, call in any loan made by them or exercise any power they may possess to revoke any guarantees given by them:

Provided that the Minister shall not give any such directions unless he is satisfied that the carrying on of the activities or the retention of the part of the undertaking or the assets or the continuance of the loan or guarantee, as the case may be, is unnecessary for the proper discharge of the duties of the Board under this Act.

- (5) The Minister may, after consultation with any Board, direct the Board to exercise their control over a subsidiary of the Board so as to require the subsidiary to discontinue any of their activities, dispose of any part of their undertaking, dispose of any assets held by them, call in any loan made by them or exercise any power they may possess to revoke any guarantees given by them.
- (6) If it appears to the Minister that there is anything which a Board ought in the interests of national defence to have power to do, or which a Board ought in the interests of national defence to be required to do, and that it would be consistent with the duties imposed on that Board by this Act, he may authorise or direct the Board to do that thing; and no limitation on the powers of the Board contained in this Act or in any local enactment shall prevent the Board from acting in accordance with the authorisation or direction.
- (7) Each Board shall furnish the Minister with such returns, accounts and other information with respect to their property and activities, and the property and activities of any company which is their subsidiary, as he may from time to time require.
- (8) Without prejudice to the provisions of the last foregoing subsection, each Board shall, as soon as possible after the end of each accounting year of the Board, make to the Minister a report on the exercise and performance by them of their functions during that year and on their policy and programme, and the Minister shall lay a copy of every such report before each House of Parliament.

The report for any year shall set out any direction given by the Minister under this Act to the Board during that year, unless the Minister has notified to the Board his opinion that it is against the interests of national security to do so, and shall include a statement of the salaries or fees and of the emoluments of each of the members of the Board during that year.

## **28 Powers exercisable subject to Minister's consent**

- (1) Any consent which the Minister is authorised to give under the foregoing provisions of this Act may be given for any case or description of cases specified in the consent, or may be general, and may be given subject to conditions.
- (2) Nothing done by a Board shall be unlawful on the ground that it was done without the consent of the Minister and that under the foregoing provisions of this Act it required the consent of the Minister.
- (3) If it appears to the Minister that a Board propose to do anything, or have done anything, without the consent of the Minister which in his opinion requires his consent under this Act, he shall, after consultation with the Board, give to the Board such directions as appear to the Minister to be appropriate.
- (4) The directions which the Minister may give under the last foregoing subsection in a case where a Board have already done anything without the Minister's consent may in particular require the Board to discontinue any activity or to dispose of any assets, and directions may be so given notwithstanding that they make it necessary for the Board to dispose of assets at a loss.

### *The Transport Holding Company*

## **29 The Transport Holding Company**

- (1) For the purposes of this Act there shall be a body corporate with perpetual succession which shall be called the Transport Holding Company and which is in this Act referred to as "the Holding Company".
- (2) There shall be a chairman and not more than twelve other directors of the Holding Company who shall be the members thereof and who shall be appointed by the Minister.
- (3) The chairman and other directors of the Holding Company shall be appointed from among persons who appear to the Minister to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, administration, the practice of the law, applied science, or the organisation of workers, and the Minister in appointing them shall have regard to the desirability of including among them persons who are directors of, or concerned in the management of, the principal subsidiaries of the Holding Company.
- (4) The Holding Company shall in the conduct of their business act in accordance with such directions as may from time to time be given to them by the Minister.
- (5) Part III of the First Schedule to this Act shall have effect as regards the directors of the Holding Company and their proceedings.
- (6) Subject to subsection (9) of this section, the objects of the Holding Company shall be—
  - (a) to hold and manage the securities vested in them by virtue of this Act, and
  - (b) to exercise the rights attached to those securities,as if the Holding Company were a company engaged in a commercial enterprise, and the Holding Company shall have power for those objects—
  - (i) to form, promote and assist companies,

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- (ii) to subscribe for, take, acquire and hold, exchange and sell securities of companies,  
and generally to carry on any business usually carried on by a holding company and to do all such other things as are incidental or conducive to the attainment of those objects.
- (7) It shall be the duty of the Holding Company to exercise its control over any wholly-owned subsidiary of the Holding Company so as to secure that the subsidiary does not engage in manufacture or production except the manufacture or production of things for use in their own business or for supply to a Board, or a wholly-owned subsidiary of any of the Boards or of the Holding Company, for use in their business.
- (8) The Holding Company shall have power with the consent of the Minister to sell or otherwise dispose of any of the securities vested in them by virtue of this Act, and in particular to transfer any of those securities to a subsidiary of the Holding Company in exchange for securities issued by that subsidiary.
- (9) The Minister may by order extend or vary the objects and powers of the Holding Company under this section but he shall not make such an order unless the draft of the order has been laid before Parliament and approved by resolution of each House.
- The power of making orders under this subsection shall include power to vary or revoke a previous order and shall be exercised by statutory instrument.
- (10) The Holding Company's surpluses may with the consent of the Minister, given with the approval of the Treasury, be retained for the purposes of (the conduct of their business, and, except so far as they are so retained, shall be paid over to the Minister and be paid by him into the Exchequer; and so much of the sums so paid into the Exchequer as is of a capital nature shall be issued out of the Consolidated Fund at such times as the Treasury may direct, and shall be applied by the Treasury in redeeming or paying off debt of such description as the Treasury think fit.
- (11) The Holding Company shall not borrow money, otherwise than by way of temporary loan, from any person other than the Minister or a subsidiary of the Holding Company, and the aggregate principal amount outstanding in respect of money borrowed by the Holding Company otherwise than from a subsidiary of the Holding Company shall not at any time exceed thirty million pounds.
- (12) The Minister may with the approval of the Treasury lend money to the Holding Company; and subsections (2) to (6) of section twenty of this Act shall apply in relation to sums lent under this section as they apply in relation to sums lent under that section.
- (13) The Treasury may guarantee, in such manner and on such conditions as they may think fit, the repayment of the principal of, and the payment of interest on, any sums temporarily borrowed by the Holding Company from a person other than the Minister; and subsections (2) to (5) of section twenty-one of this Act shall apply in relation to guarantees under this subsection as they apply in relation to guarantees under that section.
- (14) The Holding Company shall furnish the Minister with such returns, accounts and other information with respect to their property and activities, and the property and activities of any company which is their subsidiary, as he may from time to time require.
- (15) Subsections (1) to (3) of section twenty-four of this Act shall apply to the Holding Company as they apply to the Boards.

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- (16) The Holding Company shall, as soon as possible after the end of each of their accounting years, make to the Minister a report on the manner in which they have carried on their business and exercised their powers during that year, and on their policy and programme, and the Minister shall lay a copy of every such report before each House of Parliament.

The report for any year shall set out any direction given by the Minister under this section to the Holding Company during that year and shall include a statement of the salaries or fees and of the emoluments of each of the directors of the Holding Company during that year.

- (17) For the purpose of section forty-two of the Finance Act, 1930 (which relates to stamp duty on transfers between associated companies), the Holding Company shall be deemed to be a company with limited liability.
- (18) Nothing in subsection (11) or subsection (12) of this section shall be taken as applying in relation to the commencing capital debt of the Holding Company.
- (19) It is hereby declared that the provisions of this section concerning the powers of the Holding Company relate only to its capacity as a statutory corporation and do not authorise the Holding Company to infringe the rights of any other person.

#### *Status of the Boards and the Holding Company*

### **30 Status of Boards and the Holding Company**

It is hereby declared that neither any of the Boards nor the Holding Company are to be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown, or (subject to the express provisions of this Act relating to stamp duty and income tax) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that their property is not to be regarded as property of, or property held on behalf of, the Crown.

## **PART II**

### **DIVISION OF COMMISSION'S UNDERTAKING**

#### *Property and functions*

### **31 Distribution of Commission's assets**

- (1) Subject to this Act, on such date as the Minister may by order contained in a statutory instrument appoint (in this Act referred to as " the vesting date ") all the property, rights and liabilities of the Commission shall by virtue of this Act be transferred to and vest in the Boards and the Holding Company in accordance with this Part of this Act; and the property, rights and liabilities so transferred shall by virtue of this Act vest in those bodies respectively.
- (2) There shall be transferred to the Railways Board the property, rights and liabilities comprised in the part of the Commission's undertaking which constitutes—

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- (a) the Commission's railway system, except for so much of it as is carried on through or managed by the London Transport Executive or is within any of the harbours listed in Part II or Part III of the Third Schedule to this Act,
  - (b) the shipping services provided by the Commission in exercise of the powers conferred on them by the Railway Shipping Acts as defined in paragraph 2 of Part II of the Second Schedule to this Act,
  - (c) the harbours listed or described in Part I of the Third Schedule to this Act,
  - (d) the road passenger services provided by the Commission, except those carried on through or managed by the London Transport Executive,
  - (e) the British Transport Commission Police Force, and
  - (f) the Commission's Historical Records Department, the department for which their Curator of Historical Relics is responsible and their Films Service,
- and any property, rights and liabilities not falling to be transferred under any other provision in this Act.
- (3) There shall be transferred to the London Board the property, rights and liabilities comprised in the part of the Commission's undertaking which is carried on through, or managed by, the London Transport Executive.
- (4) There shall be transferred to the Docks Board the property, rights and liabilities comprised in the part of the Commission's undertaking constituted by the harbours listed in Part II of the Third Schedule to this Act.
- (5) There shall be transferred to the British Waterways Board the property, rights and liabilities comprised in the part of the Commission's undertaking constituted by—
- (a) their inland waterways (other than the Lower Ouse Improvement, which under the last foregoing subsection vests in the Docks Board), and
  - (b) the harbours listed in Part III of the Third Schedule to this Act.
- (6) Notwithstanding anything in the foregoing provisions of this section, there shall be transferred to—
- the Railways Board,
  - the Docks Board,
  - the British Waterways Board, and
  - the Holding Company,
- the securities of the bodies listed in Parts I, II, III and IV of the Fourth Schedule to this Act respectively (so far as beneficially owned by the Commission), and the rights and liabilities specified in Part V of that Schedule so, however, that where such securities are beneficially owned by the Commission, but held by a nominee, this subsection shall operate only to transfer the beneficial interest in the securities.
- The references in this subsection to Parts I, II, III and IV of the Fourth Schedule to this Act shall have effect subject to Part VI of that Schedule.
- (7) Notwithstanding anything in the foregoing provisions of this section, there shall be transferred to the Boards and the Holding Company the property, rights and liabilities of the Commission specified for them respectively in the Fifth Schedule to this Act.
- (8) Any property, rights or liabilities held or subsisting partly for the purpose of a part of the Commission's undertaking which is under this Part of this Act transferred to one Board, and partly for the purpose of a part which is transferred to another Board, shall—



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- (a) where the nature of the property, right or liability permits, be divided or apportioned between those Boards in such proportions as may be just, and
- (b) in any other case, be transferred to those Boards jointly,

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 the 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.

- (9) The last foregoing subsection shall apply, with any necessary modifications, in relation to any feuduty 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.

### **32 Distribution of Commission's statutory functions**

- (1) The provisions of the Second Schedule to this Act shall as from the vesting date have effect with respect to the distribution among the Boards of the Commission's functions under the enactments there mentioned.
- (2) Subject to that Schedule, and to any other provision in this Act, the functions of the Commission under any statutory provision, other than the Transport Act, 1947, the Transport Act, 1953, and this Act, shall be transferred to the Board or Boards specified in the following provisions of this section.
- (3) If and so far as the statutory provision relates to an undertaking, or a part of an undertaking, or property transferred to a Board by this Part of this Act, the functions of the Commission under that statutory provision shall be transferred to that Board.
- (4) If and so far as the statutory provision authorises the carrying out of works designed to be used in connection with an undertaking or part of an undertaking transferred to a Board, or the acquisition of land for the purpose of carrying out such works, the functions of the Commission under that statutory provision shall be transferred to that Board.
- (5) If the statutory provision authorises the Commission to appoint, nominate, or concur in or approve the appointment or nomination of, a member of some body or the holder of some other office.—
  - (a) this Act shall not affect the tenure of office of any person appointed or nominated under the statutory provision before the vesting date, and
  - (b) subject to that, the functions of the Commission under the statutory provision shall be transferred to such Board as the Minister may direct by order contained in a statutory instrument.

An order under this subsection may provide for the function so transferred being exercised jointly by two or more Boards or separately by two or more Boards.

- (6) Subject to the foregoing provisions of this section, the functions of the Commission under any statutory provision, other than the Transport Act, 1947, the Transport Act, 1953, and this Act, shall be transferred to the Railways Board.
- (7) In this section references to the Commission include references to any Executive of the Commission, and references to statutory provisions include those passed or made between the passing of this Act and the vesting date.

### 33 The Commission's hotel property

- (1) The Commission shall as soon as practicable after the passing of this Act arrange for the Commission's hotels to be transferred to a subsidiary of the Commission, that is to say—
  - (a) for the necessary steps to be taken under the Companies Act, 1948, for the formation of a company limited by shares which will be a subsidiary of the Commission and the objects of which will include the acquisition of the part of the Commission's undertaking constituted by their hotels, and
  - (b) for the transfer by the Commission, in consideration of the issue of shares in the company to the Commission, of that part of their undertaking to the company.
- (2) The arrangements shall provide for the company taking either a freehold interest or leasehold interest in any hotel as may be appropriate, and the Commission shall endeavour to complete the arrangements under this section so far as practicable before the vesting date.
- (3) The Minister may give to the Commission directions as to what is to be included in the property and interests to be transferred to the subsidiary (which is in this Act referred to as " the Hotel Company") and the Commission shall before concluding the arrangements give to the Minister particulars of the property and interests which they propose to transfer under the arrangements.
- (4) On the vesting date there shall be transferred to and vest in the Railways Board by virtue of this Act—
  - (a) the shares issued by the Hotel Company and owned by the Commission (so, however, that as respects securities beneficially owned by the Commission, but held by a nominee, this subsection shall operate only to transfer the beneficial interest in the securities), and
  - (b) any land which is subject to a lease granted by the Commission to the Hotel Company, and
  - (c) all rights and liabilities of the Commission enforceable against the Hotel Company, or by the Hotel Company, and in particular, all the rights and liabilities of the Commission under any contract for sale or lease to the Hotel Company, and
  - (d) the property, rights and liabilities of the Commission in the part of the undertaking to be transferred under this section to the Hotel Company so far as the transfer has not taken effect before the vesting date,and it shall be the duty of the Railways Board after the vesting date to complete the arrangements made by the Commission with the Hotel Company in pursuance of this section.
- (5) In the application of this section to Scotland—
  - (a) in subsection (2), for the words " either a freehold interest or leasehold interest " there shall be substituted the words " either the Commission's whole interest or the interest of the vassal under a feu granted by the Commission or the interest of the lessee under a lease granted by the Commission "; and
  - (b) paragraphs (b) and (c) of subsection (4) shall apply in relation to a feu, or an agreement to feu, granted by the Commission to the Hotel Company as they apply in relation to a lease so granted.

### **34 Transfer of staff**

- (1) The foregoing provisions of this Part of this Act shall not apply to rights and liabilities under an agreement for the rendering of personal services by any person (hereinafter referred to as " an employee ").
- (2) The rights and liabilities of the Commission under any such agreement with an employee who immediately before the vesting date is employed exclusively for the purposes of any part of the Commission's undertaking transferred to the Railways Board, the Docks Board, or the British Waterways Board shall be transferred to that Board.
- (3) The rights and liabilities of the Commission under such an agreement with an employee who immediately before the vesting date is by virtue of paragraph (b) of subsection (9) of section five of the Transport Act, 1947, treated as being in the employment of the London Transport Executive shall be transferred to the London Board.
- (4) The rights and liabilities of the Commission under any agreement with an employee who immediately before the vesting date is employed exclusively for the purposes of the part of the Commission's undertaking passing to the Hotel Company shall be transferred to the Hotel Company.
- (5) The rights and liabilities of the Commission under any agreement with an employee who immediately before the vesting date is employed wholly or mainly for the purposes of the business of any of the bodies listed in Part IV of the Fourth Schedule to this Act shall be transferred to the Holding Company.

The reference in this subsection to Part IV of the Fourth Schedule to this Act shall have effect subject to Part VI of that Schedule.

- (6) The rights and liabilities of the Commission under any other such agreement shall be transferred to the Railways Board.
- (7) The Boards may before the vesting date enter into any arrangements with the Commission and any employee of the Commission for the determination of the employee's agreement on or before the vesting date and for the conclusion of a new agreement between the Board and the employee for the rendering of services to the Board, and the Commission may become a party to any arrangements between any of the Boards, or any other employer, and any of the Commission's employees for the transfer of those employees from the Commission to the new employer on or before the vesting date.
- (8) Any right to services transferred by this section shall have effect on and after the vesting date as a right not only to the service to which the agreement relates but also to any reasonably comparable service under the Board or company, to be selected by that body.

Any dispute between a Board or company and the other party to a service agreement as to what are reasonably comparable services for the purposes of this subsection may be reported to the Minister of Labour by the Board or company or the other party to the agreement and, if a dispute so reported is not otherwise disposed of, that Minister shall refer it for determination by the industrial court.

- (9) Any of the Boards and the said companies, and any person who is a party to any agreement which is modified by this section, may apply to the Minister to determine to

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which of the Boards or companies the rights and liabilities under any such agreement are transferred and the Minister's decision on the application shall be final.

### **35 Supplementary provisions relating to distribution of Commission's undertaking**

- (1) The Sixth Schedule to this Act (which contains further provisions regarding the distribution of the Commission's undertaking) shall have effect for the purposes of this Act.
- (2) In the said Schedule the expression "the principal sections " means the foregoing sections of this Part of this Act, and references to those sections include references to any Schedule to this Act referred to in those sections.

#### *Capital debts and other financial provisions*

### **36 Treasury to take over liability for Transport Stock**

- (1) Subject to this section, all the rights and liabilities which, under the terms of issue of the stock created and issued under section eighty-nine of the Transport Act, 1947, were immediately before the vesting date rights and liabilities of the Commission shall, as from the vesting date, be rights and liabilities of the Treasury and as from the vesting date the said stock (which consists of the issues set out in the first column of the following Table and which is in this and the next following section referred to as " the Stock ") shall be renamed as shown in the second column of that Table.

TABLE

<i>Old name</i>	<i>New name</i>
British Transport 3 % Guaranteed Stock, 1967-72.	British Transport 3% Stock, 1967-72.
British Transport 3 % Guaranteed Stock, 1968-73.	British Transport 3% Stock, 1968-73.
British Transport 4 % Guaranteed Stock, 1972-77.	British Transport 4% Stock, 1972-77.
British Transport 3 % Guaranteed Stock, 1978-88.	British Transport 3% Stock, 1978-88.

- (2) Notwithstanding anything in this section, the Stock shall be regarded on and after the vesting date as the same stock and held in the same right and on the same trusts and subject to the same powers, privileges, charges, restraints and liabilities as before, and any provision of any deed, will, disposition or other instrument which immediately before the vesting date was applicable to any such Stock shall continue to be applicable to the same Stock as re-named under this section.
- (3) As from the vesting date the Stock shall, subject to this section, be deemed for all purposes to have been created and issued under the National Loans Act, 1939, and that Act and any other enactment, regulation or rule relating to securities issued under that Act shall apply accordingly to the Stock.
- (4) Not later than the vesting date the Commission shall pay to the Treasury an amount equal to the interest (without any deduction for income tax) which has accrued on

the Stock in the period from the date when the last instalment of interest became payable on the Stock down to the vesting date (making separate calculations for any issues of the Stock with different interest dates), and that amount shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

Any question arising between the Commission and the Treasury as to the manner in which interest accrued on the Stock is to be calculated shall be determined by the Treasury.

- (5) Not later than the vesting date the Commission shall pay to the Bank of England a sum equal to the amounts accrued due in respect of unclaimed interest on British Transport Guaranteed Stock before the vesting date (after deduction of income tax), including amounts applied under paragraph (2) of regulation 20 of the British Transport Stock Regulations, 1947, but excluding any amounts represented by money in the hands of the Bank of

The Bank of England shall deal with the money so paid to them, and with the money already in their hands which represents such unclaimed interest, as money entrusted to them for payment to holders of the Stock and section five of the Miscellaneous Financial Provisions Act, 1955 (which relates to unclaimed dividends on Government Stock), shall apply accordingly.

- (6) Any unclaimed Stock which is held by the Commission immediately before the vesting date on behalf of persons who became entitled thereto in substitution for securities of the bodies whose undertakings were transferred to the Commission by the Transport Act, 1947, shall be held on and after that date on behalf of those persons by the National Debt Commissioners ; and each of the Boards shall give to the Commissioners such information and such assistance as the Commissioners may reasonably require in connection with any claim to that Stock.
- (7) The transitional provisions set out in Part I of the Seventh Schedule to this Act shall apply in relation to the Stock.
- (8) On the vesting date section eighty-nine of the Transport Act, 1947, and the regulations made under that section shall cease to have effect, but this subsection shall not affect the rights and liabilities transferred to the Treasury under subsection (1) of this section.

### **37 Transfer of redemption funds**

- (1) Subsection (1) of the last foregoing section shall not impose on the Treasury any liability to establish or maintain any redemption fund, and—
- (a) the cash and investments which immediately before the vesting date represent the Redemption Fund established under the British Transport Stock Regulations, 1947, and
  - (b) the right to receive any interest or dividends which are payable in respect of any such investments but which have not been received by the Commission before the vesting date,
- shall vest by virtue of this subsection in the Treasury or in such nominees as the Treasury may appoint.
- (2) Not later than the vesting date the Treasury shall pay to the Commission out of the Consolidated Fund an amount equal to the interest or dividends (without any deduction

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of income tax) which have accrued on the investments transferred under the foregoing subsection in the period from the date when the last instalment of interest became payable on those investments respectively down to the vesting date (making separate calculations for different investments).

Any question arising between the Commission and the Treasury as to the manner in which accrued interest or dividends are to be calculated shall be determined by the Treasury.

- (3) Such of the investments transferred from the Commission under subsection (1) of this section as are securities the principal of and interest on which are charged on the Consolidated Fund shall be cancelled, and the remainder of those investments shall be sold.
- (4) The net proceeds of the sale, and all other sums received by the Treasury or their nominees by virtue of this section shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and applied by the Treasury in redeeming or paying off debt of such description as the Treasury see fit.

### **38 Extinction of liability of the Commission for certain Exchequer advances**

On the vesting date all the liabilities of the Commission in respect of advances made to them by the Minister under section forty-two of the Finance Act, 1956, and under section two of the Transport (Railway Finances) Act, 1957, shall be extinguished.

### **39 Commencing capital debts of the new bodies**

- (1) Each of the Boards, and the Holding Company, shall severally assume, on the transfer to them by this Act of their part of the property, rights and liabilities of the Commission, a debt due to the Minister on such terms as may be imposed under this section.

The said debts are in this Act referred to as the "commencing capital debts".

- (2) The amount of the commencing capital debts taken together shall be equal to—
  - (a) the nominal value of all the stock to which subsection(1) of section thirty-six of this Act applies, and
  - (b) the amount of the liability extinguished by the last fore going section, and
  - (c) the amount of the Capital Redemption Accounts as shown in the final accounts of the Commission,
 with the deduction to be made under the next following subsection.
- (3) The amount to be deducted under the last foregoing subsection shall be—
  - (a) the total shown in the special account under section three of the Transport (Rail-way Finances) Act, 1957, as included in the final accounts of the Commission, and
  - (b) the amount shown in the final accounts of the Commission in respect of the total discounts on the issue of British Transport Guaranteed Stock, less premiums on issue and less amounts written off, and
  - (c) the amount shown in the final accounts of the Commission in respect of the book value of the cash and investments which are under paragraph (a) of subsection (1) of section thirty-seven of this Act to be transferred to the Treasury,

after deducting from the total of the amounts under paragraph (a), paragraph (b) and paragraph (c) of this subsection—

- (i) the amount shown in the final accounts of the Commission in respect of the net surplus on revenue account for the Commission's activities, excluding British Railways, for the period from the beginning of the year nineteen hundred and fifty-six to the end of the period for which the final accounts of the Commission are made up, and
  - (ii) the sums paid by the Minister to the Commission by way of grant to meet deficits on revenue account, being sums paid out of money provided by Parliament since the beginning of April, nineteen hundred and sixty (and including sums so paid under Part IV of this Act).
- (4) The commencing capital debt of each of the said bodies shall be such part of the total ascertained under subsection (2) of this section as the Minister may prescribe having regard to the manner in which the Commission's property, rights and liabilities are by this Act divided among those bodies.
- (5) The Minister's power of prescribing the amount mentioned in the last foregoing subsection shall be exercisable by order, and he shall make such an order as soon as may be after the vesting date but may from time to time, but not more than five years after the vesting date, vary an order under this subsection by a further order, where that appears to him expedient to take account of some change in the manner in which the Commission's property, rights and liabilities are so divided (whether in consequence of an order under the Sixth Schedule to this Act or otherwise), and any such order may contain such transitional provisions as appear to him expedient to take account of any interest underpaid or overpaid on the commencing capital debt of any of the said bodies.

The Minister's power of making orders under this section shall be subject to the approval of the Treasury and shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Commons House of Parliament.

- (6) Subject to the next following section, the rate of interest payable on the commencing capital debt of each of the said bodies, the time when the principal is to be paid off and the other terms of the debt shall be such as the Minister may with the approval of the Treasury from time to time direct.
- (7) The Minister may, in the period before the first order is made under subsection (5) of this section, estimate what the commencing capital debt of the Boards and of the Holding Company will be, and require those bodies to make to him provisional payments by way of interest on those estimated amounts; and those provisional payments shall be on account of the payments of interest becoming due under subsection (6) of this section.
- (8) Any sums received by the Minister by way of interest on, or repayment of, the commencing capital debt of any of the Boards or of the Holding Company shall be paid into the Exchequer and shall be issued out of the Consolidated Fund at such times as the Treasury may direct and applied by the Treasury as follows, that is to say—
- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury see fit, and
  - (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

#### **40 Railways Board's suspended debt**

- (1) Part of the commencing capital debt of the Railways Board shall be called the suspended debt, and shall not carry any interest, and shall not be required to be paid off at a fixed time unless and until the Minister otherwise directs.

The Minister may give a direction under this subsection either as regards the whole of the suspended debt, or as regards a part of the suspended debt, and where he gives a direction as regards a part of the suspended debt he may from time to time vary the direction so as to increase the part of the suspended debt which is repayable and carries interest.

- (2) The amount of the suspended debt shall be that part of the commencing capital debt which, in the opinion of the Minister, is not represented by the written-down book value of the assets which have been created by the Commission since the end of the year nineteen hundred and fifty-five and which vest in the Railways Board under this Part of this Act, and the Minister shall direct what that amount shall be:

Provided that the Minister may vary a direction under this subsection by a further direction, where that appears to him expedient to take account of any order under subsection (5) of the last foregoing section which varies the commencing capital debt of the Railways Board.

- (3) For the purposes of the last foregoing subsection any securities which vest in the Railways Board under this Part of this Act shall be treated as if they were assets created by the Commission since the end of the year nineteen hundred and fifty-five.

- (4) If at any time the Railways Board satisfy the Minister—

- (a) that an amount equal to the whole or any part of the net book value of an asset which is transferred to the Railways Board under or in pursuance of this Part of this Act could have been properly written off by the Commission, and that the Board have at any time properly taken account of that fact in their accounts, or
- (b) that at any time after the vesting date an asset which is so transferred to the Railways Board has gone out of use and that the Board have properly taken account of that fact by writing off an amount not exceeding the net book value of that asset in their books, and by adjusting their accounts accordingly,

the Minister may, if he thinks fit, direct that a specified amount of the suspended debt, not exceeding the amount mentioned in paragraph (a) or paragraph (b) of this subsection as the case may be, shall be extinguished.

- (5) Any direction under this section shall be given by the Minister by an order made with the approval of the Treasury by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

#### *Miscellaneous*

#### **41 Exemptions from stamp duty**

- (1) Nothing in section twelve of the Finance Act, 1895 (which requires Acts to be stamped as conveyances on sale in certain cases), or in section fifty-two of the Finance Act, 1946 (which exempts from stamp duty certain documents connected with nationalisation schemes), shall be taken as applying to this Act.



- (2) Stamp duty shall not be chargeable under section one hundred and twelve of the Stamp Act, 1891, in respect of—
- (a) the amount which is to form the nominal share capital of the Hotel Company, or
  - (b) any increase in the nominal share capital of that company,
- to the extent to which it is certified to the Commissioners of Inland Revenue by the Commission or the Railways Board that the said capital, or, in the case of any increase, the said capital as so increased, does not exceed the total value of the assets less liabilities to be transferred to that company in pursuance of section thirty-three of this Act.
- (3) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Commission or any of the Boards as having been made or executed in pursuance of section thirty-three of this Act or paragraph 1 of the Sixth Schedule to this Act:

Provided that no such instrument shall be deemed to be duly stamped unless either 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 twelve 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.

- (4) If before the vesting date the Commission cause any company limited by shares to be formed under the Companies Act, 1948, and any assets to be transferred to that company, for the purpose of facilitating the transfers to be effected by this Part of this Act—
- (a) stamp duty shall not be chargeable under section one hundred and twelve of the Stamp Act, 1891, in respect of the amount which is to form the nominal share capital of the company, if it is certified to the Commissioners of Inland Revenue by the Commission that the company is formed for the purpose mentioned in this subsection and that the said amount does not exceed the total value of the assets less liabilities to be transferred to the company; and
  - (b) stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Commission as having been made for effecting any transfer of assets for the purpose mentioned in this subsection:

Provided that no such instrument as is mentioned in paragraph (b) of this subsection 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 twelve 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.

#### **42 Income tax: provisions for determining capital allowances for the Boards**

- (1) Subject to this section, Part X and Part XI of the Income Tax Act, 1952 (which confer relief from income tax in respect of certain capital expenditure), shall apply as if—
- (a) all the assets which under and in pursuance of this Part of this Act are respectively transferred to the Boards had been sold to them by the Commission on the vesting date in the open market at prices equal to the net book values of those assets (that is to say the values after deducting any provision for maintenance equalisation and for any form of depreciation)

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as shown in the books by reference to which the final accounts of the Commission are made up, and

- (b) on the vesting date the trade carried on by the Commission had been permanently discontinued and the Boards had set up new trades.
- (2) If at any time the Minister directs under subsection (4) of section forty of this Act, and by reference to paragraph (a) of that subsection, that a part of the Railways Board's suspended debt shall be extinguished, this section shall apply, and shall be deemed always to have applied, as if the net values of the assets which under or in pursuance of this Part of this Act are transferred to the Railways Board were the amount determined under subsection (1) of this section after deducting from that amount a sum equal to the part of the Railways Board's suspended debt so extinguished.

There shall be made all such adjustments, whether by way of additional assessment or otherwise, as may be necessary to give effect to this subsection, and notwithstanding anything in the Income Tax Act, 1952, any adjustment to give effect to this subsection as respects any year of assessment may be made at any time not more than six years after the end of the year of assessment in which the Minister gives his direction under the said subsection (4).

- (3) In subsection (1) of this section the reference to Parts X and XI of the Income Tax Act, 1952, shall not include a reference to section seventeen of the Finance Act, 1956 (capital allowances on expenditure on dredging), notwithstanding that that section is by virtue of subsection (12) thereof to be treated as contained in the said Part X; and the said section seventeen shall apply as if the trade carried on by the Commission was not permanently discontinued on the vesting date and was continued in part by the Railways Board, in part by the Docks Board, and in part by the British Waterways Board.
- (4) The expression " statutory provision" in section four hundred and eighty-two of the Income Tax Act, 1952 (which relates to capital allowances where undertakings are absorbed in nationalisation schemes), shall not include this Act.

### PART III

#### TRANSPORT CHARGES AND FACILITIES

##### *General*

#### **43 Charges and facilities: general provisions**

- (1) Subject to this Act.—
- (a) all charges schemes under Part V of the Transport Act, 1947, shall cease to have effect, and
  - (b) no local enactment passed or made with respect to any particular undertaking so far as it limits the discretion of the persons carrying on that undertaking as to the charges to be made by them—
    - (i) for the carriage of passengers or goods,
    - (ii) for the use of any railway, or of any inland waterway by any ship or boat,

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- (iii) for services and facilities connected with the carriage of passengers or goods, or with the use of any railway, or of any inland waterway by any ship or boat, or
  - (iv) for services and facilities in or connected with a harbour,

(whether by specifying, or providing for specifying, the charges to be made, or fixing, or providing for fixing, maximum charges, or otherwise) shall apply to the charges of the Boards.
- (2) Paragraph (b) of the foregoing subsection shall not be read as exempting the Boards from any local enactment so far as it expressly provides for freedom from charges or otherwise prohibits the making of any charge.
- (3) Subject to this Act and to any such enactment as is mentioned in the last foregoing subsection, the Boards shall have power to demand, take and recover such charges for their services and facilities, and to make the use of those services and facilities subject to such terms and conditions, as they think fit.
- (4) The Boards shall not be subject to the enactments listed in the Eighth Schedule to this Act (which—
  - (a) impose a duty to afford reasonable services and facilities, and
  - (b) regulate liability for negligence in the carriage of goods, and
  - (c) authorise the revision of railway freight charges on complaint by competitors or traders).
- (5) No local enactment passed or made with respect to any particular undertaking so far as it imposes on the persons carrying on that undertaking—
  - (a) a duty to connect, or afford facilities for the connection of, any siding to a railway, or
  - (b) a duty to permit privately owned railway wagons to be used on a railway owned or operated by them, or
  - (c) a duty (otherwise than to a named person, or to the successors of a named person, or for the benefit of specified lands) to provide or maintain any other railway services or facilities (including the provision of stations, sidings or carriages and of any services, facilities or amenities connected therewith),or so far as it otherwise makes provision corresponding to any of the enactments listed in the Eighth Schedule to this Act, shall apply to any of the Boards.
- (6) None of the Boards shall be regarded as common carriers by rail or inland waterway.
- (7) The Boards shall not carry passengers by rail on terms or conditions which—
  - (a) purport, whether directly or indirectly, to exclude or limit their liability in respect of the death of, or bodily injury to, any passenger other than a passenger travelling on a free pass, or
  - (b) purport, whether directly or indirectly, to prescribe the time within which or the manner in which any such liability may be enforced,and any such terms or conditions shall be void and of no effect.
- (8) The services and facilities referred to in subsection (3) of this section include, in the case of the British Waterways Board, the use of any inland waterway owned or managed by them by any ship or boat.

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- (9) Before the vesting date references in this section and in the following provisions of this Part of this Act to the Boards or to any of the Boards shall be construed, except so far as the context otherwise requires, as references to the Commission.

*Passenger fares in London*

**44 Application of current passenger charges scheme in London**

The Minister shall by order contained in a statutory instrument make such amendments in the charges scheme relating to passengers which is in operation under Part V of the Transport Act, 1947, immediately before the date on which this section comes into force as appear to him to be necessary for the purpose of limiting the application of the scheme—

- (a) to charges for the carriage of passengers by railway on journeys wholly within the London Passenger Transport Area, and
- (b) to charges for the carriage of passengers by road on routes wholly or partly within the London special area,

including in each case any provision of the scheme as to the luggage which a passenger is entitled to take with him and the charges, if any, to be made in respect of that luggage ; and that scheme, as so amended, shall continue in force on and after that date and apply to the London Board and the Railways Board.

**45 Transport Tribunal's power to make orders**

- (1) The Transport Tribunal shall, subject to and in accordance with the provisions of this Part of this Act, have power to make orders as respects the following charges of the London Board and the Railways Board, that is to say—

- (a) charges for the carriage of passengers by railway on journeys wholly within the London Passenger Transport Area, and
- (b) charges for the carriage of passengers by road on routes wholly or partly within the London special area except—
  - (i) charges for any service or part of a service which is the subject of a road service licence, and
  - (ii) charges for carriage in contract carriages,

and any such order may include provisions as to the luggage which a passenger is entitled to take with him and as to the charges, if any, to be made in respect of that luggage.

- (2) An order under this section may vary or revoke the charges scheme continued in force by the last foregoing section or any previous order under this section, and the said scheme and any orders for the time being in force under this section are hereinafter referred to as " the London fares orders".
- (3) Any order under this section shall comply with the following requirements, that is to say—
- (a) it shall fix maximum charges except in cases where it appears not to be reasonably practicable or to be undesirable so to do ;
  - (b) in cases in which no maximum charge is fixed it shall authorise the making of such charges as may be reasonable and provide for any questions as to the reasonableness of any such charge being determined, on the application either

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of the Board making the charge or of the person liable to be charged, by the Transport Tribunal, to the exclusion of any other court;

- (c) it shall, save as aforesaid and subject to the provisions of this Act, secure that the charges to be made are left to the discretion of the Board concerned and that no limitations are imposed on that discretion ;
  - (d) it shall secure that the Board concerned have to publish maximum charges but do not have to publish any other charges.
- (4) In exercising their power to make orders under this section, the tribunal shall do nothing which will in the opinion of the tribunal prevent the London Board and the Railways Board from levying charges which make a proper contribution to the discharge of their financial duty, taking into account their present circumstances and future prospects and any directions given to them by the Minister under this Act.

In this subsection " financial duty " means the duty imposed by subsection (1) of section eighteen of this Act and includes, in the case of the Railways Board, the duty imposed by subsection (4) of section twenty-two of this Act.

- (5) Where the tribunal make, or decline to make, an order under this section, they shall furnish a written statement of the reasons for their decision to the applicant and to every other person entitled to be heard on the application.
- (6) It shall be the duty of the said two Boards to give to the tribunal all such assistance as is necessary or as the tribunal may require for the purpose of exercising their power to make orders under this section.

#### **46 Applications for orders**

- (1) An application for an order under the last foregoing section may be made to the Transport Tribunal—
  - (a) by the London Board or by the Railways Board, or
  - (b) by any representative body,and shall be accompanied by a written case in support of the application.
- (2) The London Board and the Railways Board may make a joint application under this section.
- (3) The Transport Tribunal shall not entertain any application under this section by a representative body where in their opinion the application relates to a matter—
  - (a) which has been the subject of consideration by the tribunal within the twelve months preceding the making of the application, or
  - (b) which is of such magnitude that it should not be dealt with except as the result of such a review as is provided for by the next following section.
- (4) The London Board and the Railways Board shall make such applications under this section as appear to them to be necessary in order to secure that their charges subject to the London fares orders make a proper contribution to the discharge of their financial duty, taking into account their present circumstances and future prospects and any directions given to them by the Minister under this Act.

In this subsection " financial duty " has the same meaning as in subsection (4) of the last foregoing section.

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- (5) Where an application is made under this section (not being an application which the tribunal refuse to entertain) the person making the application shall publish it in such manner as the tribunal may direct together with a notice stating where copies of the written case submitted in support of the application are available and specifying the time and manner (which shall be determined by the tribunal) in which objections to the application and other representations with respect thereto may be lodged with the tribunal by either of the Boards or by any representative body.
- (6) As soon as may be after the time for lodging objections and representations has elapsed, the tribunal shall hold a public inquiry and shall at that inquiry hear the applicant and (where they are not the applicant) the Boards, and any representative body which has duly lodged with the tribunal an objection or other representation with respect to the application.
- (7) The Transport Tribunal shall not vary any charge other than those to which the application relates unless the tribunal is satisfied that the Board concerned and such other persons as appear to the tribunal to have a substantial interest have had an opportunity of being heard thereon but, subject to that, the tribunal may on the application make such order, if any, as they think fit, and particulars of the order shall, unless the tribunal determine that in all the circumstances publication is unnecessary, be published in such manner as the tribunal may specify.
- (8) In this and the next following section the expression " representative body " means any body representative of, or of any section of, passengers travelling on journeys or routes the charges for which are subject to the London fares orders, and—
  - (a) the London County Council, the council of any metropolitan borough and the Common Council of the City of London, and
  - (b) the council of any county or county borough outside the county of London but wholly or partly within the London Passenger Transport Area, and
  - (c) the council of any non-county borough or urban district wholly or partly within that Area and having a population of not less than fifty thousand according to the last census for the time being.

#### **47 Review of London fares**

- (1) The Minister may at any time require the Transport Tribunal to review the operation of the London fares orders.
- (2) The tribunal shall give notice of any such requirement to the London Board and the Railways Board, and shall require the London Board to publish notice thereof in such manner as the tribunal may specify, together with a notice specifying the time and manner (which shall be determined by the tribunal) in which representations may be lodged with the tribunal by any representative body.
- (3) As soon as may be after the time for lodging representations has elapsed, the tribunal shall hold a public inquiry and shall at that inquiry hear both the Boards and any representative body which has duly lodged a representation for the purposes of the review.
- (4) The tribunal may then under section forty-five of this Act make such order, if any, as they think fit and particulars of the order shall, unless the tribunal determine that in all the circumstances publication is unnecessary, be published in such manner as the tribunal may determine.

#### **48 Special procedure for temporary authorisation of increased charges**

- (1) If it appears to the London Board or the Railways Board that there has been or will be an increase in costs or a fall in revenue which will seriously affect their financial position unless met quickly by an increase in their charges subject to the London fares orders, they may by notice published in the London Gazette and in such other manner as may appear to them best adapted for informing persons affected, declare that all or any of their maximum charges fixed under the London fares orders are to be treated, as from a date specified in the notice, as increased by such amounts as may be so specified in relation to those maximum charges respectively; and the notice shall have effect notwithstanding anything contained in, or having effect under, the foregoing provisions of this Part of this Act.
- (2) A notice under this section shall contain a brief statement of the grounds on which it is given.
- (3) Neither of the Boards shall, by means of a notice or notices having effect at any one time under this section, make increases in charges which appear to them to bring about an increase in their revenue from charges subject to the London fares orders exceeding ten per cent.
- (4) Within one month, or such longer period as the Minister may allow, from the publication of a notice under this section in the London Gazette, the Board by whom the notice was given shall apply under section forty-six of this Act to the tribunal for the alteration of all or any of their fares subject to the London fares orders (whether or not all or any of those specified in the application were the fares affected by the notice).
- (5) The written case submitted in support of the application shall also set out the grounds on which the Board gave the notice.
- (6) The London Board and the Railways Board may give a joint notice under subsection (1) of this section.
- (7) When the Transport Tribunal determine any application in pursuance of this section they shall by order fix a date for the termination of the relevant notice under this section.

#### **49 Transitional provisions**

The transitional provisions in Part II of the Seventh Schedule to this Act shall have effect for the purposes of the foregoing provisions of this Part of this Act relating to passenger fares in London.

#### *Charges and conditions at harbours*

#### **50 Port charges and conditions at harbours**

- (1) The provisions of the Ninth Schedule to this Act shall have effect as regards the powers of the Boards to make port charges at the harbours specified in that Schedule.
- (2) Subsection (3) of section forty-three of this Act shall not authorise the Boards to make the use of their services and facilities at the said harbours subject to any term or condition which the Boards would not be able to impose apart from that subsection.
- (3) In this and the next following section, and in the Ninth Schedule to this Act—

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" port charges" in relation to a harbour means ship, passenger and merchandise dues, and charges for any other services and facilities provided in, or in connection with, a harbour but does not include charges for the carriage of merchandise or passengers on any railway, charges for the use of any railway or charges in respect of railway wagons ;

" ship, passenger and merchandise dues " means charges for—

- (a) any ship entering, using or leaving a harbour,
- (b) any passengers embarking or disembarking at a harbour, and
- (c) merchandise shipped or unshipped into or from a ship entering, using or leaving any harbour;

" charges for any ship entering, using or leaving a harbour " includes charges made on any such ship in respect of marking and lighting the harbour;

" merchandise " includes goods, fish, livestock and animals of all descriptions, and minerals.

## **51 Revision of harbour dues**

- (1) An application may be made to the Minister—
  - (a) by the Docks Board, the Railways Board or the British Waterways Board, or
  - (b) by any person, or any body representative of persons, appearing to the Minister to have a substantial interest,

for the revision of any of the limitations on ship, passenger and merchandise dues imposed in respect of any harbour by paragraph 1, paragraph 2 and sub-paragraph (2) of paragraph 3 of the Ninth Schedule to this Act.
- (2) On an application relating to dues at a harbour to which paragraph 3 of the said Schedule applies the Minister may take into review and regulate by order under this section any ship, passenger and merchandise dues which are subject to the limitation imposed by sub-paragraph (3) of that paragraph.
- (3) The Minister shall not under this section vary any charge other than those to which the application relates except after consultation with the Board concerned and such other persons, or such bodies representative of such other persons, appearing to him to have a substantial interest as may appear to him appropriate.
- (4) On an application under this section the applicant and, where the application is not made by the Board concerned, the Board shall furnish the Minister with such information and particulars, certified in such manner, as the Minister may require, and the applicant shall publish in such newspapers as the Minister may require a notice stating—
  - (a) the general effect of the application ; and
  - (b) that within a period of forty-two days from the date of the first publication of the notice any person having a substantial interest may object to the application by giving notice to the Minister accompanied by the grounds of his objection with a copy to the applicant.
- (5) Before making an order on an application under this section, the Minister may, if he thinks fit, cause an inquiry to be held and shall do so if required by the applicant or by any person who has objected to the application and has not withdrawn his objection or, where the order would vary any charge other than those to which the application relates, by any person or body with whom he has consulted in pursuance of subsection (3) of this section.



- (6) If on an application under this section the Minister is satisfied that in the circumstances then existing it is proper so to do, he may, subject to the provisions of this section, make an order revising in such manner as he may think fit, with effect from such date as may be specified in the order, all or any of the ship, passenger and merchandise dues at the harbour in question, whether or not the subject-matter of the application, including any classification by reference to which the amount of any of those dues is to be determined.
- (7) In making any order on an application under this section, the Minister shall have regard to the financial position and future prospects of the Board concerned in respect of the harbour in question and shall not make any revision of the charges which, in his opinion, would be likely to result in the Board receiving an annual revenue from that harbour either substantially less or substantially more than adequate to meet the expenses and charges of the Board in respect of the harbour which are properly chargeable to revenue:

Provided that the Minister may make an order which results in the Board receiving an annual revenue from the harbour which is substantially less than adequate to meet those expenses and charges if he is satisfied that, in view of the financial position of the Board with respect to the harbour during such period immediately preceding the application as may appear to him to be appropriate, there are special circumstances affecting the harbour.

- (8) Any order made under this section shall be made by statutory instrument and may vary or revoke any previous order so made.
- (9) The Minister may refuse to entertain an application under this section where the application relates to a matter which has been the subject of consideration by him under this section within the twelve months preceding the making of the application.
- (10) Subject to the last foregoing subsection an application may be made under this section at any time.
- (11) For the purposes of the promotion by any of the Boards of a Bill, or of the making of a Provisional Order, being a Bill or Order containing a provision revising any of the dues authorised for any harbour under this Act, it shall be deemed, notwithstanding this section, that the objects of that provision cannot be attained except with new authority from Parliament.

#### *Miscellaneous*

## **52 Independent railway and inland waterway undertakings**

- (1) Sections three and four of the Transport Charges, &c. (Miscellaneous Provisions) Act, 1954 (under which charges schemes under the Transport Act, 1947, may be applied to independent undertakings), together with any orders under those sections, shall cease to have effect, and the enactments listed in the Eighth Schedule to this Act shall cease to have effect not only as regards the Boards but also as regards any other undertakings.
- (2) Paragraph (b) of subsection (1), and subsections (2), (3), (5) and (6) of section forty-three of this Act shall apply to any independent railway undertaking or independent inland waterway undertaking, subsection (7) of that section shall apply to any independent railway undertaking, and subsection (8) of that section shall apply to any independent inland waterway undertaking, as those subsections apply to the Boards.

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- (3) Paragraph (b) of subsection (1) of section six of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954 (which relates to the revision of charges), shall not apply to any inland waterway undertaking which is an independent inland waterway undertaking within the meaning of this section.
- (4) In this section—
- " independent railway undertaking " means a railway undertaking not forming part of the undertaking of any of the Boards, being an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament;
- " independent inland waterway undertaking " means an undertaking not forming part of the undertaking of any of the Boards, being an undertaking engaged in conserving, maintaining, improving or working a canal or other inland navigation or the navigation of a tidal water, but does not include—
- (a) an undertaking none of the charges of which has been the subject of a Provisional Order made, and confirmed by Parliament, in pursuance of sections twenty-four and thirty-six of the Railway and Canal Traffic Act, 1888, or
  - (b) an undertaking forming part of a harbour undertaking if the inland waterway is situated wholly within the limits of the harbour, or
  - (c) an undertaking all or any of the charges of which are, under the statutory provisions relating to that undertaking, subject to revision by the Minister and some other Minister acting together ;
- " railway " does not include—
- (a) a light railway laid wholly or mainly along a public carriageway and used wholly or mainly for the carriage of passengers, or
  - (b) a railway which, under the statutory provisions relating thereto, is to be treated as forming part of a tramway, or
  - (c) a railway laid wholly or mainly over a beach or wholly along a pier, or
  - (d) a railway of the nature of a lift providing communication between the top and bottom of a cliff;
- " undertaking " means an undertaking carried on in Great Britain.
- (5) This section shall apply to an independent railway undertaking or independent inland waterway undertaking whether or not the undertaking is also engaged in other activities, but shall not apply in respect of any such other activities.

### **53 Coastal shipping**

- (1) If at any time a complaint is made to the Minister by any body appearing to him to be representative of the interests of persons engaged in coastal shipping as to—
- (a) the charges for the carriage of goods by rail made by the Railways Board in competition with coastal shipping, or
  - (b) the charges made by the Railways Board for the carriage by rail to or from any harbour of goods which are to be or have been carried by coastal shipping,
- the Minister may give directions to the Board with regard to the charges which are the subject of the complaint.
- (2) The Minister shall not give a direction under this section with regard to any such charges as are mentioned in paragraph (a) of the foregoing subsection unless it appears to him—

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- (a) that the charges in question are inadequate having regard to the full cost of affording the service or services in respect of which they are made, and
  - (b) that a grant out of money provided by Parliament has been or is likely to be made under this Act to the Railways Board to meet a deficit on revenue account for the year in which those charges are made.
- (3) The Minister shall not give a direction under this section with regard to any such charges as are mentioned in paragraph (b) of subsection (1) of this section unless it appears to him—
- (a) that the charges in question are excessive having regard to the full cost of affording the service or services in respect of which they are made, and
  - (b) that the goods in question cannot reasonably be carried by coastal shipping unless they are carried by rail to or from the harbour specified in the complaint.
- (4) If it appears to the Minister that a body making a complaint under subsection (1) of this section has a reasonable case to make in support of the complaint, he shall refer the complaint for investigation to a person appearing to him to have suitable qualifications for that purpose, and the Minister shall consider the report of that person before giving a direction upon the complaint under this section:
- Provided that this subsection shall not apply to a complaint if it appears to the Minister that he has no power to give a direction upon the complaint by reason of paragraph (b) of subsection (2), or paragraph (b) of subsection (3), of this section.
- (5) If it appears to the Minister on a complaint by any such body as is mentioned in subsection (1) of this section—
- (a) that the Railways Board have refused to quote a charge for the carriage by rail to or from any harbour of goods which are to be or have been carried by coastal shipping, and
  - (b) that the goods in question cannot reasonably be carried by coastal shipping unless they are carried by rail to or from the harbour specified in the complaint,
- the Minister may give directions to the Board requiring them to quote a charge for the carriage in question.
- (6) The procedure on any complaint under this section (including any reference of the complaint for investigation) shall be such as the Minister may determine.
- (7) In this section, references to a charge made by the Railways Board for the carriage of any goods include references to a charge at which the Board hold themselves out as willing to carry any goods.
- (8) The Coastal Shipping Advisory Committee established under section seventy-one of the Transport Act, 1947, is hereby abolished.

#### **54 Advance information about railway and shipping closures**

- (1) With a view to giving the public advance notice of plans for the discontinuance of—
- (a) railway passenger or goods services provided by the Railways Board or the London Board, and
  - (b) shipping services provided by the Railways Board,
- the Railways Board or the London Board, as the case may be, shall from time to time publish in such manner and in such places in the United Kingdom as the Minister may direct such information as to their plans as the Minister may determine.

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- (2) For the purposes of this section, any shipping service provided by the Caledonian Steam Packet Company Limited or the Caledonian Steam Packet Company (Irish Services) Limited shall, so long as the company providing the service is a subsidiary of the Railways Board, be deemed to be a service provided by that Board.

## PART IV

### MISCELLANEOUS AND GENERAL

#### *The Nationalised Transport Advisory Council, the Consultative Committees and the Transport Tribunal*

#### **55 The Nationalised Transport Advisory Council**

- (1) There shall be established in accordance with this section a Nationalised Transport Advisory Council for the purpose of advising the Minister on questions relating to the co-ordination, or any other aspect, of the nationalised transport undertakings.
- (2) The Council shall consist of—
- (a) a chairman, a vice chairman and not more than five other members who shall be appointed by the Minister from among persons appearing to him to have had wide experience of, and to have shown capacity in, industrial, commercial, financial or economic matters, applied science or administration ;
  - (b) the chairmen of the Boards and the Holding Company; and
  - (c) until the vesting date, the chairman of the Commission.
- (3) The Minister may, if he thinks fit, appoint any other person (who shall not be a member of the Council) to assist the Council in its work.
- (4) Notwithstanding subsection (2) of this section, the Minister may, instead of appointing a chairman of the Council, preside over the Council himself, and may in any case preside over it on any particular occasion.
- (5) The persons appointed under subsection (2) of this section shall hold and vacate office in accordance with their terms of appointment and shall, on ceasing to hold office, be eligible for re-appointment :
- Provided that any such person may at any time by notice in writing to the Minister resign his office.
- (6) Any person whom the Minister proposes to appoint under subsection (2) of this section shall, when requested by the Minister so to do, furnish to him such information as the Minister may consider necessary for the purpose of satisfying the Minister that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions under this section.
- (7) The Minister may pay out of money provided by Parliament to the persons appointed by him under this section such remuneration and such travelling allowances and allowances in respect of out-of-pocket expenses as the Minister may with the approval of the Treasury determine, and the Minister shall provide the Council with such officers and servants, and such accommodation, as appear to him to be requisite for the proper discharge of the Council's functions.

- (8) In this section " the nationalised transport undertakings " means, before the vesting date, the undertakings of the Commission and of the bodies which are subsidiaries of the Commission, and, after that date, the undertakings of the Boards, the activities of the Holding Company and the undertakings of the bodies which are subsidiaries of any of the Boards or the Holding Company.

## **56 The Transport Consultative Committees**

- (1) There shall be established in accordance with this section—
- (a) a Central Transport Consultative Committee for Great Britain (hereinafter referred to as the " Central Committee "), and
  - (b) Area Transport Users Consultative Committees (herein after referred to as " Area Committees ") for such areas of Great Britain as the Minister may from time to time direct, but so that there is no part of Great Britain which is not within the area of an Area Committee and so that there is at all times an Area Committee for Scotland and an Area Committee for Wales and Monmouthshire.
- (2) The Central Committee shall consist of a chairman appointed by the Minister, the chairmen of the Area Committees and such other members (not exceeding six) as the Minister may appoint after consultation with such bodies as appear to him to be representative of the interests of persons likely to be concerned with matters within the competence of the committee; and each Area Committee shall consist of a chairman appointed by the Minister, such other members as the Minister may appoint after consultation with such bodies as appear to him to be representative of the interests of persons likely to be concerned with matters within the competence of the committee and such other members (not exceeding two) as the Minister may appoint without such consultation.

The chairman of any Area Committee may appoint another member of that committee to attend a meeting of the Central Committee in his stead.

- (3) The persons appointed to be members of any committee under this section shall hold and vacate office in accordance with the terms of their respective appointments and shall, on ceasing to be members of the committee, be eligible for re-appointment:

Provided that any such person may at any time by notice in writing to the Minister resign his office.

- (4) Subject to the following provisions of this section, it shall be the duty of the Central Committee and of each Area Committee to consider and, where it appears to them to be desirable, make recommendations with respect to any matter affecting the services and facilities provided by any of the Boards—
- (a) which has been the subject of representations (other than representations appearing to the committee to be frivolous) made to the committee by or on behalf of users of those services or facilities, or
  - (b) which has been referred to the committee by the Minister or by a Board, or
  - (c) which appears to the committee to be a matter to which consideration ought to be given;

and copies of the minutes, conclusions and recommendations of each committee shall be sent to the Board concerned and—

- (i) in the case of any Area Committee, to the Central Committee; and

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- (ii) in the case of the Central Committee and the Area Committees for Scotland and for Wales and Monmouthshire, to the Minister.
- (5) Nothing in the last foregoing subsection shall entitle any committee to consider the charges made for any service or facility, or to consider any question relating to the discontinuance or reduction of railway services except as provided in the following provisions of this section; and the Central Committee shall not be obliged to consider any representation which appears to them to be more suitable for consideration by an Area Committee or which has been previously considered by an Area Committee.
- (6) Where the Minister receives a recommendation under subsection (4) of this section he may give to the Board concerned such directions as he thinks fit with respect to the matters dealt with in the recommendation.
- (7) Where the Railways Board or London Board propose to discontinue all railway passenger services from any station or on any line (hereinafter referred to as a closure), they shall, not less than six weeks before carrying their proposal into effect, publish in two successive weeks in two local newspapers circulating in the area affected, and in such other manner as appears to them appropriate, a notice—
- (a) giving the date and particulars of the proposed closure, and particulars of any alternative services which it appears to the Board will be available and of any proposals of the Board for providing or augmenting such services; and
  - (b) stating that objections to the proposed closure may be lodged in accordance with this section within six weeks of a date specified in the notice (being the date on which the notice is last published in a local newspaper as required by this section);

and copies of the notice shall be sent to the appropriate Area Committee.

For the purposes of this and the next following subsection the appropriate Area Committee is the committee for the area in which the station or the line, or any part of the line, affected by the proposed closure is situated.

- (8) Where a notice has been published under the last foregoing subsection any user of any service affected and any body representing such users may within the period specified in the notice lodge with the appropriate Area Committee an objection in writing; and where such an objection is lodged the committee shall forthwith inform the Minister and the Board concerned and the closure shall not be proceeded with until the committee has reported to the Minister and the Minister has given his consent.
- (9) A committee with whom an objection has been lodged under the last foregoing subsection shall consider the objection and any representations made by the Board concerned and report to the Minister as soon as possible on the hardship, if any, which they consider will be caused by the proposed closure, and the report may contain proposals for alleviating that hardship.

Where objections with respect to any proposed closure have been lodged with more than one Area Committee, the committees in question—

- (a) may report to the Minister jointly, or
- (b) may agree that the consideration of objections and representations relating to the closure and the making of a report to the Minister shall be delegated to any of those committees appearing to them to be principally concerned;

and copies of every report under this and the next following subsection shall be sent to the Central Committee and to the Board concerned.

(10) The Minister may require an Area Committee to make a further report; and if in any case the Minister considers that a report or further report has been unreasonably delayed he may, after consulting the committee concerned and making such enquiries as he thinks fit, consent to the proposed closure without awaiting the report or further report.

(11) In any case in which a closure requires the consent of the Minister under this section, the Minister may give his consent subject to such conditions as he thinks fit and may from time to time vary those conditions; and the Minister may in connection with the closure from time to time give such directions to the Board concerned as he thinks fit.

Where a condition attached to a consent, or a direction, requires the Board to provide or assist in the provision of alternative services, the Minister may refer to an Area Committee any matter relating to those services, and the committee shall consider and report to the Minister on that matter.

(12) Every committee established under this section shall meet when convened by the chairman thereof, but in no case less frequently than twice a year, and, without prejudice to the discretion of the chairman to call a meeting whenever he thinks fit, he shall call a meeting when required so to do by any three members of the committee, and minutes shall be kept of the proceedings at every meeting.

(13) Where for the purposes of subsection (9) of this section a committee decide to hear an objector orally, or to hear oral representations made on behalf of a Board, they shall hear the objector and the representations in public.

(14) Subject to subsections (12) and (13) of this section, every committee established under this section shall determine its own procedure including the quorum at meetings of the committee ; and the Central Committee may from time to time make general recommendations to the Area Committees with respect to any matter affecting the procedure or functions of those committees.

(15) The Central Committee and the Area Committees for Scotland and for Wales and Monmouthshire shall make an annual report to the Minister, and the Minister shall lay a copy of those reports before each House of Parliament.

(16) The Boards shall provide every committee established under this section with such officers and servants, and such office accommodation, as appear to the Boards to be requisite for the proper discharge of the committees' functions or as may be directed by the Minister; and the Boards may pay to the members of any such committee allowances in respect of loss of remunerative time in accordance with a scale approved by the Minister with the consent of the Treasury and such travelling allowances and allowances in respect of out-of-pocket expenses as the Boards may determine.

The Boards shall contribute to the expenses incurred by them under this subsection in such proportions as they may agree or as the Minister may in default of agreement direct.

(17) The transitional provisions in Part III of the Seventh Schedule to this Act shall have effect for the purposes of this section.

(18) For the purposes of subsection (4) of this section, any shipping service provided by the Caledonian Steam Packet Company Limited or the Caledonian Steam Packet Company (Irish Services) Limited shall, so long as the company providing the service

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is a subsidiary of the Railways Board, be deemed to be a service provided by that Board.

- (19) Before the vesting date references in this section to the Boards or to any Board shall be construed, except so far as the context otherwise requires, as references to the Commission.

## **57 The Transport Tribunal**

- (1) The number of members of the Transport Tribunal shall be increased from three to five, and of the members appointed by virtue of this section—
- (a) one shall be a person of experience in transport business, and
  - (b) one shall be a person of experience in financial matters or economics.
- (2) As from the date on which this section comes into force, the tribunal shall sit in two divisions to be known as the London Fares and Miscellaneous Charges Division and the Road Haulage Appeals Division.
- (3) The London Fares and Miscellaneous Charges Division shall exercise the jurisdiction of the tribunal under—
- (a) Part III of this Act, and
  - (b) the Post Office Act, 1953, and section twenty-four of the Transport Act, 1953 (which relate to charges for the carriage of mail and of the armed forces and police),
- and shall consist of the president of the tribunal and two members of the tribunal having respectively the qualifications mentioned in subsection (1) of this section.
- (4) The Road Haulage Appeals Division shall exercise the jurisdiction of the tribunal under Part IV of the Road Traffic Act, 1960 (which relates to road carriers' licences), and shall consist of the president of the tribunal and two members of the tribunal of whom one shall be a person of experience in transport business and the other a person of experience in commercial affairs.
- (5) Notwithstanding the last foregoing subsection, for the purpose of any proceedings coming before the tribunal under Part IV of the Road Traffic Act, 1960, the president of the tribunal may, if he thinks fit, appoint one or more persons from a special panel (constituted in accordance with paragraph 6 of the Tenth Schedule to this Act) to hear and determine those proceedings, whether alone or with a member or members of the Road Haulage Appeals Division; and where the president does not himself sit in any such proceedings he shall direct which person is to preside.
- (6) The jurisdiction of the tribunal under any enactment other than those mentioned in the foregoing provisions of this section is hereby abolished.
- (7) Any objection or application which, before the date on which this section comes into force, was referable to the tribunal under the Railway Employment (Prevention of Accidents) Act, 1900 (which relates to safety rules), shall be referred instead to a referee appointed (either generally or for the purpose of a particular case) by the Minister; and the said Act shall have effect with the necessary modifications.

Any objection or application under the said Act which is pending before the tribunal on that date shall be proceeded with before a referee appointed under this subsection in such manner as the Minister may direct.



- (8) There shall be transferred to the High Court the jurisdiction which before the date on which this section comes into force was vested in the tribunal under subsection (2) of section sixteen of the Railway and Canal Traffic Act, 1888 (which relates to the apportionment of expenses in certain cases), and any proceedings by virtue of that jurisdiction which are pending before the tribunal on that date shall be proceeded with in the High Court in such manner as the court may direct.
- (9) Any local enactment which makes provision corresponding to Part III of the Railways Clauses Act, 1863 (which relates to the approval by the tribunal of working agreements), shall cease to have effect; and where before the date on which this section comes into force any jurisdiction was vested in the tribunal under any other local enactment (except an enactment ceasing to apply by virtue of Part III of this Act) that jurisdiction shall be transferred to the High Court, and any proceedings by virtue of that jurisdiction which are pending before the tribunal on that date shall be proceeded with in the High Court in such manner as the court may direct.
- (10) In the application of the two last foregoing subsections to Scotland, references to the High Court shall be construed as references to the Court of Session.
- (11) The general panel and the transport panel constituted under section twenty-four of the Railways Act, 1921, and the shipping panel constituted under section thirty-nine of the Road and Rail Traffic Act, 1933, are hereby abolished.
- (12) The provisions of the Tenth Schedule to this Act (which reproduce the existing law with minor modifications and the modifications consequent on this section) shall have effect with respect to the constitution, powers and proceedings of the tribunal.

*Provisions relating to the Boards*

**58 Restrictions on carriage by road in London**

- (1) On and after the vesting date, in section sixteen and subsection (2) of section seventeen of the London Passenger Transport Act, 1933 (under which those carrying passengers by road in the London area must obtain the consent of the Commission in certain circumstances), for references to the Commission there shall be substituted references to the London Board.
- (2) If the London Board, on an application for their consent under either of the said sections made at any time after the vesting date, refuse to give the consent in the terms of the application, the applicant may within one month from receipt of notice of their refusal apply to the metropolitan traffic commissioner, and if the metropolitan traffic commissioner is of the opinion that the refusal is unreasonable, he may give the consent either in the terms of the application or in such other terms as appear to him to be appropriate, and that consent shall have effect as if given by the London Board.
- (3) If within a period of one month beginning with the date of the application, or within such extended period as may at any time be agreed in writing between the applicant and the London Board, the London Board do not notify the applicant of their decision on the application, subsection (2) of this section shall apply in relation to the application as if the London Board had refused to give consent in the terms of the application and had notified the applicant of their decision at the end of the said period.

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- (4) The applicant or the London Board may appeal to the Minister against the decision of the metropolitan traffic commissioner on an application under subsection (2) of this section, and on such an appeal the Minister may confirm, vary or annul the decision.
- (5) The right of appeal to the Minister conferred by the last foregoing subsection shall be conditional on the appeal being made within the time, and in the manner, prescribed by regulations made under the following provisions of this section.
- (6) The Minister may by statutory instrument make regulations as to the procedure on any application under this section, and on any appeal to the Minister from such an application, and the regulations may make provision as to—
  - (a) the particulars to be furnished and the persons to whom notices are to be given, and the manner in which notices are to be published or served;
  - (b) the manner in which objections or other representations with respect to applications are to be made;
  - (c) the time within which and the manner in which any appeal to the Minister is to be made.
- (7) In this section " the metropolitan traffic commissioner " means the traffic commissioner for the Metropolitan Traffic Area.

## **59 Special restrictions on grant to London Board of road service licences**

- (1) The traffic commissioners shall not under Part III of the Road Traffic Act, 1960, grant to the London Board a road service licence (whether or not in substitution for another licence) to provide a road service over a route which is not within the London Passenger Transport Area unless they are satisfied that any person who is providing transport facilities along or near any part of the route, and whose interest will in their opinion be substantially affected if the licence is granted.—
  - (a) has, whether as one of the terms of a working agreement made with the London Board or otherwise, consented to the making of an application for the licence, or
  - (b) has unreasonably refused or withheld his consent.
- (2) The traffic commissioners shall not under subsection (5) of section one hundred and thirty-five of the Road Traffic Act, 1960, on the application of the London Board vary the conditions attached to a road service licence granted by them to the London Board, being a licence to provide a road service over a route which is not within the London Passenger Transport Area, unless they are satisfied that any person who is providing transport facilities along or near any part of the route, and whose interest will in their opinion be substantially affected if the variation is made.—
  - (a) has consented to the making of the application, or
  - (b) has unreasonably refused or withheld his consent,
 and they shall not vary the conditions attached to such a licence otherwise than on the application of the London Board unless they are satisfied that any such person has had an opportunity of consenting to the proposal for the variation and either has consented to the proposal or has unreasonably refused or withheld his consent.
- (3) Subsections (1) and (2) of this section shall not apply—
  - (a) if the route to which the licence relates is one of the London Transport Executive's routes as defined in subsection (5) of section eight of this Act, and is not a restricted route as defined in subsection (5) of this section, or

- (b) if that route is one of the London Transport Executive's routes, and is a restricted route as so defined, but the licence is, or when the conditions are varied will be, subject to a condition that the London Board shall not both pick up and set down a passenger on the route, or
  - (c) if the Minister certifies to the traffic commissioners that there are exceptional circumstances which make it desirable that the relevant provisions of those subsections should not apply in relation to the proceedings specified in the certificate,
- or if part of the route falls under one of the foregoing paragraphs and part under another (but the subsections shall apply if part of the route falls outside those paragraphs).
- (4) Any road service licence which is transferred on the vesting date to the London Board under Part II of this Act and which authorises the London Board to provide a road service on a restricted route shall have effect as if it contained a condition that the Board shall not both pick up and set down a passenger on the route, but any such condition may be varied subject to the provisions of this section.
  - (5) In the two last foregoing subsections the expression "restricted route" means a route over which the London Transport Executive had at any time in the period of twelve months ending on the second day of November, nineteen hundred and sixty-one, power to carry passengers by public service vehicles subject to a condition that they should not both pick up and set down a passenger on the route ; and the Minister shall in the order made by him under subsection (5) of section eight of this Act distinguish the routes which were so restricted.
  - (6) Any determination of the traffic commissioners under subsection (1) of this section shall be open to review on an appeal under subsection (1) or subsection (3) of section one hundred and forty-three of the Road Traffic Act, 1960 (which relates to appeals against the refusal to grant a licence and against the granting of a licence), and any determination of the traffic commissioners under subsection (2) of this section shall be open to review on an appeal under subsection (2) or subsection (3) of the said section.
  - (7) This section shall apply whether or not the route to which the licence relates is partly within the London Passenger Transport Area, but for the purposes of this section the part within that Area shall be left out of account.
  - (8) If such part of the route as is outside the said Area is only provided to reach a terminal point or stand which is not more than half a mile, or in the county of Berkshire one mile, beyond the boundary of the said Area, this section shall not apply in relation to the route.
  - (9) This section shall be construed as one with Part III of the Road Traffic Act, 1960.

## **60 Carriers' licences for vehicles operated by subsidiaries of the Boards and other bodies**

- (1) For the purposes of the definition of " holding company " in subsection (4) of section one hundred and eighty of the Road Traffic Act, 1960 (which relates to carriers' licences for the vehicles of a subsidiary), the Boards and the Holding Company shall each be deemed to be a company and the said section one hundred and eighty shall have effect accordingly.
- (2) If on the vesting date a subsidiary of the Commission becomes a subsidiary of the Holding Company, any carriers' licence under Part IV of the Road Traffic Act, 1960,

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held by the Commission for a vehicle owned by the subsidiary shall thereafter have effect as if granted to the Holding Company ; and for the purposes of section one hundred and eighty of the Road Traffic Act, 1960, the Holding 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.

- (3) If as a result of a transaction effected by the Holding Company not more than twelve months after the vesting date, and at a time when the Holding Company hold carriers' licences under Part IV of the Road Traffic Act, 1960, for vehicles owned by a subsidiary, the subsidiary becomes a wholly-owned subsidiary of a company (hereinafter referred to as " the company ") which is itself a wholly-owned subsidiary of the Holding Company, any such licence for a vehicle then owned by the subsidiary shall thereafter have effect as if granted to the company; and for the purposes of section one hundred and eighty of the Road Traffic Act, 1960, 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.

## **61 Amendment of enactments relating to inland waterways**

- (1) As from the vesting date, section seventeen of the Regulation of Railways Act, 1873 (which requires the Commission to maintain certain inland waterways), shall have effect as if—
- (a) the reference in that section to every railway company included a reference to the British Waterways Board, and
  - (b) for the references in that section to a canal there were substituted, in relation to that Board, references to any inland waterway comprised in the undertaking of the Board which was by virtue of the Transport Act, 1947, transferred to the Commission and which has not been closed to navigation by or under any statutory provision.
- (2) Sections thirty-five and thirty-six of the Transport Act, 1947 (under which the Commission may apply a licensing system to canal carriers on an inland waterway belonging to them), shall cease to have effect.
- (3) In section thirty-seven of the Transport Act, 1947 (which relates to the abandonment of inland waterways by the Commission), for references to the Commission there shall as from the vesting date be substituted references to the British Waterways Board.
- (4) The definition of " statutory water undertakers " in subsection (1) of section fifty-nine of the Water Act, 1945, shall not include the British Waterways Board.

## **62 Local enactments relating to the supply of water for canals**

- (1) Any local enactment which authorises the British Waterways Board to take water for the purpose (whether express or implied) of using the water for a canal owned or managed by the British Waterways Board, or for purposes which include that purpose, shall have effect as if that purpose included the purpose of selling, or affording the use of, water from the canal; and the British Waterways Board may exercise their powers under Part I of this Act accordingly.
- (2) The foregoing subsection shall not be taken as authorising the British Waterways Board—

- (a) to disregard any restriction, whether as regards quantity or rate or otherwise, on the water which may be taken from any source, or
- (b) to affect the level or flow of water in any part of the canal, or in any river or watercourse fed from the canal, to a degree which conflicts with any of the Board's obligations, and in particular with any statutory obligation to maintain the canal in a navigable condition.

### **63 Abstraction of water by British Waterways Board**

- (1) Subject to this section the British Waterways Board shall not without the consent of the Minister sell water from an inland waterway—
  - (a) unless the water is abstracted at a point at which water was being abstracted before the passing of this Act, and
  - (b) unless the quantity of water sold in the period of twelve months beginning with the vesting date, and in each subsequent period of twelve months, does not exceed the quantity abstracted at that point in the period of twelve months ending with the passing of this Act, and
  - (c) unless the land or premises on which the water is used is the same as that on which the water was used before the passing of this Act.
- (2) If on the vesting date the British Waterways Board become subject to an obligation to sell water such that the quantity they are obliged to sell is limited, whether by reference to the average rate of abstraction, or the quantity abstracted in any period, or otherwise, then, so long as the terms of the obligation are not varied, subsection (1) of this section shall not apply to the sale of water in discharge of the obligation.
- (3) Subsection (1) of this section shall not apply to the sale of water under section thirty-five of the River Lee Water Act, 1855 (under which a limited quantity of water may be sold for industrial purposes), or under section thirty-five of the Lee Conservancy Act, 1900 (under which the abstraction of water may be regulated by byelaw).
- (4) The British Waterways Board shall serve on the persons specified in this section notice of any application made by them for the consent of the Minister, giving sufficient particulars of their proposals and of the terms of the consent applied for, and stating that the person on whom the notice is served should submit any objections to the Minister within twenty-eight days of service of the notice and should within that time send a copy of any such objection to the Board.
- (5) The British Waterways Board shall publish in one or more newspapers circulating in the area in which the point of abstraction is situated a notice of any application made by them for the consent of the Minister, giving sufficient particulars of their proposals and of the terms of consent applied for.
- (6) Except in Scotland, the persons on whom the notice is to be served shall be—
  - (a) the council of the borough or urban or rural district in which the point of abstraction is situated,
  - (b) the River Board in whose area the point of abstraction is situated, and
  - (c) the statutory water undertakers within whose limits of supply the point of abstraction is situated, and any other statutory water undertakers on whom the Minister, after consultation with the Minister of Housing and Local Government, directs the notice to be served.
- (7) In Scotland the persons on whom the notice is to be served shall be—

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- (a) the council of the county or burgh in which the point of abstraction is situated,
  - (b) the river purification authority in whose area the point of abstraction is situated and any other river purification authority on whom the Minister after consultation with the Secretary of State directs the notice to be served,
  - (c) any salmon fishery district board on whom the Minister after consultation with the Secretary of State directs the notice to be served, and
  - (d) the local water authority within whose limits of supply the point of abstraction is situated and any other local water authority on whom the Minister after consultation with the Secretary of State directs the notice to be served.
- (8) The British Waterways Board shall give the Minister such information as he may require to determine whether any directions should be given under the two last foregoing subsections.
- (9) The Minister shall not entertain the application unless he is satisfied that all the required notices have been duly given; and the Minister shall take into consideration any objections duly made by the persons on whom they have been served.
- (10) The Minister in considering the application and the terms in which any consent ought to be given shall have regard—
- (a) to the importance of the uses to which the abstracted water will be put and to the present and future needs of statutory water undertakers, industry and agriculture, and
  - (b) to the effect which the proposals may have on fisheries, land drainage or public health, or on the inland waterway directly affected or any other inland waterway or stream, and
  - (c) to the extent to which the abstracted water will be returned,
- and shall, before giving his consent as respects any inland waterway in Scotland, consult the Secretary of State.
- (11) The Minister may give his consent either in the terms requested in the application, or in any other terms, but shall not afford terms more favourable than those requested unless he is satisfied that all the authorities concerned have had an opportunity of considering those terms and making objections.
- (12) The terms of any consent given by the Minister shall be transmitted by the British Waterways Board to each of the persons on whom they are required in pursuance of this section to serve notice of their application for consent.
- (13) The Commission shall before the vesting date compile for the use of the British Waterways Board a record of all cases in which, in the period of twelve months ending with the passing of this Act, they were abstracting water from inland waterways for use on any land or premises, and shall include in the record particulars of the land or premises on which the water was used, of the points of abstraction, of the total quantities abstracted in the said period, and of any contract under which they were obliged to sell the water.
- The British Waterways Board shall give reasonable facilities for the inspection of the record by representatives of the authorities described in subsections (6) and (7) of this section, and shall, at the request of any such authority, give them any information as to the contents of the record.
- (14) In this section—

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" local water authority " has the meaning given by section five of the Water (Scotland) Act, 1946 ;

" river purification authority " has the same meaning as in Part III of the Rivers (Prevention of Pollution) (Scotland) Act, 1951;

" salmon fishery district board " means the district board for a fishery district for the purposes of the Salmon Fisheries (Scotland) Act, 1862, and the Commissioners appointed under the Tweed Fisheries Act. 1857 ;

" statutory water undertakers " has the meaning given by subsection (1) of section fifty-nine of the Water Act, 1945;

" stream " includes any river or watercourse whether natural or artificial.

- (15) This section shall apply to the Conservators of the River Thames and the Lee Conservancy Catchment Board as if they were River Boards and their areas were the Thames catchment area and the Lee catchment area respectively.
- (16) References in this section to the sale by the British Waterways Board of water from an inland waterway include references to any arrangements whereby the Board for valuable consideration abstract, or authorise the abstraction of, the water of an inland waterway for use by some other person, whether or not the water is returned after use.
- (17) The granting of consent under this section shall not be taken as authorising the British Waterways Board to do anything which they would not have power to do apart from the provisions of this section.

#### **64 Temporary suspension of liability to maintain inland waterways**

- (1) In this section " the interim period " means the period beginning with the passing of this Act and expiring at the end of the year nineteen hundred and sixty-seven.
- (2) During the interim period no action or other proceeding shall be instituted or continued for the purpose of enforcing any obligation of the Commission or the British Waterways Board (whether statutory or otherwise) to maintain any inland waterway or part of an inland waterway which was not in a navigable condition at any time in the period of six months ending on the second day of November, nineteen hundred and sixty-one; and, in any proceedings against the Commission or the British Waterways Board which are brought for that purpose before the end of the year nineteen hundred and sixty-seven as respects an inland waterway or part of an inland waterway which was to any degree navigable in the said period of six months, the defendants shall not be required to secure its maintenance in a condition which is, in matters affecting navigation, better than it was in at any time in that period, but if there has been any deterioration since the end of that period the court may, if satisfied that it is in the interests of navigation, require the defendants to secure its maintenance in the condition in which it was at any time in the said period.
- (3) No person shall be entitled to recover from the Commission or from the British Waterways Board any damages or other sum or compensation in respect of any inability to navigate any inland waterway during the interim period in consequence of it not being in a navigable condition unless the right in respect of which he would be so entitled is a right—
  - (a) which he has exercised or sought to exercise at some time in the period of six years ending with the relevant date, or
  - (b) which his predecessor in title has exercised or sought to exercise at some time in the period of six years ending with the relevant date,

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and unless he commences proceedings in respect thereof not later than twelve months after the end of the interim period:

Provided that this subsection shall not prevent the court from awarding any sum in respect of defects in the inland waterway if it is shown that it was without any of those defects at some time in the period of six months ending on the second day of November, nineteen hundred and sixty-one.

For the purposes of this subsection—

- (i) the expression " the relevant date " means in relation to the Kennet waterways the twenty-sixth day of November, nineteen hundred and fifty-five, and in relation to any other inland waterway the second day of November, nineteen hundred and sixty-one ;
  - (ii) the expression " the Kennet waterways " has the meaning assigned to it by section fifteen of the British Transport Commission Act, 1956 ;
  - (iii) the expression " predecessor in title " includes a person whose business or part of whose business (being a business or part of a business in connection with which that person has exercised or sought to exercise the right of navigation in question) has been acquired by the successor whether by succession, purchase, amalgamation, reconstruction or otherwise ; and
  - (iv) the amount of any damage suffered by a person shall be deemed to have accrued from day to day.
- (4) During the interim period any inland waterway comprised in the undertaking of the Commission or the British Waterways Board which has not been closed to navigation by or under any statutory provision shall be deemed to be a watercourse for the purposes of section two hundred and fifty-nine of the Public Health Act, 1936, and paragraph (b) of subsection (1) of section eighty-two of the Public Health (London) Act, 1936 ; and the provisions of Part III of the Public Health Act, 1936, as they apply by virtue of this subsection may be enforced by a county council as well as by a local authority as defined in that Act.
- (5) For the purposes of section thirty-three of the Town and Country Planning Act, 1947 (which relates to the proper maintenance of gardens, vacant sites and other open land), any inland waterway comprised in the undertaking of the Commission or the British Waterways Board which has not been closed to navigation by or under any statutory provision shall during the interim period be deemed to be a vacant site, and any local authority within the meaning of that Act (and not only the local planning authority) shall be entitled to enforce the provisions of that section as it applies by virtue of this subsection.
- (6) This section shall not affect section eighteen of the British Transport Commission Act, 1956 (which imposes certain liabilities as respects the Kennet waterways), but sections sixteen and seventeen of that Act, and so much of sections twenty and twenty-one of that Act as relates to the Kennet waterways shall cease to have effect.
- (7) Nothing in this section shall be taken as preventing proceedings being taken to enforce a right other than a right of navigation.
- (8) This section shall have effect as from the passing of this Act.

## **65     The railway savings banks**

- (1) In this section—



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" the railway savings banks " means the savings banks established under—  
section twenty-three of the Metropolitan Railway Act, 1873,  
section forty-five of the Great Western Railway Act, 1885,  
section eighteen of the Taff Vale Railway Act, 1895,  
section sixty-one of the London, Midland and Scottish Railway Act, 1924,  
section ninety-nine of the Southern Railway Act, 1924, and  
section three of the London and North Eastern Railway Act, 1944,  
and any other savings bank for which the Commission was responsible  
before the vesting date and which primarily served those employed by the  
Commission on their railways;

" the appropriate Board " means—

- (a) in relation to the savings bank established under the Metropolitan Railway Act, 1873, the London Board,
- (b) in relation to any other railway savings bank, the Railways Board.

- (2) Part II of this Act shall not apply to the property, rights and liabilities of the Commission so far as held and subsisting for the purposes of any railway savings bank, but all such property, rights and liabilities shall by virtue of this section be transferred on the vesting date to the appropriate Board and held and assumed by that Board subject in all respects to the duties and obligations to which the Commission were subject immediately before the vesting date.
- (3) As from the vesting date, for references to the Commission in the enactments listed in subsection (1) of this section and in any other statutory provision, so far as that provision relates to a railway savings bank, there shall be substituted references to the appropriate Board, and for references in any such enactment to any officer or servant of, or person appointed by, the Commission there shall be substituted a reference to such person as the appropriate Board may appoint or, in default of appointment, in the case of references to any officer or servant of the Commission, to the officer or servant of that Board who corresponds as nearly as may be to the first-mentioned officer or servant.
- (4) Subject to this section, the persons entitled to deposit money in the railway savings banks established under section forty-five of the Great Western Railway Act, 1885, section sixty-one of the London Midland and Scottish Railway Act, 1924, section ninety-nine of the Southern Railway Act, 1924, and section three of the London and North Eastern Railway Act, 1944, shall be—
  - (a) existing depositors,
  - (b) persons employed by the Railways Board,
  - (c) persons who, owing to incapacity arising from ill health or on reaching retirement age, have retired from service with the Railways Board or the Commission or the railway company by which the savings bank was established,
  - (d) members of the families of persons of any of the foregoing descriptions,
  - (e) any group, society or association the members of which consist, or mainly consist, of persons of any of the foregoing descriptions.
- (5) The persons entitled to make deposits in any railway savings bank other than those to which the last foregoing subsection applies shall be the persons who are depositors in that bank on the vesting date, and, where any such depositor is a man who dies leaving a widow, his widow during her widowhood.

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- (6) So much of the enactments listed in the definition of railway savings banks in subsection (1) of this section as relates to the charging of deposits on the undertaking or profits of any body shall cease to have effect.

## 66 Liability of Boards to rates

- (1) Subject to this section, in section eighty-six of the Local Government Act, 1948 (which defines the railway and canal hereditaments which by virtue of Part V of that Act are not liable to be rated), and in subsection (6) of section nine of the Rating and Valuation (Miscellaneous Provisions) Act, 1955, and paragraph twenty-three of the Eighth Schedule to the Local Government Act, 1958 (which relate to railway or canal hereditaments partly used for other purposes), for references to the Commission there shall be substituted references to any of the Boards, other than the Docks Board.
- (2) In the rating year following that in which the vesting date falls, and in all subsequent rating years, the Railways Board, the London Board and the British Waterways Board shall respectively make payments for the benefit of local authorities in lieu of the rates which would, apart from the provisions of Part V of the Local Government Act, 1948, be payable to rating authorities in England or Wales in respect of railway or canal hereditaments, and the amount of those payments shall be determined by reference to the following amounts (which are hereafter in this section referred to as standard amounts and which together add up to the standard amount specified as regards the Commission in subsection (4) of section ninety-three of the Local Government Act, 1948, as amended by section two of the Rating and Valuation Act, 1957), that is to say—

	£
the Railways Board	1,905,000
the London Board	649,000
the British Waterways Board	46,000

- (3) In the rating year following that in which the vesting date falls, and in all subsequent rating years, the Railways Board shall make payments for the benefit of local authorities in Scotland in lieu of the rates which would, apart from the provisions of Part V of the Local Government Act, 1948, be payable to rating authorities in respect of such railway or canal lands and heritages in Scotland as are not occupied for the purposes of the British Waterways Board, and the amount of those payments shall be determined by reference to the amount arrived at by deducting from the amount specified in the first column of the following Table the amount specified in the second column of that Table:—

TABLE

	<i>Amount to be deducted</i>
The amount certified by the Secretary of State under subsection (1) of section two of the Local Government (Financial Provisions etc.) (Scotland) Act, 1962.	Such amount as may be certified by the Secretary of State as the portion of the amount specified in the first column of this Table attributable to lands and heritages occupied for the purposes of the British Waterways Board.

Any reference in this section in its application to Scotland to the standard amount for the Railways Board shall be construed as a reference to the amount so arrived at.

- (4) The amounts which the said Boards are to pay in each of the said rating years shall be their respective standard amounts adjusted—
- (a) by applying subsections (2) to (4) of section ninety-four of the Local Government Act, 1948, as if references in that section to the Commission were references to those Boards respectively, and references to the standard amount were references to the relevant standard amount under this section, and
  - (b) by making such further adjustment for changes in the circumstances of the respective Boards as may be prescribed by order of the appropriate Minister of which a draft has been laid before Parliament and approved by a resolution of each House of Parliament.
- (5) An order under paragraph (b) of the last foregoing subsection shall be made by statutory instrument and—
- (a) may provide for effecting a comparison between the circumstances of the Board in question and the circumstances (at some time before the vesting date) of the Commission as a whole, or of the part of the Commission's undertaking corresponding to that of the Board, or partly the one and partly the other, and
  - (b) may be varied or revoked by a subsequent order so made,
- and in that paragraph " the appropriate Minister " means, in relation to the Railways Board, the Minister of Housing and Local Government and the Secretary of State acting jointly, and in relation to the other Boards, the Minister of Housing and Local Government.
- (6) In paragraph (a) of subsection (1) of section one hundred and nine of the Local Government Act, 1948 (under which orders may be made extending or restricting the class of hereditaments to be treated as railway or canal hereditaments), for the reference to the Commission there shall be substituted a reference to any of the Boards, and, before an order is made under the said subsection (1), the Minister making the order shall consult with such of the Boards, and such associations of local authorities, as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.
- (7) Subsection (1) of this section shall come into force at the beginning of the rating year following that in which the vesting date falls, and—
- (a) in the period between the vesting date and the coming into force of subsection (1) of this section the enactments mentioned in that subsection shall have effect as if for references to the Commission there were substituted references to any of the four Boards, and
  - (b) in the rating year in which the vesting date falls the Commission shall make the payment due from them for that rating year under section ninety-three of the Local Government Act, 1948, before the vesting date.
- (8) This section shall be construed as one with Part V of the Local Government Act, 1948, and—
- (a) in subsection (1) of section one hundred and paragraph (c) of subsection (1) of section one hundred and nine of that Act the references to the preceding provisions of the said Part V shall include a reference to this section,

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- (b) in subsection (3) of the said section one hundred, for the reference to the Commission there shall, as respects rating years after that in which the vesting date falls, be substituted a reference to the Railways Board, and
  - (c) in subsection (1) of section one hundred and two and paragraph (a) of subsection (1) of section one hundred and twenty-four of that Act, for references to the Commission there shall, as respects rating years after that in which the vesting date falls, be substituted references to the Boards.
- (9) In subsection (2) of section ninety-seven of the Local Government Act, 1948, for the words from " the same adjustment " to " have effect accordingly" there shall, as respects rating years after that in which the vesting date falls, be substituted the words " made by applying subsections (2) to (4) of section ninety-four of this Act ".
- (10) In this section " rating year " means a year beginning, as respects England and Wales with the first day of April, and as respects Scotland with the sixteenth day of May, in any calendar year.
- (11) Section ninety-three, subsection (1) of section ninety-four and section ninety-five of the Local Government Act, 1948, and paragraph 1 of the Second Schedule to the Local Government (Financial Provisions etc.) (Scotland) Act, 1962, shall cease to have effect at the beginning of the first rating year after that in which the vesting date falls.
- (12) There shall be paid out of money provided by Parliament any increase attributable to this section in the sums payable out of such money by way of rate-deficiency grant or Exchequer equalisation grant under the enactments relating to local government in England and Wales or in Scotland.

## **67 Bylaws for railways and railway shipping services**

- (1) The Railways Board and the London Board may each make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
- (a) with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
  - (b) with respect to interference or obstruction of the working of the railways,
  - (c) with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;
  - (d) with respect to the receipt and delivery of goods, and
  - (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the Boards and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.
- (3) Any bylaws made under this section may provide that any person contravening them shall be liable on summary conviction to a penalty not exceeding twenty-five pounds for each offence.
- (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful

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use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.

- (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.
- (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.
- (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
- (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding ten shillings as the Board shall determine.
- (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.
- (10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding ten shillings as the Board shall determine.
- (11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—
  - (a) that the bylaws were made by the Board or by the Commission,
  - (b) that the copy is a true copy of the bylaws,
  - (c) that on a specified date the bylaws were confirmed by the Minister, and
  - (d) the date when the bylaws come into operation,shall be prima facie evidence of the facts stated in the certificate.
- (12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.
- (13) Sections one hundred and eight and one hundred and nine of the Railways Clauses Consolidation Act, 1845, sections one hundred and one and one hundred and two of the Railways Clauses Consolidation (Scotland) Act, 1845, section thirty-two of the Railways Clauses Act, 1863, and section seven of the Regulation of Railways Act, 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.

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- (14) In the bylaws made by the London Transport Executive under the Railways Clauses Consolidation Act, 1845, which were confirmed by the Minister on the thirteenth day of December, nineteen hundred and fifty-seven—
- (a) for references to the Commission or the London Transport Executive there shall be substituted references to the London Board, and
  - (b) for references to the railways as there defined there shall be substituted references to the railways of the London Board.
- (15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of the London Transport Executive which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven.—
- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and
  - (b) for references to London Transport railways there shall be substituted references to the London Board's railways.
- (16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board and the London Board have power to make under this section in relation to their railways.
- (17) This section shall have effect as from the vesting date.

## **68 Custody of lost property on London Board's transport system**

- (1) As from the vesting date, for references in section one hundred and six of the London Passenger Transport Act, 1933, to the London Passenger Transport Board there shall be substituted references to the London Board.
- (2) The repeal by this Act of section one hundred and nineteen of the Transport Act, 1947, shall not affect the London Transport (Lost Property) Regulations, 1960 (which were made under that section), and as from the vesting date those regulations—
  - (a) shall be treated for all purposes, and in particular for the purposes of section eighty-eight of the London Passenger Transport Act, 1935 (which relates to offences against regulations under section one hundred and six of the said Act of 1933), as if they had been made under the said section one hundred and six, and
  - (b) shall have effect, subject to the necessary modifications, as if any reference therein to the Commission or the London Transport Executive were a reference to the London Board.

## **69 Organisation of transport police**

- (1) Within one year from the vesting date the Railways Board shall, after consulting the other Boards, prepare and submit to the Minister a scheme for the organisation of the transport police of the Boards.

In this section, references to " transport police " are references to constables appointed under section fifty-three of the British Transport Commission Act, 1949.

- (2) A scheme under this section which provides for the organisation of transport police in a joint force shall contain provisions with respect to—
  - (a) the control and administration of the force by or on behalf of the Boards participating in the force,
  - (b) the contributions to be (made by those Boards to the expenses of the force, and
  - (c) the method of settling disputes between those Boards in relation to the force.
- (3) Without prejudice to the generality of subsection (1) of this section, a scheme under this section may make provision—
  - (a) for the transfer or appropriation for the purposes of the scheme of property vested in the Railways Board by paragraph (e) of subsection (2) of section thirty-one of this Act, and
  - (b) for enabling the services of transport police organised in a force for any Board or Boards to be made available to another Board on such terms as may be agreed with that Board,and may contain such incidental and transitional provisions as may appear to the Railways Board or the Minister to be expedient.
- (4) A scheme under this section may make modifications consequential on the provisions of the scheme in section fifty-three of the said Act of 1949, but nothing in the scheme shall require any Board to exercise its powers under that section.
- (5) On a scheme being submitted to the Minister under this section, the Minister may by order approve the scheme with or without amendment; and the scheme, as so approved, shall come into effect on such date as may be specified therein and it shall be the duty of the Boards to comply with the scheme as so approved.
- (6) The Minister shall consult the Boards before approving a scheme under this section ; and the Minister shall not approve a scheme under this section which provides for the organisation of transport police in more than one force unless it appears to him, after consultation with the Boards, that there are special reasons which make it desirable that such provision should be made.
- (7) If after a scheme has been approved under this section any Board apply to the Minister and satisfy him that the scheme should be amended in any respect the Minister may, after consulting the Boards, by order make such amendments of the scheme as he thinks fit.
- (8) The power conferred by this section on the Minister to make orders shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) During the period between the vesting date and the coming into effect of a scheme under this section the Railways Board shall make police services available to the other Boards to such extent and on such terms as the Railways Board and the other" Board concerned may agree or as may, in default of agreement, be determined by the Minister.

## **70 Transport police constables**

- (1) Section fifty-three of the British Transport Commission Act, 1949, shall be amended as follows:

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- (2) Any premises transferred or leased to the Hotel Company before the vesting date shall until the vesting date be regarded for the purpose of the section as belonging to the Commission.
- (3) For the first two references in subsection (1) of the section to the Commission there shall be substituted—
  - (a) during the interim period, references to the Railways Board, and
  - (b) thereafter, references to any of the Boards acting jointly or separately in pursuance of a scheme under section sixty-nine of this Act.
- (4) On and after the vesting date for references in the section to premises belonging to, leased to or worked by the Commission there shall be substituted references to premises belonging to, leased to or worked by any of the Boards or the Hotel Company, and in the proviso to paragraph (b) of subsection (1) of the section for the reference to matters in connection with or affecting the Commission or their undertaking there shall be substituted a reference to matters in connection with or affecting any of the Boards or their undertakings.
- (5) On and after the vesting date a Board may dismiss a constable who is employed by them (whether or not appointed after the vesting date) and, accordingly, in paragraph (c) of subsection (1) of the section for references to the Commission there shall, as regards such a constable employed by a Board (or two or more Boards jointly), be substituted a reference to that Board (or those Boards), and for the reference at the end of the said paragraph (c) to the authority by whom a constable was dismissed or by whom a constable's resignation is accepted there shall, in the case of a constable dismissed by the Commission, or whose resignation was accepted by the Commission, be substituted—
  - (a) during the interim period, a reference to the Railways Board, and
  - (b) thereafter, a reference to any of the Boards acting jointly or separately in pursuance of a scheme under section sixty-nine of this Act.
- (6) On and after the vesting date references in any statutory provision or other document to a constable appointed or employed by the Commission shall be taken as a reference to a constable employed by any of the Boards and acting under the said section fifty-three.
- (7) In this section " the interim period " means the period referred to in subsection (9) of section sixty-nine of this Act.

## **71 Terms and conditions of employment of transport police**

- (1) If any of the Boards in pursuance of a scheme under section sixty-nine of this Act arrange to establish a joint police force consisting of constables appointed under section fifty-three of the British Transport Commission Act, 1949, they shall also arrange to establish a conference consisting of an equal number of representatives of those Boards on the one hand and of the members of the police force on the other hand, to which all questions relating to rates of pay, hours of duty and conditions of service of members of the police force shall be referred.
- (2) If and so long as any Board in pursuance of a scheme under section sixty-nine of this Act employ a separate police force consisting of constables appointed under the said section fifty-three, that Board shall arrange for the establishment of a separate conference consisting of an equal number of representatives of the Board and of the



members of their police force to which all questions relating to rates of pay, hours of duty and conditions of service of members of the police force shall be referred.

- (3) If and so long as there are two or more conferences established under the foregoing provisions of this section (hereinafter referred to as constituent conferences), the Boards concerned shall arrange for the establishment of a central conference which shall consist of an equal number of representatives of those Boards on the one hand, and of their police forces on the other hand, elected from the constituent conferences, and there shall be an appeal from the constituent conferences to the central conference.
- (4) In the event of disagreement between the two sides of a conference established under this section (except a conference from which an appeal lies to a central conference), an independent chairman shall be appointed with power to give decisions which shall have effect as decisions of the conference, the said chairman to be chosen by mutual agreement or failing agreement to be nominated by the Minister of Labour.
- (5) On the coming into force of this section any arrangements made in pursuance of section ninety-seven of the Transport Act, 1947 (which contains provisions corresponding to those of this section), shall cease to have effect.

## **72 General provisions as to terms and conditions of employment of staff**

- (1) It shall be the duty of each Board, except as far as they are satisfied that adequate machinery exists for achieving the purpose of this subsection, to seek consultation with any organisation appearing to the Board to be appropriate, with a view to the conclusion between the Board and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
  - (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Board, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements, and
  - (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Board and the discussion of other matters of mutual interest to the Board and such persons, including efficiency in the operation of the Board's services.
- (2) Where the Board conclude such an agreement as is mentioned in the foregoing subsection or any variation is made in such an agreement, the Board shall forthwith transmit particulars of the agreement or the variation to the Minister and the Minister of Labour.
- (3) Nothing in this section shall be construed as prohibiting a Board from taking part together with other employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment, and the promotion and encouragement of measures affecting the health, safety and welfare of their workers, and the discussion of other matters of mutual interest to them and their workers.
- (4) This section shall apply, with any necessary modifications, to the Holding Company as it applies to the Boards.

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**73 The powers of the Boards and the Holding Company as regards pensions and pension schemes**

- (1) Subject to the next following section, each of the Boards and the Holding Company shall have power to pay pensions and enter into obligations under pension schemes.
- (2) Each of the Boards and the Holding Company shall have power to lend money to be applied for the purposes of a pension scheme under which any of those bodies, or a subsidiary of any of those bodies, pay employer's contributions or are subject to any other obligations, but shall not exercise that power without the consent of the Minister.

**74 Minister's power to make orders about pensions**

- (1) The Minister may make orders—
  - (a) with respect to the provision of pensions by the Boards and the Holding Company and by the subsidiaries of the Boards and of the Holding Company for or in respect of—
    - (i) their employees, or persons who have been in their employment, or
    - (ii) persons who have been in the employment of the Commission or of any subsidiary of the Commission or of any body whose undertaking or part of whose undertaking was transferred to the Commission under or by virtue of the Transport Act, 1947, or
    - (iii) persons who have been employed in connection with the Caledonian and Crinan Canals or Holyhead Harbour, or by or in connection with the Railway Clearing House;
  - (b) for the establishment and administration of existing or future pension schemes and pension funds for any of the purposes of the foregoing paragraph;and the Boards and the Holding Company shall exercise the powers conferred on them by the last foregoing section subject to any order under this section.
- (2) Without prejudice to the powers conferred by the foregoing subsection, the Minister may make orders—
  - (a) for enabling employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company to participate or continue to participate in any pension scheme in which employees of the Commission or a subsidiary of the Commission participated before the vesting date, or in any pension scheme established under this section, and requiring their employers to make payments under that scheme,
  - (b) for modifying any pension scheme the participants in which include persons of any of the descriptions in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of the foregoing subsection, so as to ensure that changes cannot be effected in the pension scheme without the approval of the Minister,
  - (c) for varying the rates of the contributions to be made under any pension scheme by employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company, as well as the rates of employers' contributions and the benefits under the scheme, and
  - (d) for re-arranging, amalgamating, simplifying and assimilating pension schemes the participants in which include any such persons.
- (3) An order under this section may in particular provide—
  - (a) for altering or winding up any pension scheme,

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- (b) for varying any trust or transferring any pension fund, or obligations or liabilities under a pension scheme,
- (c) for requiring a Board or the Holding Company to make payments to the persons administering a pension scheme so as to convert the pension scheme from an unfunded scheme into a funded scheme,
- (d) for establishing any body to administer or assist in administering a pension scheme,
- (e) for enabling all or any of the participants in a pension scheme to become instead participants in another pension scheme,
- (f) for empowering the persons responsible for administering any pension scheme established for the purposes of an undertaking carried on by persons other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, to carry out any arrangements for the participation in the scheme of a person who has been an employee of the Commission, or of the Boards or of the Holding Company, or of any subsidiary of any of those bodies.
- (g) as to the manner in which questions arising under the order are to be determined,

and may contain such supplemental, incidental and consequential provisions as appear to the Minister expedient.

- (4) Without prejudice to the generality of the foregoing provisions of this section, an order under this section may contain provisions authorising any person who, having pension rights to which an order under this section relates, becomes a member of a Board, or the Holding Company, or a director of a subsidiary of a Board or of the Holding Company, to be treated for the purposes of a pension scheme as if his service as such a member or director were service in the employment of such a body, and as if, where that service immediately precedes or follows other service which is, or is to be treated as, service in that employment, the two periods of service were continuous.
- (5) An order under this section shall have effect notwithstanding anything in—
  - (a) any local enactment, or
  - (b) any regulations or other instrument made under the Transport Act, 1947, or the Transport Act, 1953, and continued in force by this Act, or
  - (c) the Truck Acts, 1831 to 1940, or the Shop Clubs Act, 1902, or
  - (d) section eighty of the London Passenger Transport Act, 1933 (which contains transitional provisions concerning superannuation funds affected by that Act),and may amend or repeal any such enactment or instrument as is mentioned in paragraphs (a) and (b) of this subsection.
- (6)
  - (a) Orders under this section shall be so framed as to secure that no person other than the Boards, the Holding Company and any subsidiary of any Board, or of the Holding Company, is placed in any worse position by reason of the order.
  - (b) An order shall not be invalid by reason that in fact it does not have the result of securing that all such persons are not placed in any worse position by reason of the provisions of the order, but if the Minister is satisfied or it is determined as hereinafter mentioned that any such order has failed to secure that result, the Minister shall as soon as may be make the necessary amending order.
  - (c) Any dispute arising between the Minister and any person as to whether or not the said result has been secured by any order under this section shall be referred to a referee or board of referees appointed by the Minister of Labour

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after consultation with the Lord Chancellor, or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State, for his or their determination thereof.

- (d) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—
    - (i) to any referee or to the members of any board of referees appointed under this subsection such fees and allowances as he may with the consent of the Treasury determine, and
    - (ii) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.
  - (e) For the purposes of this subsection no person shall be regarded as being placed in a worse position because an order provides that any changes in a pension scheme are not to be effected without the consent of the Minister.
  - (f) Nothing in the Arbitration Act, 1950, shall be construed as applying to any proceedings before a referee or board of referees appointed under this section.
- (7) An order under this section may be made so as to have effect from a date prior to the making of the order, so, however, that so much of any order as provides that any provision thereof is to have effect from a date prior to the making of the order shall not place any person other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, in a worse position than he would have been in if the order had been made to have effect only from the date of its making.
- (8) The power of making orders under this section shall be exercised by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and the power of making orders under this section shall include power to vary or revoke a previous order.
- (9) Nothing in this section shall be taken to derogate from the power conferred by subsection (4) of section sixty-nine of the National Insurance Act, 1946, to make regulations providing for the modifying or winding up of pension schemes in connection with the passing of that Act, but an order under this section shall have effect notwithstanding anything in regulations made under the said Act before the order was made.

## **75 Transitional provisions relating to pensions**

Part IV of the Seventh Schedule to this Act (which contains transitional provisions relating to pensions) shall have effect for the purposes of this Act.

### *Transitory provisions concerning the Commission*

## **76 Power to make grants to Commission**

The Minister shall have power, with the approval of the Treasury, at any time after the passing of this Act to make grants out of money provided by Parliament to the Commission to meet any deficit on revenue account.

## **77 Commission's power to develop land**

- (1) As from the passing of this Act the Commission shall have power to develop their land in such manner as they may think fit.

- (2) The Commission may, in particular, and subject to this section.—
- (a) retain any part of their land which is not required for the purposes of their business and develop it for use by other persons, and
  - (b) where the use of their land for the purposes of their business can be combined with its use for other purposes, develop the land by constructing or adapting buildings thereon for use wholly or partly by other persons,
- with a view to selling or otherwise disposing of any right or interest in the land or, as the case may be, the buildings or any part of the buildings, after the development is carried out.
- (3) The Commission shall not incur any substantial item of expenditure in developing their land for use for purposes which are not the purposes of their business without the consent of the Minister, and the Minister may from time to time give directions to the Commission indicating What is to be treated for the purposes of this section as a substantial item of expenditure.
- (4) Where the Commission propose under this section to develop any land for use otherwise than for the purposes of their business they shall have power, with the consent of the Minister, to acquire by agreement adjoining land for the purpose of developing it together with the other land, but the Minister shall not give his consent under this subsection unless it appears to him that the other land cannot be satisfactorily developed unless the adjoining land is acquired by the Commission.
- Subject to the foregoing provisions of this subsection the Commission shall not have power to acquire land, whether by agreement or compulsorily, for use otherwise than for the purposes of their business.
- (5) Anything done in the exercise of the powers conferred on the Commission by this section shall not be invalid on the ground that it is prohibited by proviso (iii) to subsection (2), or the proviso to subsection (3), of section two of the Transport Act, 1947, but, subject to that, the provisions of this section relate only to the capacity of the Commission as a statutory corporation.
- (6) Section twenty-eight of this Act shall apply with the necessary modifications in relation to consents given by the Minister under this section as it applies in relation to consents given by the Minister under Part I of this Act.

## **78 The Commission's subsidiaries**

- (1) Notwithstanding anything in sections one to eleven of the Transport Act, 1953, and the Transport (Disposal of Road Haulage Property) Act, 1956, the Commission may exercise their control over such of their subsidiaries as were formed in pursuance of the said enactments, and over property transferred to them by the Commission, in such manner as appears to the Commission appropriate to facilitate the transfers to be effected by Part II of this Act.
- (2) If as a result of a transfer of securities effected by the Commission at a time when the Commission hold carriers' licences for vehicles owned by a subsidiary, the subsidiary becomes a wholly-owned subsidiary of a company (hereinafter referred to as " the company ") which is itself a wholly-owned subsidiary of the Commission—
- (a) any such licence for a vehicle then owned by the subsidiary shall thereafter have effect as if granted to the company;

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- (b) for the purposes of section one hundred and eighty of the Road Traffic Act, 1960 (which relates to carriers' licences for the vehicles of a subsidiary), 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 ; and
  - (c) subsection (8) of section five of the Transport Act, 1953 (which relates to the duration of carriers' licences for vehicles owned by a company all the securities of which are disposed of under that section), shall not apply in relation to the transfer.
- (3) It is hereby declared that if an application is made before the vesting date for the issue of a licence in substitution for an existing licence which is due to expire on the vesting date by virtue of subsection (4) of section two of the Transport (Disposal of Road Haulage Property) Act, 1956 (which relates to carriers' licences for vehicles owned by certain subsidiaries of the Commission and provides that they shall expire on the date when the subsidiary ceases to be under direct or indirect control of the Commission), and on the vesting date proceedings are pending before the licensing authority on that application, the existing licence will under subsection (3) of section one hundred and sixty-nine of the Road Traffic Act, 1960, continue in force until the application is disposed of.
- (4) The Commission shall before the vesting date exercise their control over the company called British Road Services Limited (which was formed in pursuance of the enactments mentioned in subsection (1) of this section) so as to effect the transfer to the Commission, on such terms as may be appropriate, of the securities of the body called Atlantic Steam Navigation Company Limited.
- (5) Subsection (3) of section forty-one of this Act shall apply to any instrument which the Commission certify to the Commissioners of Inland Revenue as having been made or executed in pursuance of the last foregoing subsection as it applies to the instruments mentioned in the said subsection (3).
- (6) In this section " carriers' licence " means a licence under Part IV of the Road Traffic Act, 1960 (including one issued in pursuance of Part II of the First Schedule to the Transport Act, 1953).

**79 Power to make special payments on the termination of the appointment of members of the Commission or Executive**

- (1) If a person ceases to be a member of the Commission, or of the London Transport Executive, 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, the Minister may with the approval of the Treasury require the Commission to make to him a payment of such amount as may be determined by the Minister with the approval of the Treasury.
- (2) This section shall apply whether or not any pension is payable under paragraph (b) of subsection (7) of section one of the Transport Act, 1947, or sub-paragraph (1) of paragraph 2 of the Second Schedule to that Act, and shall apply to persons who cease to be members of the Commission or Executive before the passing of this Act, as well as to persons who cease to be members at a later time.
- (3) Any requirement imposed by the Minister as regards a member of the Commission under subsection (1) of this section after the vesting date shall be imposed on the

Railways Board instead of on the Commission, and any requirement so imposed as regards a member of the London Transport Executive shall be imposed on the London Board instead of on the Commission.

## **80 Dissolution of Commission**

- (1) Subject to this section, the Commission shall cease to exist on the vesting date.
- (2) If it appears to the Minister that the steps which the Commission are under sub-paragraph (4) of paragraph 1 of the Sixth Schedule to this Act to take for the effective transfer of property and rights to the Boards cannot be completed until a date after the vesting date, he may by order direct that the Commission shall not be dissolved until that later date.
- (3) An order under this section shall provide for the constitution and proceedings of the Commission in the period after the vesting date, and may require the Railways Board to pay to members of the Commission in respect of their service after the vesting date such salaries or fees and such allowances as the Minister may with the approval of the Treasury determine.
- (4) If the dissolution of the Commission is postponed under this section, the Commission shall during that period have such powers, and only such powers, as they require for the purpose of discharging their duty under the said sub-paragraph (4).
- (5) The Railways Board shall make available to the Commission such staff and premises as the Commission may require for the said purpose, and shall discharge any expenses incurred by the Commission for that purpose.
- (6) The Minister may from time to time extend the period specified in an order under this section by a further order, and any order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) So much of subsection (2) of section one of the Transport Act, 1947, as requires the Chairman and not less than four other members of the Commission to render whole-time service to the Commission shall cease to have effect on the passing of this Act.
- (8) The transitional provisions in Part V of the Seventh Schedule to this Act (which relate to the Commission) shall have effect for the purposes of this Act.

### *Compensation to officers and servants of the Commission*

## **81 Compensation to officers and servants of the Commission**

- (1) The Minister shall by regulations contained in a statutory instrument require the appropriate body as defined in this section to pay, in such cases and to such extent as may be specified in the regulations, compensation to persons who are at the passing of this Act officers or servants of the Commission and who suffer loss of employment or loss or diminution of emoluments or pension rights, or whose position is worsened, in consequence of the reorganisation effected by this Act.
- (2) The regulations may apply to any such person whether or not he continues in the employment of the Commission until the vesting date and whether or not he is a party to an agreement for the rendering of personal services to the Commission which is modified by section thirty-four of this Act.

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- (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 regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person (other than the body paying 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 whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, to a referee or board of referees appointed by the Minister of Labour, after consultation with the Lord Chancellor, or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State.
- (5) No regulations shall be made under this section unless a draft thereof has been laid before Parliament and has been approved by a resolution of each House of Parliament.
- (6) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—
  - (a) to any referee or to the members of any board of referees appointed by him in pursuance of regulations under this section such fees and allowances as he may with the consent of the Treasury determine, and
  - (b) to persons giving evidence before any such referee or board such allowances as he may with the consent of the Treasury determine.
- (7) Nothing in the Arbitration Act, 1950, shall be construed as applying to any proceedings before a referee or board of referees appointed in pursuance of regulations under this section.
- (8) In this section " the appropriate body " means—
  - (a) in relation to a person who on the vesting date ceases to be an officer or servant of the Commission and becomes an officer or servant of a Board, that Board,
  - (b) in relation to a person who on the vesting date ceases to be an officer or servant of the Commission and becomes an officer or servant of the Holding Company, the Holding Company,
  - (c) in relation to a person who at any time in the period beginning with the passing of this Act and ending with the vesting date becomes an officer or servant of one of the bodies which on the vesting date becomes a subsidiary of the Railways Board, the Docks Board, the British Waterways Board or the Holding Company, that Board or the Holding Company as the case may be,
  - (d) in the case of any other person, the Board which would have become his employer under section thirty-four of this Act if an agreement had subsisted at the vesting date for the rendering by him to the Commission of personal services of the kind which he was rendering to the Commission when he left the service of the Commission.
- (9) The London Board, the Docks Board, the British Waterways Board and the Holding Company may arrange to make payments to the Railways Board by way of



contributions towards the liability of the Railways Board under this section in respect of officers and servants of the Commission, and if the Railways Board satisfy the Minister that any of the other Boards or the Holding Company have not made an appropriate contribution towards that liability, whether by the payment of money or by finding employment for any such officers or servants or otherwise, the Minister may require that other Board or, as the case may be, the Holding Company to make such payment to the Railways Board as appears to the Minister to be just.

- (10) Nothing in this section shall be construed as enabling regulations to be made prejudicing the rights of any person under Part VII of the Transport Act, 1947, or any other enactment passed before this Act.

#### *Miscellaneous provisions*

### **82 Modification of enactments relating to Wages Councils**

For the purposes—

- (a) of any wages regulation order in force under Part II of the Wages Councils Act, 1959, on the vesting date, and
- (b) of determining the workers in relation to whom the Road Haulage Wages Council operates under that Act, and
- (c) of Part II of the Road Haulage Wages Act, 1938,

vehicles specified in licences which are being used by a Board, or by a subsidiary of a Board or of the Holding Company, shall be deemed to be vehicles not specified in any licence.

### **83 Abandonment of independent railways**

- (1) The Minister may make an abandonment order in respect of any railway comprised in an independent railway undertaking if an application is made to him for that purpose by the undertakers in question or by any creditor of those undertakers.
- (2) Notice of any application under this section shall be published by the applicant in such manner and form as the Minister may direct, and the Minister shall before making an order under this section consider any objections which have been lodged with respect to the application.
- (3) An order under this section shall have effect to release the undertakers from any statutory obligation to construct, maintain or operate the railway which is the subject of the order, and the order may contain provisions for abrogating, on such terms as to compensation or otherwise as the Minister may think just, any obligations (whether statutory or otherwise) to provide or maintain works, services or facilities in connection with the railway.
- (4) An order under this section may contain such consequential and supplementary provisions, including provisions for the assessment of compensation, as the Minister may think fit, and notice of the order shall be published in such manner and form as the Minister may direct.
- (5) Where an application is made under this section by a creditor, the undertakers in question shall furnish the Minister with all such information, and permit such inspection of their railway, as the Minister may reasonably require for the purposes of the application, and any person who fails to comply with a requirement under

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this subsection shall be liable on summary conviction to a fine not exceeding twenty pounds.

- (6) Notwithstanding paragraph (a) of section three hundred and ninety-eight of the Companies Act, 1948, a railway company incorporated by Act of Parliament whose railway is the subject of an order under this section may be wound up under Part IX of that Act as an unregistered company.
- (7) In this section " independent railway undertaking " means a railway undertaking carried on in Great Britain and not forming part of the undertaking of the Commission or of any of the Boards, being an undertaking the carrying on of which is authorised by, or by an order made under, an Act of Parliament.

#### **84 Minor amendments relating to railways**

- (1) Subsection (5) of section fifteen of the Light Railways Act, 1896 (which requires the Minister to make an annual report to Parliament as to his proceedings under that Act), shall cease to have effect.
- (2) Section five of the Regulation of Railways Act, 1889 (which imposes penalties for offences in connection with railway fares and tickets), shall apply as respects any offence committed after the coming into force of this section as if in subsection (1) for the words " forty shillings " there were substituted the words " ten pounds ", and as if in subsection (3) for the words " forty shillings " there were substituted the words " twenty-five pounds ", for the words " twenty pounds " there were substituted the words " twenty-five pounds " and for the words " one month " there were substituted the words " three months ".
- (3) Subsection (1) and subsections (3) to (12) of section sixty-seven of this Act shall apply in relation to the person carrying on any independent railway undertaking as defined in the last foregoing section, and in relation to the railways comprised in the undertaking, as they apply in relation to the Railways Board and their railways, and as from the vesting date any bylaws under sections one hundred and eight and one hundred and nine of the Railways Clauses Consolidation Act, 1845, or sections one hundred and one and one hundred and two of the Railways Clauses Consolidation (Scotland) Act, 1845, which immediately before the vesting date apply to any such undertaking shall have effect as if made under the said section sixty-seven.
- (4) In section one hundred and forty-four of the Railways Clauses Consolidation Act, 1845, and section one hundred and thirty-six of the Railways Clauses Consolidation (Scotland) Act, 1845 (which relate to the defacement of notice boards), for the words from " as required " to " or penalty " there shall be substituted the words " for the purpose of publishing any byelaw of the company or any penalty imposed by this or the special Act. "

#### **85 Disqualification for membership of House of Commons**

- (1) Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies the bodies of which the members are disqualified under that Act), and the Part substituted for the said Part II by the Third Schedule to that Act in its application to the Senate and House of Commons of Northern Ireland, shall have effect with the insertion of the following entries—

After the entry relating to the British Overseas Airways Corporation.	" The British Railways Board ".
After the entry relating to the British Transport Commission.	"The British Transport Docks Board.
The British Waterways Board ".	
Before the entry relating to Medical Appeal Tribunals.	" The London Transport Board ".
After the entry relating to the National Research Development Corporation.	" The Nationalised Transport Advisory Council".
Before the entry relating to the Research Council.	" A Regional Railway Board ".

- (2) Part III of the said First Schedule (which specifies offices the holders of which are disqualified under the said Act) in its application to the Parliament of the United Kingdom shall have effect with the insertion before the entry relating to the director of Remploy Limited of the entry—

“Director of the Holding Company or the Hotel Company referred to in the Transport Act, 1962, or of any of the companies shown in List A in Part I, in Part III and in List A in Part IV of the Fourth Schedule to that Act”.

- (3) The Part substituted for the said Part III by the Third Schedule to the said Act of 1957 in its application to the Senate and House of Commons of Northern Ireland shall have effect with the insertion before the entry relating to an Election Commissioner of the entry—

“Director of the Holding Company referred to in the Transport Act, 1962, or of any of the following companies, that is to say—

Caledonian Steam Packet Company (Irish Services) Limited  
Railway Sites Limited  
British Road Services Limited  
B.R.S. (Parcels) Limited  
B.R.S. (Pickfords) Limited  
Atlantic Steam Navigation Company Limited”.

## 86 Application of Town and Country Planning Acts

- (1) It is hereby declared that for the purposes of the Town and Country Planning Acts anything done by any of the Boards—

- (a) in the exercise of the powers conferred by section eleven of this Act so far as that section relates to development of land for use otherwise than for the purposes of the business of the Board ; or  
(b) in the exercise of the powers conferred by section twelve of this Act so far as that section relates to pipe-lines which are not required for the purposes of the business of the Board other than the operation of pipe-lines,

does not constitute the carrying on by the Board of their statutory undertaking and, in particular, that land which is used, or in which an interest is held, by a Board exclusively for the purpose of exercising those powers does not constitute operational land.

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- (2) Without prejudice to the foregoing subsection and subject to the next following subsection, any development of operational land by a Board in the exercise of the said powers shall not for the purposes of the said Acts constitute development of operational land.
- (3) The last foregoing subsection shall not apply to development if—
- (a) the development comprises development by the Board for the purpose of carrying on their statutory undertaking or is development for a purpose which includes that purpose; and
  - (b) the development is such that so much of it as is exclusively referable to the exercise by the Board of the said powers cannot fairly be treated for the purposes of the said Acts as separate development.
- (4) Any question under the last foregoing subsection whether part of any development can fairly be treated as separate development shall be determined by the local planning authority to whom application is made for permission for the development in question, or, where an application for permission for the development in question is referred to the Minister, by the Minister and the Minister of Transport; and where part of any development is so treated this section and the said Acts shall apply to the parts of the development in all respects as if they were separate development.
- (5) If an applicant is aggrieved by a determination of a local planning authority under the last foregoing subsection, he may appeal to the Minister, and any such appeal shall be determined by the Minister and the Minister of Transport.

The provisions of the said Acts and of any development order as to the time and manner for appealing to the Minister against planning decisions of local planning authorities shall apply, subject to any necessary modifications, to an appeal under this subsection.

- (6) The provisions of the said Acts as to the validity, and proceedings for challenging the validity, of decisions of the Minister on applications for planning permission referred to him under those Acts or on appeals to him under those Acts against planning decisions of local planning authorities shall apply to any determination of the Minister and the Minister of Transport under this section as if a reference to this section were included in those provisions.
- (7) Before the vesting date, references in this section to section eleven of this Act and (in relation to that section) to any of the Boards shall be construed as references to section seventy-seven of this Act and to the Commission.
- (8) In this section "the Minister" and "the Town and Country Planning Acts " mean respectively the Minister of Housing and Local Government and the Town and Country Planning Acts, 1947 to 1959, or, in relation to Scotland, the Secretary of State and the Town and Country Planning (Scotland) Acts, 1947 to 1959 ; and, subject to this section, any other expression in this section which is used in those Acts has the same meaning as in those Acts.

## **87 Temporary provision as to development of land in London**

- (1) It shall be the duty of the Commission and of the Boards to consult the London County Council as to the use of their land in the administrative county of London so far as that land is not required for the purposes of their business, and to submit for the approval of the Minister of Housing and Local Government proposals with regard to the use of that land in a manner which is consistent with proper planning and which, in particular, is

consistent with the need for keeping a proper balance in the use of their land as between new office accommodation and other accommodation for trade, business and industry on the one hand, and new living accommodation (with the amenities required by a resident community) on the other hand; and in making those proposals account may be taken of living accommodation provided or to be provided on any land belonging to the Commission or the Boards which lies outside, but in the immediate vicinity of, the administrative County of London.

- (2) The following provisions of this section shall have effect as regards any application made before the date certified by the Minister of Housing and Local Government as that on which he has approved proposals under the foregoing subsection, being an application for permission under Part III of the Town and Country Planning Act, 1947, for development of land in the administrative county of London which belongs to the Commission or a Board at the time when the application is made ; and the said date shall be certified by the said Minister by order contained in a statutory instrument.
- (3) If on any such application for permission for development consisting of the construction, reconstruction or alteration of a building—
  - (a) which is designed or intended for use as office premises, or
  - (b) part of which is designed or intended for use as office premises and is suited for separate occupation,permission is refused by the Minister of Housing and Local Government, either on appeal or on the reference of the application to him for determination, or is so granted subject to conditions, no compensation shall be payable in respect of the refusal or imposition of conditions under section twenty of the said Act of 1947 (which relates to development not involving an increase of more than 10 per cent. in cubic content) or paragraph I of the Fifth Schedule to that Act (which relates to statutory undertakers' operational land).
- (4) Subsection (3) of this section shall not apply to an application for permission for development consisting of the reconstruction of a building destroyed or damaged by fire or accident.
- (5) In this section references to the Minister refusing permission or granting permission subject to conditions include references to the Minister and the appropriate Minister refusing permission, or granting permission subject to conditions, under paragraph 1 of the Fifth Schedule to the said Act of 1947.

## **88 Application of Tribunals and Inquiries Act, 1958**

The Tribunals and Inquiries Act, 1958, shall have effect as if in the Annex to Part I of the First Schedule to that Act (which lists the tribunals under the supervision of the Council established by that Act) there were included a reference to—

- (a) subsection (6) of section seventy-four of this Act and orders under that section,
- (b) regulations under section eighty-one of this Act, and
- (c) sub-paragraph (3) of paragraph 17 of the Seventh Schedule to this Act.

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### *Supplemental*

#### **89 Duty to give effect to Minister's directions**

- (1) It shall be the duty of the Boards or of any other person to whom the Minister or any other authority gives directions under this Act to give effect to those directions.
- (2) Any direction given by the Minister under this Act shall be in writing.

#### **90 Inquiries**

- (1) The Minister may hold inquiries for the purposes of his powers under this Act as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.
- (2) The costs incurred by the Minister in relation to an inquiry under the said Act of 1919 (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) shall be paid by such party to the inquiry as the Minister may direct, and the Minister may certify the amount of the costs so incurred, and any amount so certified and directed by the Minister to be paid by any person shall be recoverable from that person either as a debt to the Crown or by the Minister summarily as a civil debt.
- (3) The Minister may make orders as to the costs of the parties to any inquiry held by him under the said Act and as to the parties by whom such costs shall be paid.
- (4) Any costs required by an order under subsection (3) of this section to be taxed may be taxed in the county court according to such of the scales prescribed by county court rules for proceedings in the county court as may be directed by the order, or, if the order gives no direction, by the county court.
- (5) Any sum payable by virtue of an order under subsection (3) of this section shall, if the county court so orders, be recoverable by execution issued from the county court or otherwise as if payable under an order of that court.
- (6) Any sums received by the Minister under this section shall be paid into the Exchequer.
- (7) In the application of this section to Scotland—
  - (a) in subsection (2) the words " either as a debt to the Crown or", and the word " summarily" shall be omitted,
  - (b) for subsection (3) there shall be substituted the following subsection, that is to say—
 

“(3) In relation to any inquiry held under this section in Scotland the Minister shall have the like power to award expenses as if he were an arbiter under a submission and the parties to the inquiry were parties to the submission; and any award of expenses by the Minister under this subsection may be recorded for execution in the Books of Council and Session, and shall be enforceable accordingly” and
  - (c) subsections (4) and (5) shall be omitted.

## **91 Repeal of local enactments**

- (1) The Minister may by order repeal any local enactment which in his opinion has ceased to have effect in consequence of the provisions of the Transport Act, 1947, or this Act.
- (2) An order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **92 Interpretation**

- (1) In this Act, except so far as the context otherwise requires, the following expressions have the meanings herein respectively assigned to them.—

" charges " includes fares, rates, tolls and dues of every description;

" coastal shipping " means the carrying of goods or passengers in ships by sea to or from any point in Great Britain from or to any point in the United Kingdom, the Isle of Man, the Channel Islands or the Republic of Ireland, but does not include the carrying of goods or passengers in the exercise of a right of ferry legally established whether by Act of Parliament or otherwise;

" contract carriage " shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the Road Traffic Act, 1960 ;

" express carriage " shall be construed in accordance with the said sections of the Road Traffic Act, 1960;

" final accounts of the Commission " has the meaning assigned to it by subparagraph (5) of paragraph 18 of the Seventh Schedule to this Act;

" function " includes powers, duties and obligations ;

" goods " includes animals ;

" harbour " means any harbour, whether natural or artificial, and any port, haven, estuary, tidal or other river or inland waterway navigated by sea-going ships, and any dock, including any pier, jetty or other place at which ships can ship or unship goods or passengers ;

" the Holding Company " has the meaning assigned to it by section twenty-nine of this Act;

" the Hotel Company " has the meaning assigned to it by section thirty-three of this Act;

" inland waterway " includes every such waterway whether natural or artificial;

" land " includes any interest in land and any right over land;

" lease " includes an agreement for a lease ;

" liability " includes an obligation ;

" local enactment " means any provision—

(a) in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, and

(b) in any order or other instrument made under such an Act, and

(c) in any order made under the Light Railways Act, 1896,

and includes any provision of the Railways Clauses Consolidation Act, 1845, or any other public Act as it is incorporated in an Act or instrument falling under paragraph (a), (b) or (c) of this definition ;

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" the London Passenger Transport Area " has the meaning assigned to it by subsection (1) of section one hundred and seven of the London Passenger Transport Act, 1933 ;

" the London Special Area " means the Special Area as defined by subsection (1) of section one hundred and seven of the London Passenger Transport Act, 1933 ;

" the Lower Ouse Improvement " means so much of the River Ouse as is within the limits of improvement as defined by section three of the Ouse (Lower) Improvement Act, 1884;

" the Minister " means the Minister of Transport;

" officer ", in relation to the Commission or any other body, does not include a member of that body ;

" participant " means, in relation to a pension scheme, 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 eligibility 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 the present or future payment of a pension ;

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

" port facilities " means the constructing, improving, maintaining, regulating, managing, marking or lighting of a harbour or any part thereof, the berthing, towing, moving or dry-docking of a ship which is in, or is about to enter, or has recently left, a harbour, the loading or unloading of goods, or embarking or disembarking of passengers, in or from any such ship, the lighterage or the sorting, weighing, warehousing or handling of goods in a harbour, and the movement of goods within a harbour;

" public service vehicle " shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the Road Traffic Act, 1960;

" the re-organisation effected by this Act " includes any re-organisation effected by a scheme under section sixty-nine of this Act, including any amendments of the scheme made not later than six months after the date on which the scheme comes into effect:

" 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 ;

" ship " includes every description of vessel used in navigation;



" stage carriage " shall be construed in accordance with sections one hundred and seventeen and one hundred and eighteen of the Road Traffic Act, 1960;

" 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 a special nature ;

" subsidiary ", in relation to any body corporate, means a body corporate which is a subsidiary of the first mentioned body corporate as defined by section one hundred and fifty-four of the Companies Act, 1948 (taking references in that section to a company as being references to any body corporate);

" vesting date " has the meaning assigned to it by section thirty-one of this Act;

" wholly-owned subsidiary " means a subsidiary all the securities of which are owned by the body of which it is a subsidiary, or by one or more other wholly-owned subsidiaries of that body, or partly by that body and partly by any wholly-owned subsidiary of that body.

- (2) Any reference in this Act to any provision of the Railways Clauses Consolidation Act, 1845, or of any other Act which is expressed only to have effect as incorporated in another enactment, shall include a reference to that provision as incorporated in any statutory provision passed or made whether before or after the passing of this Act.
- (3) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by any other enactment including this Act.

### **93 Application to Northern Ireland**

- (1) The provisions of this Act set out in Part I of the Eleventh Schedule to this Act shall extend to Northern Ireland subject to the modifications set out in Part II of that Schedule, and save as aforesaid this Act shall not extend to Northern Ireland.
- (2) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the powers of the Parliament of Northern Ireland), this Act shall be deemed to be an Act passed before the appointed day.

### **94 Minister's expenses**

Any expenses incurred by the Minister under or in consequence of the provisions of this Act shall be paid out of money provided by Parliament.

### **95 Repeal and savings**

- (1) The Acts specified in the Twelfth Schedule to this Act (Part I of which includes certain enactments which are spent or obsolete) shall be repealed to the extent specified in the third column of that Schedule.
- (2) The repeals in Part II of the said Schedule shall, save as otherwise expressly provided, take effect on the vesting date.
- (3) Nothing in the repeals in Part I of the Twelfth Schedule to this Act which relate to the Transport Tribunal shall affect any appointment made, any judgment or order given,

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any document issued or any other thing done before the date on which the repeals take effect; and the provision of this Act corresponding to the enactment under which it was done shall have effect as if it had been done under that provision.

Any reference in any instrument or other document to such an enactment shall be taken as regards anything done after that date as a reference to the corresponding provision of this Act.

- (4) The foregoing provisions of this section shall be without prejudice to so much of the Interpretation Act, 1889, as relates to the effect of repeals.
- (5) Without prejudice to the provisions of subsection (2) of section ninety-two of this Act, any reference in the Twelfth Schedule to this Act to the Railways Clauses Consolidation Act, 1845, or any other Act which is expressed only to have effect as incorporated in any other enactment, includes a reference to that provision as incorporated in any statutory provision passed or made whether before or after the passing of this Act.

## **96 Short title and commencement**

- (1) This Act may be cited as the Transport Act, 1962.
- (2) Subject to any other provision of this Act, this Act shall come into force on such date as the Minister may by order contained in a statutory instrument appoint, and the Minister may under this subsection appoint different dates for different provisions of this Act.