



Transport Act 1962

1962 CHAPTER 46

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.

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- (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
- (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

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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 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.

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- (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.
- (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

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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, 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.

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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—
 - (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

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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—

" 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,

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

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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—

" 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.
- (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:—

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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

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- (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,
 - (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.

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- (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 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.
- (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.

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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:
- (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.

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- (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.

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.

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- (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;

- (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

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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.

- (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

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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

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—

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| 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.

- (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

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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.

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.

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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;

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" 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.