



London Docklands Railway (Lewisham) (No. 2) 1993

1993 CHAPTER viii

An Act to authorise the transfer of the functions of Docklands Light Railway Limited in respect of the extension of the Docklands Railway to Lewisham; and for related purposes.
[27th May 1993]

WHEREAS—

- (1) It is the general duty of London Regional Transport (in this Act referred to as “LRT”) under the London Regional Transport Act 1984, in accordance with principles from time to time approved by the Secretary of State and in conjunction with the British Railways Board, to provide or secure the provision of public passenger transport services for Greater London, and in carrying out that duty LRT are to have due regard to the transport needs for the time being of Greater London;
- (2) In pursuance of that duty LRT constructed a railway (in this Act referred to as “the Docklands Railway”) pursuant to the London Docklands Railway Act 1984 and later Acts;
- (3) By the London Docklands Light Railway Transfer Scheme 1992, made under the provisions of sections 9 (6) and 27 of the London Regional Transport Act 1984, there were transferred from LRT to Docklands Light Railway Limited (in this Act referred to as “the Company”), then a wholly-owned subsidiary of LRT, all the property, rights and liabilities comprised in those parts of LRT’s undertaking connected with the Docklands Railway (except as provided in the said Scheme), together with any functions under any statutory provision relating to the Docklands Railway;
- (4) On 1st April 1992 LRT disposed of their securities in the Company to the London Docklands Development Corporation and accordingly the Company are now a wholly-owned subsidiary of that Corporation;
- (5) By the London Docklands Railway (Lewisham) Act 1993 (in this Act referred to as “the 1993 Act”) provision is made for the extension of the Docklands Railway from the Isle of Dogs to Lewisham;
- (6) It is expedient that the Secretary of State should be given power to transfer the functions of the Company under the 1993 Act to another person;
- (7) The purposes of this Act cannot be effected without the authority of Parliament:

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May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

1 Short title

This Act may be cited as the London Docklands Railway (Lewisham) (No. 2) Act 1993.

2 Interpretation

In this Act—

“the 1993 Act” means the London Docklands Railway (Lewisham) Act 1993;

“the committee” means the London Regional Passengers Committee;

“the Company” means Docklands Light Railway Limited;

“functions” includes powers, duties and obligations;

“transferee” means a person to whom the functions of the Company under the 1993 Act in respect of the provision of passenger services have been transferred by virtue of a transfer order;

“transfer order” means an order made under section 3 (Transfer of functions) of this Act; and

“Work No. 1” means Work No. 1 authorised by the 1993 Act, being the extension of the Docklands Railway from the Isle of Dogs to Lewisham.

3 Transfer of functions

- (1) The Secretary of State may by order provide that all or any of the functions of the Company arising under the 1993 Act shall be transferred to and vested in any other person.
- (2) A transfer order may be made so as to transfer to and vest functions in a transferee for such period as may be specified in the order or for so long as the order remains in force.
- (3) Without prejudice to the power of the Secretary of State to revoke or amend a transfer order, a transfer order may specify circumstances in which the order shall cease to have effect before the expiry of any period specified in any such order.
- (4) A transfer order may include such supplementary, incidental, transitional and consequential provisions as the Secretary of State may consider to be necessary or expedient.
- (5) Upon expiry of any period specified in a transfer order in accordance with subsection (2) above or upon a transfer order being revoked or otherwise ceasing to have effect, the functions of the Company which were transferred by the order shall, by virtue of this subsection but subject to the effect of any further transfer order, be transferred to and vested in the Company but such vesting in the Company shall not make the Company subject to any of the liabilities of the person in whom those functions had previously been vested.

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- (6) The power to make a transfer order shall be exercisable by statutory instrument.

4 Saving for Fair Trading Act 1973

Notwithstanding the provisions of section 50 (2) of the Fair Trading Act 1973 the Director General of Fair Trading may make a monopoly reference, within the meaning of that Act, in respect of services consisting of the carriage of passengers or goods by rail on the railway comprised within Work No. 1 at any time during which functions of the Company under the 1993 Act in respect of the provision of any of those services are vested in a transferee.

5 London Regional Passengers Committee

- (1) Subject to subsection (2) below, while the functions of the Company under the 1993 Act in respect of the provision of passenger services are vested in a transferee it shall be the duty of the committee to consider and, where it appears to them to be desirable, make recommendations with respect to any matter affecting such services which is—
- (a) 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
 - (b) referred to the committee by the Secretary of State or by the transferee; or
 - (c) in the opinion of the committee a matter to which consideration ought to be given;
- and copies of the minutes, conclusions and recommendations of the committee on that matter shall be sent to the Secretary of State, the transferee and to such person as may be directed by the Secretary of State.
- (2) Subsection (1) above shall apply only after the opening for passenger services of the railway comprised within Work No. 1 and nothing in that subsection shall entitle the committee to consider the charges made for any services, or to consider any question relating to the discontinuance or reduction of railway services or, subject to subsection (3) below, any matter which is the subject of a monopoly reference by the Director General of Fair Trading pursuant to section 4 (Saving for Fair Trading Act 1973) of this Act.
- (3) Nothing in subsection (2) above shall affect the consideration under section 81 of the Fair Trading Act 1973 of any representations made by the committee pursuant to that section or preclude the committee from being heard orally under that section.
- (4) (a) Not less than six months' notice of any proposal to discontinue railway passenger services at or from any station comprised within Work No. 1 shall be given to the Secretary of State before that proposal is carried into effect.
(b) Upon receipt of such a notice the Secretary of State, having consulted the committee and such other persons or bodies as he may think fit, shall consider what measures, if any, he should in all the circumstances take.
- (5) If at any time the Docklands Railway becomes vested in a body other than the London Docklands Development Corporation or any subsidiary (within the meaning of section 736 of the Companies Act 1985) of that Corporation, then upon the occurrence of that event the provisions of subsections (1) to (4) above shall cease to have effect.

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6 Costs of Act

All costs, charges and expenses of and incidental to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Company and may in whole or in part be defrayed out of revenue.