



Transport (London) Act 1969

1969 CHAPTER 35

PART IV

PUBLIC SERVICE VEHICLES, RAILWAY CLOSURES AND PASSENGER TRANSPORT CHARGES

23 Regulation of services by public service vehicles in and around London

- (1) As from the vesting date, any enactment passed before this Act which makes special provision as to the regulation of services by public service vehicles in the London Passenger Transport Area or the London Special Area shall cease to have effect; and, subject to the provisions of this section and Schedule 4 to this Act, Part III of the Act of 1960 shall have effect accordingly within as well as outside the limits of those areas.
- (2) As from the vesting date, no person other than the Executive or a subsidiary of theirs shall provide a London bus service except in pursuance of an agreement with the Executive or under a consent continued in force or granted under Schedule 4 to this Act, and notwithstanding anything in Part III of the Act of 1960—
 - (a) no road service licence shall be required for the provision of any bus service operated wholly as a London bus service; and
 - (b) where such a licence is granted in respect of a bus service operated in part only as a London bus service, no condition shall be attached to the licence with respect to the carriage of passengers who are both taken up and set down in Greater London ;

and any such licence in force immediately before the vesting date, if or so far as that licence relates to the operation of a London bus service, and any condition attached to such a licence, if or so far as that condition relates to the carriage of passengers who are both taken up and set down in Greater London, shall cease to have effect.

- (3) Where it is proposed—
 - (a) to provide a bus service which is to be operated wholly or in part as a London bus service and which has not been provided continuously since immediately before the vesting date, whether the proposed service is to be provided by, or by a subsidiary of, the Executive or by some other person in pursuance of an agreement under subsection (2) of this section ; or

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- (b) to vary a bus service which is being, and has at all times since before the vesting date been, operated as aforesaid,
- then, before deciding on, or on the provisions to be contained in such an agreement with respect to, or on any variation affecting, the route of that service or a terminal point, point at which passengers may or may not be taken up or set down, or place at which, or street by the use of which, vehicles used for that service may turn at a terminal point, the Executive shall, so far as the service is or is to be provided in Greater London, consult with the Council, with the commissioner or commissioners of police concerned, with any of the councils of the London boroughs or the Common Council within whose area that route, point, place or street is situated, and with any other person whom it appears proper to the Executive for them to consult.
- (4) Where any agreement under subsection (2) of this section relates to a bus service part only of which is operated as a London bus service, any provision contained in that agreement with respect to the carriage of passengers other than those who are both taken up and set down in Greater London shall be of no effect if or so far as it is inconsistent with any condition for the time being attached to any road service licence under which the bus service is provided.
- (5) If any person provides a bus service in contravention of subsection (2) of this section, he shall be liable on summary conviction to a fine not exceeding £200 ; but proceedings for an offence under this subsection shall not be instituted except by or on behalf of the Director of Public Prosecutions, or by or with the authority of the Executive or a commissioner of police.
- (6) Section 21 of the Act of 1968 (which contains provisions as to the functions of traffic commissioners in connection with designated areas within the meaning of section 9(1) of that Act) shall have effect as if, except for the purposes of subsection (1)(b) of that section, Greater London were such a designated area and the Executive were the Executive for that designated area and as if—
- (a) the reference in subsection (4) of the said section 21 to an agreement made for the purposes of section 19(2) of that Act included a reference to an agreement under subsection (2) of this section; and
 - (b) the reference in subsection (5)(a)(iii) of the said section 21 to Schedule 6 to that Act included a reference to Schedule 4 to this Act;
- and subsections (2) and (3) of the said section 21 (which relate to disputes as to whether a service is or is not an excursion or tour) shall have effect for the purposes of this section as if references therein to an excursion or tour included references to an express feeder service.
- (7) In this section and Schedule 4 to this Act—
- " bus service " means a service for the carriage of passengers by road for which a road service licence is required, or would but for subsection (2)(a) of this section be required, other than an excursion or tour within the meaning of the Act of 1968 ;
- " commissioner of police " means, in relation to the metropolitan police district, the Commissioner of Police of the Metropolis and, in relation to the City of London, the Commissioner of Police for the City of London;
- " express feeder service " means, subject to section 21(2) and (3) of the Act of 1968 as applied by subsection (6) of this section, a bus service—
- (a) for the carriage of passengers to a terminal point in Greater London for the purpose of enabling those passengers to transfer to another vehicle

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forming part of a service of express carriages proceeding from that terminal point to a place outside Greater London, or for the carriage from a terminal point in Greater London of passengers who have transferred at that terminal point from another vehicle forming part of a service of express carriages proceeding to that terminal point from a place outside Greater London, and in either case whether or not the terminal point, other vehicle or service of express carriages in question is the same in the case of all those passengers; and

- (b) in the case of which the following conditions are satisfied, that is to say—
- (i) that no separate fare is charged for the conveyance to or from the terminal point; and
 - (ii) that the vehicle in which the passengers are carried is operated by or in association with the person providing the service of express carriages and is being used solely for the purpose of carrying passengers to and from the terminal point of that service ;

" London bus service " means a bus service which is, or so far as it is, a service on which passengers may be taken up and set down at different places within Greater London, whether or not any passengers on that service may also be taken up or set down outside Greater London, but does not include an express feeder service ;

" road service licence " has the same meaning as for the purposes of the Act of 1960 and includes a permit granted under section 30 of the Act of 1968.

24 Amendments as to functions of traffic commissioners in Metropolitan Traffic Area

- (1) The provisions of the Act of 1960 with respect to traffic commissioners for traffic areas other than the Metropolitan Traffic Area shall apply also to the Metropolitan Traffic Area; and accordingly section 122 of that Act (which provides for a single traffic commissioner for the Metropolitan Traffic Area) shall cease to have effect.
- (2) Without prejudice to section 163 of the Act of 1960, section 120(1) of that Act shall not by reason of subsection (1) of this section operate to confer on the traffic commissioners for the Metropolitan Traffic Area powers and duties as regards licences to drive, or act as conductor of, public service vehicles.
- (3) In its application to the traffic commissioners for the Metropolitan Traffic Area, section 121(4) of the Act of 1960 shall have effect as if—
 - (a) Greater London were a county and the Council were the council of that county ; and
 - (b) the City of London were a borough and the Common Council were the council of that borough.
- (4) In the Act of 1960—
 - (a) in section 135(2) (which relates to the councils whose representations must be taken into consideration by traffic commissioners in granting or refusing a road service licence) after the word " by " in the last place where it occurs there shall be inserted the words " any of the following councils, namely, the Greater London Council, the council of any London borough, the Common Council of the City of London ";

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- (b) in section 135(7) (which relates to the persons to whom notice of a grant of a road service licence must be sent) for the words " the council of every " there shall be substituted the words " each of the following councils, namely, the Greater London Council, the council of any London borough, the Common Council of the City of London, the council of any " and for the word " every " in the last place where it occurs there shall be substituted the word " any ";
 - (c) in sections 135(8) and 163(1), for the words " traffic commissioner " wherever they occur there shall be substituted the words " traffic commissioners ";
 - (d) in section 143(2)(a) (which relates to the persons who may appeal against a refusal of the traffic commissioners to vary the conditions attached to a road service licence) at the beginning there shall be inserted the words " the Greater London Council, the council of any London borough, the Common Council of the City of London ".
- (5) Any reference in any statutory provision passed or made before the coming into force of this section to the traffic commissioner for the Metropolitan Traffic Area shall be construed as a reference to the traffic commissioners for that area, or to the chairman of those commissioners, as the context may require.
- (6) The person who on the appointed day for the purposes of this section is the traffic commissioner for the Metropolitan Traffic Area shall be deemed to have been appointed on that day under section 121 of the Act of 1960 as chairman of the traffic commissioners for that area and until the other two traffic commissioners for that area have been appointed under subsection (4) of that section may act alone for the purposes of the discharge of any functions of the traffic commissioners for that area.

25 Railway closures in and around Greater London

- (1) In subsections (7) to (9) and (13) of section 56 of the Act of 1962 and subsection (1) of section 54 of the Act of 1968 (being provisions relating to proposals by the Railways Board or the London Board for a closure, that is to say, the discontinuance of all railway passenger services from any station or on any line), references to the London Board shall be construed as references to the Executive.
- (2) Where the Railways Board propose the closure of a station in Greater London or of a line the whole or part of which lies in Greater London, the Board shall send a copy of the notice of the closure published by the Board in pursuance of subsection (7) of the said section 56 to the Council, and the Council may, within the period specified in the notice for objecting to the closure, lodge with the Minister a statement in writing that they oppose the closure and of their reasons for doing so; and where the Council lodge such a statement with the Minister they shall send a copy of that statement to the Board and, notwithstanding that no objection is lodged in accordance with subsection (8) of the said section 56, the closure shall not be proceeded with until the Minister has given his consent.
- (3) Where under the said subsection (8) or under subsection (2) of this section any closure proposed by the Railways Board or by the Executive of a station in Greater London or of a line the whole or part of which lies in Greater London requires the consent of the Minister, the Minister shall before deciding whether or not to give his consent consult with the Council.

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26 Grants on refusal of Minister's consent to closure by Executive

- (1) Where under section 56(8) of the Act of 1962 the consent of the Minister is required to a proposed closure by the Executive, and the Minister refuses his consent to that closure, and the Minister is satisfied—
 - (a) that the railway passenger services for the time being provided by the Executive from the station or on the line in question are unremunerative ; and
 - (b) that it is desirable for social or economic reasons that railway passenger services from that station or on that line should for the time being continue to be provided by the Executive either in the same or in some different form or manner ; and
 - (c) that because of the unremunerative nature of the services which the Minister is satisfied are desirable for those reasons (hereafter in this section referred to as " the required services ") the Executive cannot reasonably be expected to provide them without assistance under this section,then, subject to the provisions of this section, the Minister may from time to time with the consent of the Treasury undertake to make grants to the Executive in respect of the provision of the required services for such period not exceeding three years at a time as the Minister may think fit.
- (2) The Minister may on giving an undertaking under subsection (1) of this section as respects any period attach to that undertaking such conditions in connection with the provision of the required services during that period, and such other conditions in connection with the grants to be made in pursuance of the undertaking, as he thinks fit.
- (3) The aggregate amount payable by way of grants in pursuance of an undertaking under subsection (1) of this section in respect of the period to which the undertaking relates shall, subject to any conditions attached to the undertaking, be the amount by which it is estimated, on such basis and in such manner as the Minister, with the approval of the Treasury and after consultation with the Executive, may determine, that the expenditure properly attributable to the provision during that period of the required services will exceed the revenue properly so attributable ; and payments in pursuance of the undertaking shall be made in such manner and at such times as the Minister may with the approval of the Treasury determine.

27 Removal of control of Transport Tribunal over passenger fares in London

- (1) Sections 44 to 49 of the Act of 1962 (which relate to the control of passenger fares in London by the Transport Tribunal) shall cease to have effect and, subject to the provisions of this Act, the powers conferred by section 43 of that Act shall be exercisable accordingly.
- (2) During the period between the appointed day for the purposes of subsection (1) of this section and the vesting date, the London Board shall not make any alteration in the general level or structure of the fares to be charged for the time being for the carriage of passengers by the Board or any subsidiary of theirs unless their proposals for that alteration have been submitted to and approved by the Minister; and the Minister may direct the Board to cause any such alteration approved by him to be published in such manner as he may determine; and for the purposes of section 11(2)(d) and (3) of this Act the general level and structure of the fares aforesaid in force at the vesting date shall be deemed as from that date to have been submitted by the Executive to and approved by the Council.

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- (3) Any approval of the Minister under subsection (2) of this section shall be given in writing and may be given for any case or description of cases specified in the approval, or may be general, and may be given subject to conditions.
- (4) For the purposes of subsection (2) of this section, subsection (2) of section 41 of this Act shall have effect as if there were substituted—
- (a) for any reference to the Executive a reference to the London Board; and
 - (b) for any reference to the Council a reference to the Minister;
- and subsection (3) of that section shall apply to any direction given to the London Board by the Minister under subsection (2) of this section or under subsection (2) of that section as applied by this subsection as it applies to a direction given to the Executive by the Council and accordingly as if for the relevant references in the said subsection (3) to the Council and the Executive there were substituted references respectively to the Minister and the London Board.
- (5) As from the appointed day for the purposes of subsection (1) of this section, the division of the Transport Tribunal which under section 57(2) of the Act of 1962 is to be known as the London Fares and Miscellaneous Charges Division shall be known as the Railway Rates Division.

28 Fixing of certain charges by Railways Board

As from the appointed day for the purposes of section 27(1) of this Act, in fixing in the exercise of their powers under section 43 of the Act of 1962 the charges to be made for the carriage of passengers by their railways on services determined in accordance with principles from time to time laid down by the Council to be required to meet the needs of Greater London, the Railways Board shall have regard to such financial objectives for those services as the Minister (after consultation with the Council) and the Board may from time to time agree; and the Board shall in each year consult with the Council as to the general level and structure of the fares to be charged for the carriage of passengers by the Board's railways on journeys wholly within Greater London and as to the general level of the provision to be made for such journeys and shall inform the Council in advance of any proposals for changes of substance in any such fares or in the level of the provision so to be made.