



# London Regional Transport Act 1984

## 1984 CHAPTER 32

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Consultation with passengers*

#### **40 The London Regional Passengers' Committee**

- (1) There shall be established in accordance with this section a body to be known as the London Regional Passengers' Committee.
- (2) The Committee shall consist of a chairman appointed by the Secretary of State, and such other members (not exceeding thirty) as the Secretary of State may appoint after consultation with such bodies as appear to him to be representative of the interests of persons likely to be significantly concerned with matters within the competence of the Committee.
- (3) The Secretary of State may appoint one or more members of the Committee to be deputy chairman or (as the case may be) deputy chairmen of the Committee.
- (4) Subject to subsection (6) below, 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 the services and facilities provided—
  - (a) by London Regional Transport or any subsidiary of theirs; or
  - (b) by any other person in pursuance of an agreement entered into by London Regional Transport by virtue of section 3(2) of this Act; or
  - (c) by the Railways Board or any subsidiary of theirs;which falls to be considered by the Committee in accordance with subsection (5) below.
- (5) A matter falls to be considered by the Committee if—

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- (a) it 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 any services or facilities so provided ; or
- (b) it has been referred to the Committee by the Secretary of State, by London Regional Transport or by the Railways Board; or
- (c) it otherwise appears to the Committee to be a matter to which consideration ought to be given ;

and, in the case of any matter affecting services or facilities provided by the Railways Board or any subsidiary of theirs, those services or facilities are within the competence of the Committee by virtue of section 41(7) of this Act.

- (6) Without prejudice to section 41 of this Act, the Committee may not by virtue of subsection (4) above consider the charges made for any service or facility or any question relating to—
  - (a) the discontinuance by London Regional Transport or any subsidiary of theirs of all railway passenger services from any station or on any line on their railways ; or
  - (b) the discontinuance or reduction of railway services provided by the Railways Board or any subsidiary of theirs.
- (7) Copies of the minutes, conclusions and recommendations of the Committee with respect to any matter shall be sent—
  - (a) in the case of any matter affecting services and facilities provided as mentioned in subsection (4)(a) or (b) above, to London Regional Transport;
  - (b) in the case of any matter affecting services and facilities provided as mentioned in subsection (4)(c) above, to the Railways Board ; and
  - (c) in the case of any matter referred to the Committee by the Secretary of State, to the Secretary of State.
- (8) Where the Secretary of State receives a recommendation under subsection (7) above he may give to London Regional Transport or (as the case may require) to the Railways Board such directions as he thinks fit with respect to matters dealt with in the recommendation which concern them or a subsidiary of theirs; but before giving any such direction to London Regional Transport the Secretary of State shall consult with London Regional Transport.
- (9) On reaching a decision with respect to matters dealt with in any recommendation received by them or him under subsection (7) above, London Regional Transport, the Railways Board or (as the case may be) the Secretary of State shall give notice in writing of that decision to the Passengers' Committee.
- (10) The Committee shall make an annual report to the Secretary of State, and the Secretary of State shall lay a copy of the report before each House of Parliament.
- (11) A company which would not otherwise be a subsidiary of London Regional Transport or the Railways Board shall not be treated as such for the purposes of this section by virtue of section 62 of this Act.
- (12) Schedule 3 to this Act has effect with respect to the Committee.

#### **41 Operation of the Passengers' Committee as an Area Transport Users' Consultative Committee**

- (1) The Passengers' Committee shall be treated as one of the Area Transport Users' Consultative Committees (referred to below in this section as " Area Committees ") for the purposes of the provisions of section 56 of the 1962 Act mentioned in subsection (2) below—
- (a) in substitution for the Area Committee whose area comprises Greater London immediately before the appointed day; and
  - (b) subject to any directions given by the Secretary of State under subsection (1) (b) of that section as it applies by virtue of subsection (2)(a) below, for the same area as the area of that Area Committee at that time ;
- and that Area Committee shall accordingly cease to exist, and the persons who are for the time being its members shall cease to hold office, on the appointed day.
- (2) The provisions of section 56 referred to in subsection (1) above are—
- (a) subsection (1)(b) (Area Committees to be established for all parts of Great Britain);
  - (b) subsection (2), so far as relates to the constitution of the Central Transport Consultative Committee for Great Britain (referred to below in this section as the " Central Committee ") and the attendance of a chairman of an Area Committee at a meeting of the Central Committee ; and
  - (c) subsections (7) to (10) and (13) (which relate to railway closures);
- and the power of the Passengers' Committee under paragraph 9(4) of Schedule 3 to this Act to determine their own procedure is subject to subsection (13) of that section as applied by this section.
- (3) Without prejudice to section 40(7) of this Act, copies of the minutes, conclusions and recommendations of the Passengers' Committee with respect to any matter affecting services or facilities provided by the Railways Board or any subsidiary of theirs shall be sent to the Central Committee.
- (4) The Passengers' Committee shall be treated as an Area Committee within the meaning of section 56 of the 1962 Act for the purposes of section 54(5) of the 1968 Act (reference to an Area Committee of any matter affecting the provision of alternative services in case of a railway closure).
- (5) The Central Committee may from time to time make general recommendations to the Passengers' Committee with respect to any matter affecting the functions of the Committee—
- (a) under section 40 of this Act, so far as relates to services or facilities provided by the Railways Board or any subsidiary of theirs; or
  - (b) under section 56 of the 1962 Act or section 54(5) of the 1968 Act;
- or the procedure of the Committee in exercising or performing any of those functions.
- (6) The annual report of the Central Committee under section 56(15) of the 1962 Act shall not deal with the exercise and performance of the functions of the Passengers' Committee except in so far as relates to matters affecting services or facilities provided by the Railways Board or any subsidiary of theirs.
- (7) Services or facilities so provided are within the competence of the Passengers' Committee for the purposes of section 40 of this Act if they are provided within the

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area for which the Passengers' Committee act as an Area Committee by virtue of this section.

*Railway closures in and around Greater London*

**42 Application of provisions of the 1962 and 1968 Acts relating to railway closures**

- (1) The former functions of the London Board in relation to railway closures continue to be exercisable by London Regional Transport; and the following provisions of this section have effect for the purpose of—
  - (a) extending those functions to any subsidiary of London Regional Transport; and
  - (b) making amendments consequential on the provisions of this Act in the provisions of the 1962 and 1968 Acts relating to such closures.
- (2) In section 54(1) of the 1962 Act (advance information about railway and shipping closures), for the references to the Executive substituted by paragraph 1 of Schedule 3 to the 1969 Act for express references to the London Board there shall be substituted references to the appropriate authority in relation to the services in question.
- (3) In section 56(7) of that Act and section 54(1) of the 1968 Act (provisions with respect to proposals for railway closures), for the express references to the London Board which fell by virtue of section 25(1) of the 1969 Act to be construed as references to the Executive there shall be substituted references to the appropriate authority in relation to the services in question.
- (4) in section 54(5)(d) of the 1968 Act (power of Secretary of State to give directions in connection with a railway closure which was exercisable before the coming into operation of the 1969 Act in relation to the London Board), after the words "the Railways Board or" there shall be inserted the words " (as the case may be) to London Regional Transport or, in relation to services provided by a subsidiary of London Regional Transport, to that subsidiary, and ".
- (5) In consequence of the amendments made above in this section, references (however expressed) in section 56(7) to (9) and (13) of the 1962 Act and in section 54(1) of the 1968 Act to a Board shall be read, in relation to railway services provided by London Regional Transport or any subsidiary of theirs, as references to the appropriate authority in relation to the services in question.
- (6) For the purposes of this section, the appropriate authority in relation to any railway services is—
  - (a) where those services are provided by London Regional Transport, London Regional Transport; and
  - (b) where those services are provided by a subsidiary of London Regional Transport, that subsidiary.

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

**43 Regulation of London bus services under control of London Regional Transport**

- (1) A road service licence is not required for the provision—
  - (a) by London Regional Transport or any subsidiary of theirs; or

(b) by any other person in pursuance of any agreement entered into by London Regional Transport by virtue of section 3(2) of this Act;  
of any bus service operated wholly as a London bus service.

(2) Where a road service licence is granted in respect of a bus service—

- (a) provided as mentioned in paragraph (a) or (b) of subsection (1) above; but
- (b) 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.

(3) Where—

- (a) London Regional Transport or any subsidiary of theirs propose to provide a new bus service which is to be operated wholly or in part as a London bus service or to vary a bus service currently provided by them which is being so operated ; or
- (b) London Regional Transport propose to enter into an agreement by virtue of section 3(2) of this Act for the provision of such a new bus service by any other person or to agree to a variation in any bus service currently provided in pursuance of any such agreement which is being so operated ;

then, before deciding on, or on the provisions to be contained in any such agreement with respect to, or on any variation affecting, any relevant aspects of that service London Regional Transport shall, so far as the service is or is to be provided in Greater London, consult with the commissioner or commissioners of police concerned, with the local authorities affected, with the Passengers' Committee and with any other person they think fit.

(4) In subsection (3) above—

- (a) references to a new bus service are references to a bus service which has not been provided continuously since before the appointed day (disregarding, in the case of a bus service operated during certain periods of the year only, any period other than one during which the service is due to be operated);
- (b) the reference to relevant aspects of the service is a reference to the route of the service, a terminal point, a point at which passengers may or may not be taken up or set down, or a place at which, or street by the use of which, vehicles used for the service may turn at a terminal point; and
- (c) "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;

and for the purposes of that subsection the local authorities affected are the Greater London Council and any of the following councils, that is to say, the councils of the London boroughs and the Common Council, in whose area any part of the route in question or (as the case may be) the point, place or street in question is situated.

(5) Where—

- (a) London Regional Transport or any subsidiary of theirs propose to discontinue a bus service currently provided by them which is being operated wholly or in part as a London bus service ; or
- (b) London Regional Transport propose not to renew any agreement entered into by them by virtue of section 3(2) of this Act for the provision by any other person of any bus service which is being so operated or to agree to the

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discontinuance of any such bus service currently provided in pursuance of any such agreement;

then, before any decision is taken to that effect, London Regional Transport shall, so far as the service is provided in Greater London, consult with the Greater London Council, with any of the following councils, that is to say, the councils of the London boroughs and the Common Council, in whose area any part of the route of the service is situated, with the Passengers' Committee and with any other person they think fit.

- (6) Where an agreement entered into by London Regional Transport by virtue of section 3(2) of this Act for the provision of a bus service relates to such a 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.

- (7) In this section—

" 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 (1) above be required, other than an excursion or tour within the meaning of the Public Passenger Vehicles Act 1981; and

" 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.

#### **44 Provisions consequential on section 43**

- (1) The provisions of the Public Passenger Vehicles Act 1981 are subject to section 43 of this Act, but, except as provided by that section, apply for regulating the provision of stage carriage services (within the meaning of that Act) within Greater London as well as elsewhere.
- (2) The following provisions of this section have effect for the purpose of making amendments of that Act consequential on section 43 of this Act (which supersedes provisions of the 1969 Act which, in effect, gave control over all such stage carriage services in Greater London to the Executive).
- (3) In subsection (1) of section 30 (road service licences required for operation of stage carriage services), for the words " section 23 of the Transport (London) Act 1969 " there shall be substituted the words " section 43 of the London Regional Transport Act 1984 ".
- (4) In section 35 (grant of road service licences for certain excursions or tours) for subsection (1)(a)(ii) there shall be substituted the following sub-paragraph—
- “(ii) any London bus service within the meaning of section 43 of the London Regional Transport Act 1984 which, by virtue of subsection (1) of that section, does not require a road service licence;”.
- (5) In subsection (2) of section 42 (use of certain vehicles by educational and other bodies) the words from "and section 23(2) " to " services ) " (which refer to the provisions of the 1969 Act mentioned in subsection (2) above) shall be omitted.

- (6) In section 45(5) (which makes special provision with respect to community bus services provided in whole or in part in Greater London)—
- (a) for the words from " section 23 " to " of a road service licence) " there shall be substituted the words " section 43 of the London Regional Transport Act 1984 (which exempts London bus services under the control of London Regional Transport from the requirement of a road service licence) "; and
  - (b) the words from " but where " to the end of the subsection shall be omitted.

#### **45 Excursions and tours with stopping places in Greater London**

- (1) The following section shall be inserted in the Public Passenger Vehicles Act 1981 immediately after section 35 (grant of road service licences for certain excursions or tours)—

##### **“35A Excursions and tours with stopping places in Greater London.**

- (1) If, in the case of any application for a road service licence made to the traffic commissioners for the Metropolitan Traffic Area—
- (a) the traffic commissioners are satisfied as mentioned in section 35(1) of this Act; and
  - (b) they are also satisfied that the proposed service involves the use of any place in Greater London as a stopping place ;
- the following provisions of this section shall apply in relation to the application and to any licence granted on it instead of section 35(1).
- (2) In this section " stopping place" means, in relation to any service, a point at which passengers are taken up or set down in the course of that service.
- (3) Section 33 of this Act shall not apply in relation to any application for a road service licence to which this section applies or in relation to any licence granted on any such application, and sections 31 and 32 of this Act shall so apply subject to the modifications provided by the following provisions of this section.
- (4) The interests of the public falling to be considered under any provision of section 31 or 32, as that provision applies by virtue of this section, shall be confined to the interests of the public in securing that only places which are suitable for use as such are used as stopping places for the service in question in Greater London.
- The reference above in this subsection to the service in question is a reference to the proposed service or the service provided under any road service licence granted on an application to which this section applies (as the case may require).
- (5) For the purposes of this section a place is to be regarded as not being suitable for use as a stopping place for any service if the traffic commissioners are satisfied that its use as such would be prejudicial to the safety or convenience of the public.
- (6) Section 31 shall apply with the omission of—
- (a) paragraphs (a) and (b) of subsection (3); and
  - (b) subsection (4);

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and subsection (3)(c) of that section shall apply only in relation to objections or representations made by the commissioner or commissioners of police concerned or by any of the local authorities affected.

- (7) In subsection (6) above " commissioner of police " means—
- (a) in relation to the metropolitan police district, the commissioner of police of the metropolis ; and
  - (b) in relation to the City of London, the Commissioner of Police for the City of London;

and for the purposes of that subsection the local authorities affected are the Greater London Council and any of the following councils, that is to say, the councils of the London boroughs and the Common Council of the City of London, in whose area any stopping place for the proposed service is situated.

- (8) Section 32 shall apply with the omission of subsections (1) and (2), but the traffic commissioners in granting a licence on any application to which this section applies may attach to the licence such conditions of a description within section 32(1)(c) as they think fit, having regard to any objections or other representations that fall to be considered in relation to that application by virtue of section 31(3)(c) as it applies by virtue of this section, for securing that only places which are suitable for use as such are used as stopping places for the proposed service in Greater London.

- (9) Any condition attached to a road service licence under subsection (8) above shall be treated for the purposes of the references in sections 30(7) and 32(5) of this Act to a condition attached under section 32 as having been attached to the licence under that section.

- (10) Subsections (2) and (3) of section 35 of this Act shall apply in relation to a road service licence granted in pursuance of section 31, as section 31 applies by virtue of this section, as those subsections apply in relation to a road service licence granted in pursuance of section 35.”

- (2) In section 35(1) of that Act, at the beginning there shall be inserted the words " Subject to section 35A of this Act ".

- (3) In section 54(4) of that Act (procedure of the traffic commissioners in certain cases)—
- (a) in paragraph (a), after the word " Act" there shall be inserted the words " or (as the case may be) as mentioned in section 35(1) of this Act and also as mentioned in section 35A(1)(b) of this Act "; and
  - (b) in paragraph (b), for the words " so satisfied" there shall be substituted the words " satisfied as mentioned in section 34(1) or 35(1), other than an application in the case of which they have determined that they are also satisfied as mentioned in section 35A(1)(b) ".

- (4) Nothing in this section shall apply in relation to an application for a road service licence made before this section comes into force.



*Transfers to and from the Railways Board, etc.*

**46 Schemes for transfers between London Regional Transport group and Railways Board group**

- (1) London Regional Transport and the Railways Board, acting jointly, may make schemes for the transfer, between any member of the London Regional Transport group and any member of the Railways Board group, of—
- (a) any specified property, rights or liabilities ; or
  - (b) all property, rights and liabilities comprised in a specified part of the transferor's undertaking ;

and any such scheme may contain such supplementary, incidental and consequential provisions as may appear to London Regional Transport and the Railways Board to be necessary or expedient.

- (2) A scheme under this section shall not come into force until it has been approved by the Secretary of State or until such date as the Secretary of State may, in giving his approval, specify; and (subject to subsection (3) below) the Secretary of State may approve a scheme either without modifications or with such modifications as, after consultation with London Regional Transport and with the Railways Board, he thinks fit.
- (3) Without prejudice to his powers under section 47 of this Act, the Secretary of State shall not approve a scheme under this section which makes provision for a transfer of any property, rights or liabilities which it appears to him would materially prejudice the proper discharge by London Regional Transport or the Railways Board of their respective functions.
- (4) On the coming into force of a scheme under this section the property, rights and liabilities in question shall (subject to subsection (6) below) be transferred and vest in accordance with the scheme.
- (5) Subject to any order under section 74 of the 1962 Act (power of Secretary of State to make orders about pensions in the nationalised transport industry) which takes effect on or at any time after the transfer date for the purposes of any transfer under subsection (4) above, any person who, on that date—
- (a) ceases to be employed by any member of one or other of the London Regional Transport group and the Railways Board group and becomes employed by a member of the other group ; or
  - (b) is employed by a company which immediately before that date was a subsidiary of London Regional Transport or (as the case may be) of the Railways Board but on that date becomes a subsidiary of the other of those authorities;
- shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before that transfer date.
- (6) Subject to subsection (7) below, Schedule 4 to the 1968 Act (supplementary provisions as to certain transfers of property, rights and liabilities) shall apply to any transfer under subsection (4) above; and subsection (4) above shall have effect subject to the provisions of that Schedule.
- (7) In Schedule 4 as it applies by virtue of subsection (6) above—

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- (a) any reference to a transfer by or a vesting by virtue of that Act shall be read as a reference to a transfer by or vesting by virtue of the scheme in question; and
- (b) the reference in paragraph 13(5) to the relevant provisions of that Act shall be read as including a reference to the relevant provisions of this Act.

(8) In this section and section 47 of this Act, references to the Railways Board group are references to the Railways Board and their subsidiaries.

**47 Orders for transfer of functions, etc., within London Regional Transport group and between that group and Railways Board group**

(1) Subject to the following provisions of this section, the Secretary of State may by order—

- (a) make provision for the transfer, between any members of the London Regional Transport group, or between any member of that group and any member of the Railways Board group, of any functions of the transferor in connection with the carriage of passengers; and
- (b) make any such provision with respect to either party to the transfer of functions as is mentioned in section 46(1) of this Act.

(2) An order under this section may, for the purpose of any transfer of functions made by the order, amend any of the enactments relating to those functions.

(3) Any such order may contain such supplementary, incidental and consequential provisions as may appear to the Secretary of State to be necessary or expedient.

(4) The power to make orders under this section shall not be exercisable so as to cause all or substantially all of the functions of the London Regional Transport group to become functions of, or of subsidiaries of, the Railways Board.

(5) Before making any order under this section the Secretary of State shall consult with—

- (a) London Regional Transport;
- (b) the Railways Board ;
- (c) the Passengers' Committee ; and
- (d) such other persons (if any) as the Secretary of State may think fit.

(6) In the case of an order under this section making such provision as is mentioned in section 46(1) of this Act, the property, rights and liabilities in question shall, subject to subsection (8) below, be transferred and vest in accordance with the order on such date as may be appointed by the order for that purpose.

(7) Section 46(5) of this Act shall apply in relation to a transfer under subsection (6) above as it applies in relation to a transfer under subsection (4) of that section.

(8) Subject to subsection (9) below, Schedule 4 to the 1968 Act shall apply to any transfer under subsection (6) above ; and subsection (6) above shall have effect subject to the provisions of that Schedule.

(9) In Schedule 4 as it applies by virtue of subsection (8) above—

- (a) any reference to a transfer by or a vesting by virtue of that Act shall be read as a reference to a transfer by or a vesting by virtue of the order in question ; and
- (b) the reference in paragraph 13(5) to the relevant provisions of that Act shall be read as including a reference to the relevant provisions of this Act.

- (10) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

*Compensation for loss of employment, etc.*

**48 Compensation for loss of employment, etc.**

- (1) The Secretary of State may by regulations provide for the payment, by such persons as may be prescribed by or determined under the regulations, in such cases and to such extent as may be so prescribed or determined, of pensions, allowances or gratuities by way of compensation to or in respect of persons who have suffered loss of employment or loss or diminution of emoluments by reason of—
- (a) the disposal under section 9(1) of this Act of any part of the undertaking of London Regional Transport or of the whole or any part of the undertaking of any of their subsidiaries;
  - (b) any transfer of property, rights or liabilities under section 27, 46 or 47 of this Act; or
  - (c) any preparatory steps taken (after the making of the scheme or order in question) for the purposes of any such transfer which does not in fact take place, or taken for the purposes of any action required by a direction under section 10 of this Act which ceases to be so required before the action is taken.
- (2) Regulations under this section may—
- (a) include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations ;
  - (b) make different provision as respects different classes of persons and different circumstances and make or authorise the Secretary of State to make exceptions and conditions; and
  - (c) be framed so as to have effect from a date earlier than the making of the regulations ;
- but regulations having effect from a date earlier than the date of their making shall not place any individual who is qualified to participate in the benefits for which the regulations provide in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.
- (3) Regulations under this section may include all or any of the following provisions, namely—
- (a) provision authorising the payment, without probate or other proof of title, of any sum due under the regulations in respect of a person who has died to his personal representatives or such other persons as may be prescribed by the regulations ;
  - (b) provision rendering void any assignment of or charge on, or any agreement to assign or charge, any benefit under the regulations, and provision that on the bankruptcy of a person entitled to such a benefit no part of it shall pass to any trustee or other person acting on behalf of the creditors except in accordance with an order made by a court in pursuance of any enactment specified in the regulations ; and
  - (c) such incidental, supplementary, consequential and transitional provisions as appear to the Secretary of State to be necessary or expedient.

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- (4) Without prejudice to the preceding provisions of this section, regulations under this section may, in relation to any compensation required to be paid under the regulations by any person ("the person primarily liable"), specify persons who are to be liable to contribute towards that person's liability in accordance with subsections (5) and (6) below ("contributories").
- (5) Where contributories have been so specified in relation to any compensation, the contributories may arrange to make to the person primarily liable in respect of that compensation payments by way of contribution towards that person's liability.
- (6) If the person primarily liable in respect of any compensation satisfies the Secretary of State that any contributory has not made proper contribution towards that person's liability, whether by payment of money or by finding employment for persons to or in respect of whom the compensation has become payable, the Secretary of State may require that contributory to make such payment to the person primarily liable as appears to the Secretary of State to be just.
- (7) Regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

*Grants by Greater London Council for initial year*

**49 Grants by Greater London Council for year including appointed day**

- (1) The Secretary of State may by a direction given to the Greater London Council require that Council to pay to London Regional Transport, in the financial year in which the appointed day falls (referred to below in this section as " the initial year "), such an amount by way of grant as the Secretary of State may determine, not exceeding the aggregate of—
  - (a) the revenue grants under section 3(1)(a) of the 1969 Act determined in respect of that year for the Executive; and
  - (b) the sum of £170 million ;
 less any sums which the Secretary of State is satisfied that the Council have paid to the Executive by way of grants under section 3(1)(a) in that year before the appointed day.
- (2) Subject to subsection (3) below, references in subsection (1) above to the revenue grants under section 3(1)(a) of the 1969 Act determined in respect of the initial year for the Executive are references to any grants under that paragraph in aid of the revenues of the Executive (including grants in respect of reductions in fares for children) which the Greater London Council have determined, in accordance with section 4(1) of the Transport Act 1983, are to be made by them to the Executive in the initial year.
- (3) Any amount of the revenue grants so determined which is referable to provision for depreciation or renewal of assets shall be disregarded for the purposes of subsection (1) above.
- (4) A direction under subsection (1) above may require that the amount to which it relates shall be paid in instalments of such amounts as may be specified in the direction; and any amount payable by virtue of any such direction shall be due on such date as may be so specified in relation to that amount.
- (5) If any amount so payable is not paid on or before the date so specified, interest on that amount shall be payable to London Regional Transport at the rate for the time being

applicable for the purposes of section 12(8) of the General Rate Act 1967 (interest on amounts due under precepts).

- (6) The Secretary of State may by notice in writing to London Regional Transport make the application by London Regional Transport of any sums received by them by virtue of this section subject to such terms and conditions as the Secretary of State thinks fit.
- (7) Sections 12(2) to (4) and 15(9) and (10) of this Act shall apply in relation to sums so received as they apply in relation to sums received by way of grants under section 12 of this Act (taking the reference in section 12(2) to any such terms and conditions as a reference to any terms and conditions applicable by virtue of subsection (6) above).
- (8) Any reference in—
  - (a) Article 1 of the Capital Allowances (Relevant Grants) (No. 2) Order 1969, as it has effect by virtue of paragraph 4 of Schedule 5 to this Act; and
  - (b) section 83(4)(d) of the Capital Allowances Act 1968, as substituted by paragraph 4 of Schedule 6 to this Act;to a grant made under section 12 of this Act shall be read as including a reference to a grant made under this section.
- (9) As respects the period beginning with the appointed day and ending with 31st March 1985, paragraphs 25B(a) and 29A of Schedule 2 to the London Government Act 1963 shall have effect as if for references to the Executive there were substituted references to London Regional Transport.
- (10) In this section " financial year " means a period of twelve months beginning with 1st April.

#### *Travel concessions*

### **50 Travel concessions on journeys in and around Greater London**

- (1) Subject to subsection (4) below, any local authority, or any two or more local authorities acting jointly, may enter into arrangements with London Regional Transport under which—
  - (a) London Regional Transport grant, or arrange with some other person for that other person to grant, such travel concessions as may be provided for by the arrangements to any persons eligible to receive them in accordance with subsection (7) below ; and
  - (b) that local authority (or, as the case may be, those local authorities in such proportions respectively as they may agree among themselves) reimburse the cost incurred in granting those concessions.
- (2) Any London authority may contribute to any cost incurred by a local authority within the meaning of the Public Service Vehicles (Travel Concessions) Act 1955 in granting travel concessions under that Act.
- (3) Subject to subsection (4) below, any London authority, or any two or more London authorities acting jointly, may make, with any independent transport service operator or with the Railways Board, arrangements under which—
  - (a) that operator or (as the case may be) the Board grant such travel concessions as may be provided for by the arrangements to any persons eligible to receive them in accordance with subsection (7) below; and

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- (b) that authority (or, as the case may be, those authorities in such proportions respectively as they may agree among themselves) reimburse the cost incurred in granting those concessions.
- (4) The concessions that may be provided for by any arrangements under subsection (1) or (3) above are concessions on journeys—
- (a) between places in Greater London ;
  - (b) between such places and places outside but in the vicinity of Greater London ;  
or
  - (c) between places outside but in the vicinity of Greater London.
- (5) Any arrangements entered into by a local authority under subsection (1) or (3) above may include provision for the performance of functions in connection with the travel concessions in question by the local authority or local authorities concerned.
- (6) Any London authority making contributions under subsection (2) above may enter into arrangements with the authority to whom those contributions are paid for the performance by that London authority of functions in connection with the travel concessions in respect of which the contributions are paid.
- (7) The persons eligible to receive travel concessions under arrangements made under subsection (1) or (3) above are persons mentioned in any of the following paragraphs, or any description of such persons, that is to say—
- (a) men over the age of sixty-five years and women over the age of sixty years ;
  - (b) blind persons, that is to say, persons so blind as to be unable to perform any work for which sight is essential;
  - (c) persons suffering from any disability or injury which, in the opinion of the local authority or any of the local authorities by whom the cost incurred in granting the concessions falls to be reimbursed, seriously impairs their ability to walk.
- (8) In this section—
- (a) " independent transport service operator" means any person operating a public service vehicle undertaking or a tramcar or railway undertaking other than—
    - (i) a local authority within the meaning of the Act of 1955 mentioned above ;
    - (ii) London Regional Transport, the Railways Board or any subsidiary of either of those authorities ; or
    - (iii) any person providing public passenger transport services in pursuance of an agreement entered into by London Regional Transport by virtue of section 3(2) of this Act;
 and any person whose use of a motor vehicle (within the meaning of the Public Passenger Vehicles Act 1981) is covered by an authorisation under section 48 of that Act (use of passenger vehicles in experimental areas);
  - (b) " local authority " means the council of a county or district and any London authority ;
  - (c) " London authority " means the Greater London Council, the council of any London borough and the Common Council; and
  - (d) " tramcar " has the same meaning as in the Public Passenger Vehicles Act 1981.

- (9) In this section and sections 51 to 53 of this Act " travel concession " means the reduction or waiver of a fare or charge either absolutely or subject to terms, limitations or conditions.

## **51 Reserve free travel scheme for London residents**

- (1) If immediately before 1st January in any accounting year of London Regional Transport it appears to London Regional Transport that there are not for the time being in force arrangements under section 50(1) of this Act for travel concessions for London residents which—

- (a) meet the requirements of section 53 of this Act as to scope and uniformity ; and
- (b) will apply throughout the next following accounting year of London Regional Transport;

the following provisions of this section (referred to below in this section and in section 52 of this Act as the free travel scheme) shall apply to the next following accounting year.

- (2) In any accounting year to which the free travel scheme applies it shall be the duty of London Regional Transport to grant, or (as the case may be) to exercise their control over any subsidiaries of theirs and their powers under Part I of this Act so as to secure that there are granted, the travel concessions for eligible London residents required by this section.

- (3) In this section and sections 52 and 53 of this Act—

- (a) references to eligible London residents are references to persons resident in Greater London who are eligible in accordance with section 50(7) of this Act to receive travel concessions under arrangements under subsection (1) of that section ;
- (b) references to categories of such residents are references to the categories of persons so eligible mentioned in paragraphs (a), (b) and (c) of section 50(7);
- (c) " travel concession permit" means, in relation to a travel concession under any such arrangements or under this section, a document in any form indicating that the person to whom it is issued is a person entitled in accordance with those arrangements or (as the case may be) under this section to receive the concession in question;
- (d) " relevant journey " means any journey of a description within section 50(4) (a), (b) or (c) of this Act; and
- (e) references to any services under the control of London Regional Transport are references to any public passenger transport services provided by London Regional Transport or any subsidiary of theirs or by any other person in pursuance of any agreement entered into by London Regional Transport by virtue of section 3(2) of this Act.

- (4) The travel concession required by this section in the case of all eligible London residents in the blind persons' category is the waiver, on production of a travel concession permit issued to any such resident under section 52 of this Act, of any fare otherwise payable by the person to whom it was issued for any relevant journey on a service under the control of London Regional Transport.

- (5) The travel concession required by this section in the case of all eligible London residents in any other category is the waiver, on production of such a permit, of any

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fare otherwise payable by the person to whom it was issued for any such journey beginning—

- (a) at any time on a Saturday or Sunday or on any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971 ; or
  - (b) in the daytime, evening or late-night period on any other day.
- (6) Subject to subsection (7) below, for the purposes of paragraph (b) of subsection (5) above—
- (a) the daytime period is the period from 9.30 a.m. until 6.30 p.m.;
  - (b) the evening period is the period from 6.30 p.m. until midnight; and
  - (c) the late-night period is the period from midnight until 1.00 a.m.
- (7) The daytime, evening or late-night period for the purposes of subsection (5)(b) above may be altered from time to time by London Regional Transport by notice published in such manner as they think fit, specifying the new period or periods and the effective date of the alteration.
- (8) A notice under subsection (7) above may not specify an effective date for the alteration of a period to which it applies falling earlier than three months after the date of publication of the notice; and before publishing any such notice London Regional Transport shall consult with all London authorities (within the meaning of section 50 of this Act) and with the Passengers' Committee.

## **52 Supplementary provisions with respect to the free travel scheme**

- (1) The following provisions of this section apply for the purposes of the operation of the free travel scheme in relation to any accounting year of London Regional Transport to which the scheme applies (referred to below in this section as the relevant accounting year).
- (2) As soon as the requirements for the application of the free travel scheme to the relevant accounting year are met, London Regional Transport shall notify all London borough councils and the Common Council (referred to below in this section as issuing authorities) that the scheme will apply to that accounting year.
- (3) London Regional Transport shall from time to time supply to each issuing authority such travel concession permits as appear to London Regional Transport to be required by that authority for issue to eligible London residents in accordance with the following provisions of this section.
- (4) Subject to subsection (5) below, an issuing authority shall issue a travel concession permit supplied by London Regional Transport under this section to any eligible London resident who applies for one and is resident in the area of that authority.
- (5) The issue of such a permit by any issuing authority shall be subject to such terms, limitations or conditions as the authority may, with the approval of the Secretary of State, from time to time determine as respects any category of eligible London residents.
- (6) Before 1st February in the accounting year immediately preceding the relevant accounting year London Regional Transport shall give written notification to each issuing authority of the charge to be paid to them under this section by the issuing authority, for each quarter of the relevant accounting year, in respect of a travel



concession permit issued under this section to an eligible London resident of each category which is valid on the first day of that quarter.

- (7) The charges payable by issuing authorities under this section—
- (a) shall be fixed by London Regional Transport with a view to securing that the costs of the operation of the free travel scheme are met from the proceeds of those charges (taking one accounting year to which the scheme applies with another, where the scheme applies to two or more consecutive accounting years); and
  - (b) may differ for different quarters of an accounting year.
- (8) The reference in subsection (7)(a) above to the costs of the operation of the free travel scheme is a reference, in relation to any accounting year of London Regional Transport taken into account in fixing any charges under that subsection, to the aggregate of—
- (a) the revenue by way of fares which London Regional Transport estimate they and any subsidiaries of theirs have lost or will lose in that year in consequence of the provision of free travel under the scheme ; and
  - (b) any other costs which London Regional Transport have incurred or estimate that they will incur in that year in connection with providing or for the purpose of securing the provision of free travel under the scheme (including any payments London Regional Transport have made or propose to make for that purpose to any person with whom they have entered into an agreement by virtue of section 3(2) of this Act).
- (9) Before the end of the first month of each quarter of the relevant accounting year, each issuing authority shall—
- (a) pay to London Regional Transport, in respect of each travel concession permit issued by that authority and valid on the first day of that quarter, the charge fixed by London Regional Transport under this section for that quarter which is applicable to that permit;
  - (b) provide London Regional Transport with a written statement giving the particulars required by subsection (10) below with respect to the travel concession permits supplied to the authority by London Regional Transport under this section ; and
  - (c) if required to do so by London Regional Transport, return to London Regional Transport all such permits which have not been issued by the authority before the beginning of that quarter.
- (10) The particulars required by this subsection in any statement under subsection (9)(b) above with respect to any quarter of the relevant accounting year are—
- (a) the number of such permits issued to eligible London residents of each category which are valid on the first day of that quarter ;
  - (b) the number of such permits so issued (if any) which expired or were surrendered to the authority during the last preceding quarter ; and
  - (c) the number of such permits supplied for issue to eligible London residents of each category which have not been issued by the authority before the beginning of the quarter for which the statement is required.
- (11) In the application of section 50(7)(c) of this Act for the purposes of the free travel scheme and this section, the reference to the opinion of the local authority or any of the local authorities there mentioned shall be read, in relation to persons resident in the area of an issuing authority, as a reference to the opinion of that authority.

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- (12) The annual report of London Regional Transport under section 34 of this Act with respect to the relevant accounting year shall contain a statement of—
- (a) the manner in which the charges fixed under this section in respect of each quarter of that year were calculated ; and
  - (b) the aggregate of the amounts paid to London Regional Transport during that year by the issuing authorities under this section.

**53 Requirements as to scope and uniformity of arrangements for travel concessions under section 50(1)**

- (1) Arrangements under section 50(1) of this Act for travel concessions for London residents meet the requirements of this section as to scope if they provide for the grant of travel concessions to all eligible London residents on relevant journeys on all services under the control of London Regional Transport (subject to any terms, limitations or conditions with respect to the particular journeys on any such services on which any such concession is available to eligible London residents of any category).
- (2) Arrangements under section 50(1) of this Act for travel concessions for London residents meet the requirements of this section as to uniformity if they—
  - (a) make the same provision, for all eligible London residents of the same category, with respect to the benefit of any travel concession granted to those residents under the arrangements and the periods during which it is available;
  - (b) make the enjoyment of the benefit of any travel concession granted under the arrangements conditional on the production, by any person seeking to travel under that concession, of a travel concession permit issued to him in accordance with the arrangements; and
  - (c) make the same provision with respect to the period of validity of all travel concession permits issued in accordance with the arrangements to eligible London residents of the same category ;

whether or not, in any other respects, the arrangements make different provision for different cases to which they apply.
- (3) References in subsection (2) above to the benefit of a travel concession are references to the waiver or reduction of any fare or charge to which the arrangements in question apply, as distinct from any terms, limitations or conditions applicable to that waiver or reduction in accordance with the arrangements.
- (4) Where individual arrangements under section 50(1) made between a particular local authority or local authorities and London Regional Transport apply to certain eligible London residents only, all arrangements so made shall be considered together for the purpose of determining whether subsections (1) and (2) above are satisfied.

*Penalty fares*

**54 Penalty fares**

- (1) This section and the three next following sections have effect in relation to—
  - (a) travel on a bus service to which this section applies ; and
  - (b) travel on a train service to which this section applies ;

if an order under section 58 of this Act is for the time being in force with respect to the service in question.

- (2) Subject to subsection (4) below, if at any time during his journey on any bus service to which this section applies on which fare tickets are issued in return for fares paid by persons travelling on that service a person so travelling fails, on being required to do so by an authorised person, to produce any necessary fare ticket for his journey on that service, he shall be liable to pay a penalty fare in respect of that journey.
- (3) Subject to subsection (4) below, if a person travels on any such bus service on which fare tickets are not so issued without paying the fare (if any) properly payable for his journey on that service, or for any part of his journey on that service, he shall be liable to pay a penalty fare in respect of that journey.
- (4) A person shall not be liable to pay a penalty fare—
- (a) in a case within subsection (2) above, if he had no reasonable opportunity to obtain any necessary fare ticket before the time when he was required to produce such a ticket;
  - (b) in a case within subsection (3) above, if he had no reasonable opportunity to pay the fare in question before the time when he was found to have failed to pay it.
- (5) Subject to subsection (6) below, if at any time during his journey on any train service to which this section applies a person travelling on that service fails, on being required to do so by an authorised person, to produce any necessary fare ticket for his journey on that service, he shall be liable to pay a penalty fare in respect of that journey.
- (6) A person shall not be liable to pay a penalty fare by virtue of subsection (5) above if he had no reasonable opportunity to obtain any necessary fare ticket, or a deferred fare authority applicable to his journey or to any relevant part of his journey, at the time when he started to travel.
- (7) A penalty fare payable by any person under this section in respect of any journey shall be an amount equal to—
- (a) the minimum penalty ; or
  - (b) the default fare for the journey multiplied by the multiplier ;
- whichever is the greater; and any such penalty fare shall be payable to the person providing the service in question within the period of twenty-one days beginning with the day following the date on which the journey was completed.
- (8) In subsection (7) above—
- (a) " the minimum penalty " means £5 or such other (lower or higher) sum as the Secretary of State may by order prescribe; and
  - (b) " the multiplier " means ten or such other (lower or higher) figure as the Secretary of State may by order prescribe.
- (9) In any case within subsection (2) or (5) above the default fare for the journey mentioned in subsection (7)(b) above is—
- (a) where the whole of the distance travelled on that journey was not covered by any fare ticket produced by the person in question or by any deferred fare authority or other valid authority to travel, an amount equal to the full fare for the whole of that distance;
  - (b) where any part (but not the whole) of the distance so travelled was not so covered, an amount equal to the full fare for that part of that distance ;
  - (c) where the whole or any part of the distance so travelled was covered by a fare ticket so produced showing payment of a fare appropriate in the case of

another category of traveller but lower than the fare properly payable by the person in question for that journey or for the relevant part of that journey, an amount equal to the difference between the fare shown on the ticket and the full fare for that distance or (as the case may be) for that part of that distance; and

- (d) where both paragraphs (b) and (c) above apply, the aggregate of the amounts applicable under each of those paragraphs.
- (10) In any case within subsection (3) above the default fare for the journey mentioned in subsection (7)(b) above is an amount determined by applying subsection (9) above, taking references (however expressed) to a fare ticket produced by the person in question and the fare shown on any such ticket as references to a fare paid by that person.
- (11) In this section " full fare " means, in relation to the whole or any part of the distance travelled by any person on a journey on any bus or train service to which this section applies, the single ordinary fare payable by an adult for travelling on that service for that distance or (as the case may be) for that part of that distance on a journey corresponding to the one actually taken (but treated, where it covers part only of the distance travelled on that journey, and also where the whole of the distance so travelled formed part of a journey made partly by way of another service, as a separate journey).
- (12) The liability of any person under this section to pay a penalty fare in respect of any journey is subject to section 57 of this Act.

## **55 Interpretation of the penalty fares provisions**

- (1) Section 54 of this Act applies to any bus or train service provided by London Regional Transport or any subsidiary of theirs or by any other person in pursuance of any agreement entered into by London Regional Transport by virtue of section 3(2) of this Act which provides that that section is to apply to services provided in pursuance of that agreement.
- (2) In this section and the three next following sections " the penalty fares provisions " means section 54, this section and the two next following sections.
- (3) In the penalty fares provisions—
- " authorised person " means a person authorised by the person providing the service in question ;
  - " authority to travel " means any ticket (other than a fare ticket), permit, voucher or other document authorising the person to whom it is issued to travel on any bus or train service to which section 54 applies, whether or not subject to any terms, limitations or conditions as to its use ;
  - " bus journey " means a journey on a bus service to which that section applies;
  - " bus service " has the meaning given by section 43(7) of this Act;
  - "deferred fare authority" means an authority to travel subject to a condition requiring payment of the fare applicable in the case of the person using that authority for the whole or any part of any journey on which it is used at the conclusion of that journey or otherwise as provided by any terms applicable to its use (whether or not it is also subject to any other terms, limitations or conditions);

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"deferred fare" means the fare payable for a journey authorised by a deferred fare authority;

"fare ticket" means a ticket showing payment of a fare for travelling on a bus or train journey and authorising the person to whom it is issued to travel on any such journey for the distance covered by that fare, whether or not subject to any terms, limitations or conditions as to its use:

"train journey" means a journey on a train service to which section 54 of this Act applies; and

"train service" means a service for the carriage of passengers by rail.

- (4) References in the penalty fares provisions to the fare properly payable for a person's journey on any bus or train service to which section 54 applies are references to the fare so payable excluding any deferred fare for the journey; that is to say, the fare payable by a person of the category to which he belongs for travelling on that service for the whole of the distance travelled on that journey, or for such part of the distance so travelled as is not covered by any deferred fare authority or other valid authority to travel that applies to his journey on the occasion in question.

This subsection applies in relation to references in those provisions to the fare properly payable for part of a person's journey as it applies to references to the fare properly payable for a person's journey.

- (5) References in those provisions to any necessary fare ticket for a person's journey on any such bus or train service are references to a fare ticket required for his journey on the occasion in question which—
- (a) applies to his journey on that occasion; and
  - (b) shows payment of the fare properly payable for that journey.
- (6) For the purposes of those provisions, no fare is properly payable for a bus journey and no fare ticket is required for a bus or train journey if the person travelling on that journey has a deferred fare authority or other valid authority to travel that applies to the whole of his journey on the occasion in question.

## **56 Supplementary provisions with respect to penalty fares**

- (1) In any action for the recovery of a penalty fare payable under section 54 of this Act it shall be for the plaintiff to show that any relevant exception provided by subsection (4) or (6) of that section does not apply.
- (2) It shall be the duty of London Regional Transport to secure that the requirements of the following provisions of this section with respect to warning notices are met in the case of every bus or train service to which section 54 applies.
- (3) In the case of a bus service, a warning notice meeting the requirements of subsection (4) below shall be posted in every vehicle used in providing that service or, where any such vehicle has more than one deck, on each deck of that vehicle, in such a position as to be readily visible to persons travelling on the vehicle.
- (4) A warning notice posted in pursuance of subsection (3) above shall state—
- (a) in the case of a bus service within section 54(2) of this Act, that persons travelling on that service who cannot produce a ticket showing payment of the correct fare for their journey, or for any part of their journey not otherwise authorised, may be liable to a penalty fare; and

- (b) in the case of a bus service within subsection (3) of that section, that persons who travel on that service without paying the correct fare for their journey, or for any part of their journey not otherwise authorised, may be liable to a penalty fare.
- (5) In the case of a train service, a warning notice meeting the requirements of subsection (6) below shall be posted—
  - (a) in every station at which persons may start to travel on that service, in such a position as to be readily visible to prospective passengers ; and
  - (b) in every carriage of every train used in providing that service.
- (6) A warning notice posted in pursuance of subsection (5) above shall state that persons travelling on that service who cannot produce a ticket showing payment of the correct fare for their journey, or for any part of their journey not otherwise authorised, may be liable to a penalty fare.
- (7) Every warning notice posted in pursuance of this section shall state the amount of the current minimum penalty (within the meaning of section 54(7) of this Act) and indicate that a penalty fare may be higher.
- (8) Any order under subsection (8) of that section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **57 Exclusion of double liability**

- (1) Where a person has become liable under section 54 of this Act to pay a penalty fare in respect of any bus or train journey (" the relevant journey "), no proceedings may be brought against him for any of the offences specified in subsection (2) below before the end of the period mentioned in subsection (7) of that section; and no such proceedings may be brought after the end of that period if either—
  - (a) he has paid that fare to the person providing the service before the end of that period ; or
  - (b) an action has been brought against him for the recovery of that fare.
- (2) The offences mentioned in subsection (1) above are—
  - (a) any offence under section 5(3)(a) or (b) of the Regulation of Railways Act 1889 (travelling without paying the correct fare with intent to avoid payment) arising from the relevant journey;
  - (b) any offence under byelaws made under section 67 of the 1962 Act (byelaws for railways, etc.) involving a failure to obtain or produce a fare ticket or authority to travel for the relevant journey ; and
  - (c) any offence under section 25(3) of the Public Passenger Vehicles Act 1981 of contravening or failing to comply with any provision of regulations for the time being having effect by virtue of that section by failing to pay the fare properly payable for the relevant journey or any part of it.
- (3) If proceedings are brought against any such person for any such offence he shall cease to be liable to pay the penalty fare and, if he has paid it, the person to whom it was paid shall be liable to repay to him an amount equal to the amount of that fare.

## **58 Operation of the penalty fares provisions**

- (1) The Secretary of State may by order provide that the penalty fares provisions shall have effect, as from such day as may be specified in the order, with respect to—
  - (a) bus services to which section 54 applies ; and
  - (b) train services to which that section applies ;and different days may be specified under this section with respect to bus services and train services.
- (2) Any such order is referred to below in this section as an order activating the penalty fares provisions.
- (3) The revocation by the Secretary of State of an order activating the penalty fares provisions shall be without prejudice to the power of the Secretary of State to make further orders under this section activating those provisions.
- (4) An order activating the penalty fares provisions may provide that any provision of a local Act specified in the order (being a provision which appears to the Secretary of State to be unnecessary having regard to the penalty fares provisions so far as they have effect by virtue of the order) shall be suspended while that order has effect; and any such provision shall accordingly be treated, so long as that order has effect, as if it had been repealed.
- (5) Without prejudice to subsection (4) above, any order activating the penalty fares provisions, and any order revoking any such order, may contain such supplementary, incidental and consequential provisions (including transitional provisions) as may appear to the Secretary of State to be necessary or expedient.
- (6) No order activating the penalty fares provisions may be made except at the request of London Regional Transport.

### *Miscellaneous*

## **59 Provision of extra transport services and facilities by Railways Board**

The council of a London borough and the Common Council shall each have power to enter into and carry out agreements with the Railways Board with respect to the provision or retention and financing of public passenger transport services and facilities which would not be available apart from any such agreement.

## **60 Interim control over organisation and fares of Executive**

- (1) No direction may be given by the Greater London Council to the Executive under section 20(1) of the 1969 Act (power of Council to direct preparation of proposals for transfers of functions, etc.) after the passing of this Act.
- (2) Where before the passing of this Act the Greater London Council have directed the Executive under section 20(1) to give effect to any proposals submitted to that Council in accordance with a previous direction under that provision, subsection (1) above is without prejudice to the duty of the Executive under section 41 of that Act to comply with that direction.
- (3) During the period between the passing of this Act and the appointed day the Executive shall not make any alteration in the general level or structure of the fares to be charged

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for the time being for the carriage of passengers by the Executive or any subsidiary of theirs, unless their proposals for that alteration have been submitted to and approved by the Secretary of State.

## **61 Provisions as to approvals, consents and directions**

- (1) Any approval or consent of the Secretary of State under any provision of this Act—
  - (a) shall be given in writing;
  - (b) may be given for any case or description of cases specified in the approval or consent, or may be general; and
  - (c) may be given subject to conditions.
- (2) Nothing done by London Regional Transport shall be unlawful on the ground that it was done without the approval or consent of the Secretary of State and that under this Act it required his approval or consent.
- (3) If it appears to the Secretary of State that London Regional Transport propose to do anything or have without the approval or consent of the Secretary of State which in his opinion requires his approval or consent he may after consultation with London Regional Transport give to London Regional Transport such directions as appear to him to be appropriate.
- (4) The directions which the Secretary of state may give under subsection (3) above in a case where London Regional Transport have already done anything without the Secretary of State's approval or consent may, in particular require London Regional Transport to discontinue any activity or to dispose of any assets, and directions may be given to that effect notwithstanding that they make it necessary for London Regional Transport to dispose of assets at a loss or incur liability to other persons.
- (5) Any direction given by the Secretary of State under this Act shall be in writing; and (without prejudice to section 10(4) of this Act) it shall be the duty of London Regional Transport or of any other person to whom the Secretary of State gives a direction under this Act to give effect to any such direction.

## **62 Joint subsidiaries**

- (1) Subsection (2) below applies to the following authorities, that is to say, London Regional Transport and the Railways Board.
- (2) Where a company of which both those authorities are members would, if those authorities were a single body corporate, be a subsidiary of that body corporate, then, whether or not that company is apart from this subsection a subsidiary of one of those authorities, that company shall be treated for the purposes of this Act (subject to any express provision to the contrary) as a subsidiary of each of those authorities.
- (3) Section 51(5) and (6) of the 1968 Act shall continue to apply to London Regional Transport and to have effect accordingly as if London Regional Transport were one of the Boards, but in the application of those provisions in relation to any company in any case where the authorities concerned include London Regional Transport—
  - (a) subject to subsection (4) below, subsection (5) (joint wholly owned subsidiary of two or more authorities to be treated for purposes of 1962 Act and provisions of 1968 Act other than Parts V and VI as a wholly owned subsidiary of each authority) shall have effect as if the words " wholly owned " (in each place where they occur) were omitted ; and



- (b) subsection (6) (duty of individual authority to control subsidiary superseded by joint duty in case of joint subsidiaries) shall have effect as if the reference to section 25(1) of the 1962 Act included a reference to sections 21 and 33 of this Act.
- (4) Subsection (3)(a) above shall not affect the application of section 51(5) for the purpose of determining whether the company in question is to be treated for the purposes mentioned in section 51(5) as a wholly owned subsidiary of the authority or authorities concerned other than London Regional Transport.

### **63 Orders and regulations**

Any power to make an order or regulations conferred on the Secretary of State by any provision of this Act shall be exercisable by statutory instrument.

### **64 Stamp duty**

- (1) Stamp duty shall not be chargeable under section 47 of the Finance Act 1973 in respect of the formation by London Regional Transport of a company in pursuance of section 4 of this Act, if the formation of that company is certified by the Treasury—
  - (a) as being effected in pursuance of section 4 ; and
  - (b) as satisfying the requirements of subsection (5) below.
- (2) Stamp duty shall not be so chargeable in respect of—
  - (a) the formation of a company (otherwise than in pursuance of section 4 of this Act); or
  - (b) any increase in the capital of a company ;if the transaction concerned is certified by the Treasury as satisfying the requirements of subsections (3) to (5) below.
- (3) A transaction satisfies the requirements of this subsection if it relates to a public transport company and—
  - (a) in a case within subsection (2)(a) above, the company will on its formation be owned by London Regional Transport; or
  - (b) in a case within subsection (2)(b) above, the company is owned by London Regional Transport immediately before and immediately after the increase in its capital takes effect.
- (4) A transaction satisfies the requirements of this subsection if it is effected solely for the purpose—
  - (a) of facilitating such an eventual disposal as is mentioned in section 9(5) of this Act; or
  - (b) of complying with a direction given by the Secretary of State under section 10(1) of this Act.
- (5) A transaction satisfies the requirements of this subsection if it is entered into solely in connection with a relevant transfer, takes place on or before the transfer date and does not give rise to an excess of capital. In this subsection, " relevant transfer " means—
  - (a) in a case within subsection (1) above, a transfer to be effected in pursuance of a scheme made under section 4 of this Act;
  - (b) in a case within subsection (2) above, a transfer to be effected in pursuance of a scheme made under section 9(6) of this Act.

- (6) For the purposes of subsection (5) above a transaction gives rise to an excess of capital if—
- (a) in a case within subsection (1) or (2)(a) above, the total issued capital of the company exceeds on the transfer date, the total value of the assets less liabilities transferred; or ,
  - (b) in a case within subsection (2)(b) above the aggregate amount of the increase in issued capital of the company exceeds, on that date, that total value ;
- and in this subsection "issued capital" means issued share capital or loan capital.
- (7) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by London Regional Transport as having been made or executed in pursuance of Schedule 4 to the 1968 Act as it applies—
- (a) by virtue of section 27 of this Act to a transfer in pursuance of a scheme made under section 4 of this Act or to a transfer made in pursuance of a scheme made under section 9(6) of this Act in compliance with a direction given by the Secretary of State under section 10 of this Act; or
  - (b) by virtue of section 47 of this Act to a transfer in pursuance of an order made by the Secretary of State under that section;
- but no such instrument shall be treated as duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.
- (8) For the purposes of subsection (3) above—
- (a) " public transport company " means a company whose objects include the provision of public passenger transport services; and
  - (b) a company is to be treated as owned by London Regional Transport at any time when more than half in nominal value of that company's issued share capital is held by London Regional Transport or by nominees on their behalf.

## **65 Inquiries by Secretary of State**

The Secretary of State 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 20 of that Act shall apply accordingly.

## **66 Construction of powers of London Regional Transport**

- (1) Each of the powers conferred on London Regional Transport by the provisions of this Act is in addition to, and not in derogation of, any other power conferred on London Regional Transport by this Act or by any other enactment.
- (2) It is declared that the provisions of this Act conferring powers on London Regional Transport relate only to the capacity of London Regional Transport as a statutory corporation and nothing in those provisions is to be read as authorising the disregard by London Regional Transport of any enactment or rule of law.

## **67 General provision with respect to former London Board functions**

- (1) Without prejudice to the effect of any other provision of this Act in relation to any functions exercisable before the coming into operation of the 1969 Act by the

London Board, the functions transferred to the Executive or (as the case may be) to the designated company (within the meaning of that Act) by or under section 17 of or Schedule 3 to that Act (the London Board's statutory functions) continue to be exercisable (subject to the provisions of this Act) by London Regional Transport or (as the case may be) by that company.

- (2) Without prejudice to subsection (1) above, Schedule 4 to this Act has effect for the purpose of replacing (with certain modifications) the provisions of Schedule 3 to the 1969 Act (so far as not spent, irrelevant to the operations of London Regional Transport or superseded by any other provisions of this Act) with provisions referring to London Regional Transport or (as the case may be) to London Regional Transport and any subsidiary of theirs.
- (3) Schedule 4 to this Act also has effect for the purpose of substituting, for references to the Executive in enactments relating to the functions mentioned in subsection (1) above contained in Acts passed after the passing of the 1969 Act, references to London Regional Transport or (as the case may be) to London Regional Transport and any subsidiary of theirs.

## 68 Interpretation

In this Act—

- " the 1962 Act " means the Transport Act 1962 ;
- " the 1968 Act " means the Transport Act 1968 ;
- " the 1969 Act " means the Transport (London) Act 1969 ;
- " accounting year " means, subject to paragraph 1 of Schedule 5 to this Act, a period of twelve months beginning with 1st April;
- "the appointed day" has the meaning given by section 1(4) of this Act;
- " the Boards " (unless the context otherwise requires) means the Boards established under section 1 of the 1962 Act other than the London Board, and references to a Board shall be construed accordingly ;
- "the Bus Company" means the National Bus Company established under section 24 of the 1968 Act;
- "charges" includes fares, rates, tolls and dues of every description;
- " the Common Council " means the Common Council of the City of London;
- " the Executive " means the London Transport Executive established under section 4 of the 1969 Act;
- " functions " includes powers, duties and obligations;
- " goods " includes animals, parcels and mails;
- " Greater London " means the administrative area of Greater London as for the time being constituted ;
- " hovercraft " has the same meaning as in the Hovercraft Act 1968;
- " land " includes buildings and other structures, land covered by water and any interest or right in, over or under land;
- " liability " includes an obligation;
- " the London Board " means the London Transport Board established under section 1 of the 1962 Act;
- " London bus service " has the meaning given by section 43(7) of this Act;
- " the London Regional Transport group " has the meaning given by section 22(3) of this Act;

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*Status: This is the original version (as it was originally enacted).*

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" participant ", in relation to a pension scheme, means—

- (a) in relation to a scheme under which benefits are or will be receivable as of right, a person who has pension rights under the scheme (whether he has contributed or not); and
- (b) in relation to a scheme under which benefits are not or will not be receivable as of right, a person who (whether he is referred to in the scheme as a member, contributor or otherwise) has contributed under the scheme and has pension rights under it; and " participate " and " eligible to participate " shall be construed accordingly;

" Passengers' Committee " means the body established under section 40 of this Act;

" 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 on or any other addition to those contributions, 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 liability 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 present or future payment of a pension ;

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

" public service vehicle " has the same meaning as in the Public Passenger Vehicles Act 1981;

" the Railways Board " means the British Railways Board established under section 1 of the 1962 Act;

" related company " has the meaning given by section 11(2) of this Act;

"road service licence" has the same meaning as in the Public Passenger Vehicles Act 1981;

" securities ", in relation to a body corporate, means any shares, stock, debentures, debenture stock and any other security of a like nature of a body corporate ;

" 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 special nature ;

" subsidiary " (subject to section 62 of this Act) means, in relation to any body corporate, a body corporate which is a subsidiary of the first-mentioned body corporate as defined by section 154 of the Companies Act 1948 (taking references in that section to a company as being references to a body corporate);

" vehicle " includes a hovercraft; and

" wholly owned subsidiary" means a subsidiary all the securities of which are owned by a 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.

## **69 Expenses**

There shall be paid out of money provided by Parliament—

- (a) any expenses incurred by the Secretary of State under or in consequence of the provisions of this Act;
- (b) any increase attributable to any of the provisions of this Act in the sums so payable under any other Act.

## **70 Initial membership of London Regional Transport**

- (1) Subject to the following provisions of this section, the chairman and any other person who is a member of the Executive immediately before the appointed day shall continue in office in accordance with the terms of their appointment (taking references in those terms to the Greater London Council as references to the Secretary of State) and be treated for the purposes of Schedule 1 to this Act as if appointed by the Secretary of State in pursuance of the provisions of that Schedule.
- (2) At any time during the period of three months beginning with the appointed day the Secretary of State may remove any such person from office, without notice and without assigning cause.
- (3) If a person ceases to be a member of London Regional Transport, otherwise than on the expiration of his term of office, at any time within the period mentioned in subsection (2) above, London Regional Transport shall pay to that person compensation of such amount, and on such terms, as the Secretary of State may, with the approval of the Treasury, determine.
- (4) The Secretary of State shall remove a member of London Regional Transport from office in pursuance of this section in the manner provided by paragraph 7(4) of Schedule 1 to this Act.

## **71 Further transitional provisions, savings, amendments and repeals**

- (1) If an order has been made under section 36(1) of this Act specifying a day for the application of sections 37 and 38 of this Act and either—
  - (a) the period of eight years mentioned in subsection (5) of section 36 has expired without the order having been confirmed by order made under that subsection ;
  - or
  - (b) before the expiry of that period a further order has been made under subsection (1) of that section for the purpose of revoking the order ;the Secretary of State may by order make such transitional and consequential provision (including provision modifying any enactment contained in this or any other Act) as appears to him to be necessary or desirable in consequence of the expiry of Part II of this Act by virtue of section 39(b) of this Act.
- (2) The transitional provisions and savings in Schedule 5 to this Act shall have effect.
- (3) Subject to those transitional provisions and savings—
  - (a) the enactments mentioned in Schedule 6 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the provisions of this Act; and

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- (b) the enactments mentioned in Schedule 7 to this Act (which include enactments which were spent or of no practical utility at the passing of this Act) are repealed to the extent specified in the third column of that Schedule.
- (4) For any reference in any statutory provision (other than one specifically amended by any provision of this Act) to the Executive there shall be substituted a reference to London Regional Transport.
- (5) Subsection (4) above—
  - (a) applies to any reference, however worded, whether express or implied, and including a reference made by means of a general reference to a class of persons of which the Executive are one, without the Executive themselves being specifically referred to; and
  - (b) is without prejudice to the effect in relation to London Regional Transport of any provision of any agreement or of any provision of any other document (not being a statutory provision) which refers (in whatever words and whether expressly or by implication) to the Executive.
- (6) No statutory provision excluded by section 24(4) of the 1962 Act from applying to any of the Boards (statutory provisions relating to accounts, statistics and returns to be kept by railway companies, etc.) shall apply to London Regional Transport or any subsidiary of theirs.
- (7) Any order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **72 Short title, commencement and extent**

- (1) This Act may be cited as the London Regional Transport Act 1984.
- (2) Subject to the following provisions of this section, this Act shall come into force on the appointed day.
- (3) The following provisions of this Act, that is to say—
  - (a) this section;
  - (b) sections 60, 68, 69 and 71(2) (so far as that subsection relates to the provisions of Schedule 5 mentioned in paragraph (c) below); and
  - (c) in Schedule 5, paragraph 7 and sub-paragraphs (1) to (5), (9) and (10)(a) of paragraph 8 ;
 shall come into force on the passing of this Act.
- (4) Without prejudice to section 13 of the Interpretation Act 1978, section 40(1) to (3) and (12) of, and Schedule 3 to, this Act shall come into force on the passing of this Act for the purpose of enabling the Passengers' Committee to exercise and perform their functions with full effect as from the appointed day.
- (5) Section 45 of this Act shall come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (6) The repeals made by this Act in Schedule 2 to the London Government Act 1963 (and the related repeal of paragraph 9 of Schedule 13 to the Local Government, Planning and Land Act 1980) shall come into force on 1st April 1985.
- (7) This Act, except—
  - (a) paragraph 8 of Schedule 1; and

(b) paragraph 13 of Schedule 3 ;  
does not extend to Scotland or to Northern Ireland.