

SCHEDULES

SCHEDULE 4

Section 67(2), (3).

OPERATION OF ENACTMENTS RELATING TO FORMER LONDON BOARD FUNCTIONS

PART I

PROVISIONS REFERRING TO THE LONDON BOARD OR THE EXECUTIVE

- 1 (1) In the provisions specified in sub-paragraph (2) below for any reference to the Executive substituted by paragraph 1 of Schedule 3 to the 1969 Act for a reference to (or a reference falling to be construed as a reference to) the London Board, there shall be substituted a reference to London Regional Transport and any subsidiary of theirs (within the meaning of this Act).
- (2) The provisions referred to in sub-paragraph (1) above are—
 - (a) the London Passenger Transport Act 1933 and the London Passenger Transport Acts 1933 to 1947 (provisions originally referring to the London Passenger Transport Board);
 - (b) the provisions of Parts I and III of Schedule 2 to the 1962 Act amending section 44(1)(b) of the Post Office Act 1953, section 40 of the British Transport Commission Act 1954 and section 66 of the British Transport Commission Act 1957 (by substituting references to certain of the Boards for references to the Commission);
 - (c) section 13(3)(c) of the Lee Valley Regional Park Act 1966 (provision or operation of passenger transport services by the Regional Park Authority); and
 - (d) section 3(3) of the London Cab Act 1968 (restrictions on the parking of cabs).
- 2 (1) In section 67 of the 1962 Act (byelaws for railways and railway shipping services)—
 - (a) in subsection (1), for the words from first " and " to " may each " there shall be substituted the word " may " and in paragraph (e) for the word " Boards " there shall be substituted the word " Board " ;
 - (b) after subsection (2) there shall be inserted the following subsection—

“(2A) London Regional Transport shall have the like power to make byelaws as is conferred on the Railways Board by subsections (1) and (2) of this section (taking the reference in subsection (2) to ships as including hovercraft within the meaning of the Hovercraft Act 1968); and accordingly, references in this section, as it applies to London Regional Transport, to "a Board" or "the Board " shall be read as references to London Regional Transport.”; and
 - (c) in subsections (15) and (16), for the references to the Executive substituted by paragraph 5(1) of Schedule 3 to the 1969 Act for express references to the London Board there shall be substituted references to London Regional Transport.

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- (2) In paragraph 4 of Schedule 16 to the 1968 Act (which extends the power to make byelaws under section 67 of the 1962 Act), for sub-paragraph (5) (extension as to premises, etc., of subsidiaries) there shall be substituted the following sub-paragraph—
- “(5) For the purposes of the said section 67, railways, railway premises, or officers and servants of, or ships (or hovercraft) operated by, a wholly owned subsidiary of the Railways Board or the Scottish Group or any subsidiary of London Regional Transport shall be deemed to be railways, railway premises, or officers and servants of, or ships (or hovercraft) operated by, that Board or Group or (as the case may be) by London Regional Transport.”.
- (3) In section 24(2) of the London Transport Act 1975, for the words " the Executive " there shall be substituted the words " London Regional Transport ".
- 3 (1) In section 32(1) of the General Rate Act 1967 (rating of railway or canal premises) and paragraph 1 of Schedule 5 to that Act, for the words "the London Transport Board" (in those provisions as originally enacted) there shall be substituted the words " London Regional Transport ".
- (2) In section 162 of the 1968 Act (which contains provisions affecting the operation of section 32 of the Act of 1967 mentioned above), in subsection (1), for the reference to the Executive substituted by virtue of paragraph 1(2)(j) of Schedule 3 to the 1969 Act for an express reference to the London Board there shall be substituted a reference to London Regional Transport.
- (3) Accordingly, in section 32 of and Schedule 5 to the Act of 1967 mentioned above and section 162 of the 1968 Act, references (however expressed) to a Board or Boards shall be read as, or as including, references to London Regional Transport where London Regional Transport are the authority, or one of the authorities, concerned ; but in the application in relation to London Regional Transport—
- (a) of subsection (4)(c) of the former section, as inserted by subsection (5) of the latter section; and
- (b) of subsection (3) of the latter section;
- the references to any powers conferred by section 48 or section 50(1) to (7) of the 1968 Act shall be read as references to any powers conferred on London Regional Transport by paragraph 9(2) or 12(1) of Schedule 2 to this Act.
- 4 (1) In sections 116 to 119 of the 1968 Act (duties of Boards with respect to bridges and highways on bridges), for any reference to the Executive substituted by virtue of paragraph 1(2)(l) of Schedule 3 to the 1969 Act for an express reference to the London Board there shall be substituted a reference to London Regional Transport.
- (2) In section 121 of that Act (application of the preceding sections of Part VIII of that Act to undertakers other than the Boards), for the reference in subsection (1) to the London Board there shall be substituted a reference to London Regional Transport.
- (3) Accordingly, in the sections of the 1968 Act mentioned above in this paragraph, references (however expressed) to a Board or Boards shall be read as, or as including, references to London Regional Transport where London Regional Transport are the authority, or one of the authorities, concerned.
- 5 In section 144 of the 1968 Act (transfer and disposal of historical records and relics)
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- (a) in subsections (3) and (7), for the references to the Executive substituted by virtue of paragraph 1(2)(n) of Schedule 3 to the 1969 Act for express references to the London Board there shall be substituted references to London Regional Transport;
- (b) in the former of those subsections, after the words " that is to say ", there shall be inserted the words " London Regional Transport ";
- (c) in the latter of those subsections, the following paragraph shall be inserted at the end—

“In relation to any document or object in the possession of London Regional Transport, references above in this subsection to the Board concerned are references to London Regional Transport.”; and

- (d) after that subsection there shall be inserted the following subsection—

“(7A) Neither subsection (4) nor subsection (7) above shall apply to a transfer by London Regional Transport of any record or relic or (as the case may be) of any document or object to any subsidiary of theirs ; but in relation to any such record, relic, document or object for the time being in the possession of a subsidiary or former subsidiary of London Regional Transport—

- (a) references to a relevant authority in subsections (5) and (6) of this section and references to London Regional Transport in subsection (7) of this section (except in the reference to an agreement between London Regional Transport and the Secretary of State) shall be read as including that subsidiary or former subsidiary ; and
- (b) the foregoing provisions of this subsection shall apply for the purposes of subsection (4) of this section (as it applies by virtue of subsection (5)) and for the purposes of subsection (7) of this section as if the reference to a transfer by London Regional Transport to any subsidiary of theirs were a reference to a transfer by the subsidiary or former subsidiary in question to any subsidiary of London Regional Transport.”.

PART II

PROVISIONS REFERRING TO THE BOARDS

- 6 (1) The provisions specified in sub-paragraph (2) below shall continue to have effect as if "the Boards" included London Regional Transport.
- (2) The provisions referred to in sub-paragraph (1) above are—
 - (a) sections 52(4) and 83(7) of the 1962 Act (exclusion of the Boards from the definition of independent railway undertakings) ;
 - (b) the provisions of Parts I and III of Schedule 2 to the 1962 Act (amendments of enactments referring to bodies superseded by the London Board) specified in sub-paragraph (3) below;
 - (c) the provisions of Part IV of that Schedule applying enactments contained in the Railways Clauses Acts there mentioned to the Boards ;

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- (d) Schedule 6 to the 1962 Act (distribution of Commission's undertaking), except paragraph 2(3) ; and
 - (e) section 125 of the 1968 Act (powers of inspectors of railways as respects persons other than railway companies).
- (3) The provisions of Schedule 2 to the 1962 Act referred to in sub-paragraph (2)(b) above are those amending the following enactments, that is to say—
- (a) section 2 of the Railway Fires Act 1905 ;
 - (b) paragraph (c) of the proviso to sections 5(4) and 8(4) of the Coast Protection Act 1949 ;
 - (c) section 13(1) of the Transport Charges &c. (Miscellaneous Provisions) Act 1954 ;
 - (d) section 11(2) of the Food and Drugs Act 1955 ;
 - (e) sections 54, 55, 56, 57 and 59 of the British Transport Commission Act 1949 ; and
 - (f) section 52 of the British Transport Commission Act 1953.
- (4) Paragraph 7(1) of Schedule 16 to the 1968 Act (references to be substituted in certain enactments by Schedule 2 to the 1962 Act to include references to any wholly owned subsidiary of any of the Boards) shall continue to have effect as if " the Boards " included London Regional Transport; but for the purposes of its application to London Regional Transport, that sub-paragraph shall have effect as if the words " wholly owned " were omitted.
- (5) The provisions mentioned in sub-paragraph (2)(a) and (c) above, and those specified in sub-paragraph (3)(b) above, shall also have effect, as from the appointed day, as if " the Boards " included any subsidiary of London Regional Transport.
- 7 (1) Section 86 of the 1962 Act and section 141 of the 1968 Act (application of the Town and Country Planning Acts) shall each continue to have effect as if " the Boards " included London Regional Transport.
- (2) For the purposes of its application to London Regional Transport, section 86 shall have effect as if the powers referred to in subsection (1)(a) included the powers conferred by paragraph 8 of Schedule 2 to this Act.
- (3) For the purposes of its application to London Regional Transport, section 141 shall have effect as if—
- (a) in subsection (2)(a) the words "wholly owned" (referring to a wholly owned subsidiary) were omitted ; and
 - (b) the powers referred to in paragraphs (a) and (c)(ii) of subsection (3) included the powers conferred by paragraph 14(2) of Schedule 2 to this Act.

PART III

FURTHER PROVISIONS DERIVED FROM SCHEDULE 3 TO THE 1969 ACT

- 8 (1) The provisions specified in sub-paragraph (2) below, which confer functions on, or otherwise have effect in relation to, the Executive or (as the case may be) the designated company (within the meaning of the 1969 Act) shall continue to apply in relation to London Regional Transport or (as the case may be) in relation to that company, as they applied, and with respect to any area with respect to which they applied, immediately before the appointed day.

- (2) The provisions referred to in sub-paragraph (1) above are—
- (a) sections 104 and 109 of the London Passenger Transport Act 1934 ;
 - (b) sections 64 and 68(1) of the London Passenger Transport Act 1937;
 - (c) section 65 of the London Passenger Transport Act 1938 ;
 - (d) section 57 of the British Transport Commission Act 1949 ; and
 - (e) section 15 of the British Transport Commission Act 1951.
- (3) Those provisions shall also apply in relation to any subsidiary of London Regional Transport as they apply in relation to London Regional Transport; and section 104 of the Act of 1934 mentioned above (power to erect shelters, etc.) shall also apply (with any necessary modifications) with respect to the routes of any public passenger transport services operated by any person in pursuance of any agreement entered into by London Regional Transport by virtue of section 3(2) of this Act as it applies with respect to the routes of such services operated by London Regional Transport or any subsidiary of theirs.
- (4) The functions of the Executive under—
- (a) section 69 of the Act of 1937 mentioned above ; and
 - (b) section 25 of the London Transport Act 1969 ;
- shall continue to be functions of London Regional Transport, exercisable with respect to any area with respect to which they were exercisable immediately before the appointed day.
- (5) For the purposes of section 69 of the Act of 1937 mentioned above—
- (a) tramcars, trolley vehicles or public service vehicles of any subsidiary of London Regional Transport shall be treated as tramcars, trolley vehicles or public service vehicles of London Regional Transport; and
 - (b) proceedings brought by any such subsidiary shall be treated as brought by London Regional Transport.
- (6) For the purposes of section 25 of the London Transport Act 1969—
- (a) road transport garages, depots, bus stations, shelters or other road transport premises belonging to, leased to or worked by, and any officers and servants of, any subsidiary of London Regional Transport shall be treated respectively as road transport garages, depots, bus stations, shelters or other road transport premises belonging to, leased to or worked by, and officers and servants of, London Regional Transport ; and
 - (b) any such subsidiary may exercise the power under subsection (3) of that section in any case where the premises (within the meaning of that section) in relation to which the danger, annoyance or hindrance there mentioned arises are premises of that subsidiary and (in the case of any hindrance) the hindrance in question is hindrance to that subsidiary in the lawful use of those premises.
- 9 (1) The provisions of this paragraph shall have effect in relation to London Regional Transport in place of paragraph 5 of Schedule 16 to the 1968 Act (agreements by the Railways Board to make available the services of the transport police); and any agreement made under that paragraph, as it applied to the Executive, which is in force immediately before the appointed day shall have effect as if made under this paragraph.
- (2) The Railways Board may make an agreement with—

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- (a) London Regional Transport; or
 - (b) any related company ;
- for making available to London Regional Transport or any subsidiary of theirs or (as the case may be) to that company, for such period, to such extent and on such terms as may be specified in the agreement, the services of the British Transport Police Force.
- (3) Where such an agreement has been made with any related company members of the British Transport Police Force shall, notwithstanding the provisions of any other enactment but subject to the terms of the agreement, have the same powers to act as constables—
- (a) in relation to any premises of that company which have at any time been premises belonging or leased to, or worked by, London Regional Transport; and
 - (b) in relation to matters connected with or affecting that company or its undertaking ;
- as they would have if those premises belonged to London Regional Transport, or (as the case may be) if those matters were connected with or affected London Regional Transport or their undertaking.
- (4) The functions exercisable immediately before the appointed day by the Executive under the British Transport Police Force Scheme shall continue to be exercisable by London Regional Transport.
- (5) Section 70(5) to (7) of the 1962 Act shall continue to have effect as if " the Boards " included London Regional Transport.
- (6) Section 25 of the British Railways Act 1978 (which amends provisions of section 53 of the British Transport Commission Act 1949 as to the appointment and powers of members of the British Transport Police Force) shall continue to have effect in relation to London Regional Transport as one of the Boards ; and accordingly, in subsection (1), for the words " the London Transport Executive " there shall be substituted the words " London Regional Transport ".
- (7) In section 25(4) of the Act of 1978 mentioned above, as it applies in relation to London Regional Transport, for the reference to a wholly owned subsidiary there shall be substituted a reference to any subsidiary (whether wholly owned or not) of London Regional Transport (within the meaning of this Act).
- (8) The provisions of sub-paragraphs (4) to (7) above are subject to any agreement made under paragraph 5 of Schedule 16 to the 1968 Act or under this paragraph.
- (9) In this paragraph—
- (a) " the British Transport Police Force Scheme " means the Scheme set out in the Schedule to the British Transport Police Force Scheme 1963 (Approval) Order 1964 made under section 69 of the 1962 Act; and
 - (b) " the British Transport Police Force" means the force established by that Scheme.
- 10 (1) Paragraph 5(2) and (4) of Schedule 16 to the 1968 Act shall continue to apply to the Bus Company, for the purposes only of any transferred premises, as they apply to the Scottish Transport Group.

- (2) The functions exercisable immediately before the appointed day by the Bus Company under the British Transport Police Force Scheme shall continue to be exercisable by the Bus Company, for those purposes only.
 - (3) Section 70(5) to (7) of the 1962 Act shall continue to have effect as if " the Boards " included, for those purposes only, the Bus Company.
 - (4) The provisions of sub-paragraphs (2) and (3) above are subject to any agreement made under paragraph 5 of Schedule 16 to the 1968 Act and to any adaptations made under sub-paragraph (4) of that paragraph.
 - (5) In this paragraph and in paragraph 11 below, references to transferred premises are references to premises transferred under section 16(2) of the 1969 Act.
 - (6) In this paragraph " the British Transport Police Force Scheme " has the same meaning as in paragraph 9 above.
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- (1) For the purpose only of applying section 54 of the British Transport Commission Act 1949 (powers of search and arrest) to transferred premises, the Bus Company shall continue to be treated as one of the Boards.
 - (2) In section 20 of the London Transport Act 1982 (which continues section 54 in force as it applies, by virtue of paragraph 6 above, to London Regional Transport)—
 - (a) the reference to the Executive shall be construed in accordance with sub-paragraph (4) below ; and
 - (b) the reference to paragraph 1(2)(g) of Schedule 3 to the 1969 Act shall be read as a reference to paragraph 6 above.
 - (3) In any enactment passed after this Act which provides for section 54 to continue in force for a further period in its application to London Regional Transport, any reference to London Regional Transport shall be construed in accordance with sub-paragraph (4) below.
 - (4) Any reference which falls to be construed in accordance with this sub-paragraph shall be read as a reference—
 - (a) to London Regional Transport and any subsidiary of London Regional Transport; and
 - (b) for the purpose mentioned in sub-paragraph (3) above but for that purpose only, to the Bus Company and any wholly owned subsidiary of the Bus Company.