

SCHEDULES

SCHEDULE 6

Section 139(1).

TRANSITIONAL PROVISIONS AND SAVINGS

Road service licensing during transitional period

- 1 (1) In this paragraph "the transitional period" means the period beginning with the day on which this paragraph is brought into force and ending with 25th October 1986.
 - (2) During the transitional period, Part III of the 1981 Act shall apply in relation to services which do not involve the use of any place in London as a stopping place with the modifications set out in paragraphs 2 to 5 below.
 - 2 (1) In paragraphs (a) and (b) of section 31(2) for the words " be against the interests of the public " there shall, in each case, be substituted the words " interfere with the transition to deregulation ".
 - (2) For subsections (3) and (4) of section 31 there shall be substituted the following subsections—
 - “(3) For the purposes of subsection (1) above the grant of a road service licence shall be taken to interfere with the transition to deregulation if, but only if—
 - (a) it has a severely detrimental effect on traffic conditions ;
 - (b) it disrupts arrangements made, or proposed to be made—
 - (i) in England and Wales, by a non-metropolitan county council or Passenger Transport Executive ; and
 - (ii) in Scotland, by a regional or islands council or Passenger Transport Executive ; with a view to achieving a satisfactory transition to deregulation; or
 - (c) the applicant is in receipt of a subsidy from one or more local authorities otherwise than—
 - (i) under an agreement with respect to which the requirements of section 89 of the Transport Act 1985 are satisfied ; or
 - (ii) by way of reimbursement for providing travel concessions in accordance with a travel concession scheme which satisfies the requirements of section 93 of that Act;and that subsidy gives the applicant an unfair commercial advantage in relation to the provision of any local service in the area in question ;
and in this Part of this Act references to "interference with the transition to deregulation " shall be construed accordingly.
- (4) In considering whether the grant of a licence would interfere with the transition to deregulation, the commissioners—

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- (a) shall have regard to any objections or other representations (made to them in the prescribed manner) which they consider are relevant; and
 - (b) shall not consider whether the grant would be disruptive as mentioned in subsection (3)(b) above except at the instance of the council or Executive concerned.”
- (3) In subsection (5), after the words " police district" there shall be inserted the words " and Passenger Transport Executive for any area ".
- 3 (1) In section 32 (attachment to licences of conditions as to matters other than fares)—
 - (a) in subsection (1), for the words from " interests of the public" to " Act" there shall be substituted the words " desirability of preventing interference with the transition to deregulation ";
 - (b) in subsection (3)—
 - (i) in paragraph (a), for the words " interests of the public " there shall be substituted the words " desirability of preventing interference with the transition to deregulation "; and
 - (ii) in paragraphs (b) and (c), for the words " those interests " there shall, in each case, be substituted " that desirability "; and
 - (c) in subsections (4) and (5) for the words from " be against" to the end there shall be substituted, in each case, the words " interfere with the transition to deregulation ".
- 4 In section 34 (grant of road service licences for services on routes not otherwise served), in subsection (1)(a) for the words from " be against" to " public" there shall be substituted the words " interfere with the transition to deregulation " , and subsection (1)(b) shall apply with the necessary modifications.
- 5 In section 50(8) (persons who, in addition to applicant, have right of appeal against decision of traffic commissioners), in paragraph (a), after the words " local authority " there shall be inserted the words " or Passenger Transport Executive ".

Registration of local services outside London

- 6 (1) In paragraphs 7 to 12 below—
 - " local service " means a local service which is not a London local service;
 - " relevant authority ", in relation to a local service, means any Passenger Transport Executive or non-metropolitan county, regional or islands council within whose area there will be a stopping place for the service ;
 - " road service licence" has the same meaning as in the 1981 Act; and
 - "the transitional period" has the same meaning as in paragraph 1 of this Schedule.
- (2) Section 135(3) of this Act shall not apply to any regulations made under paragraphs 7 to 11 below.
- (3) For the purposes of paragraph 8 below, a local service is improved if, but only if, there is any increase in—
 - (a) the frequency of the service ;
 - (b) the length of its route ;
 - (c) the number of stopping places for the service ; or

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- (d) the number of passengers which can be carried by the service taken as a whole.
- 7 (1) Where an application for registration of the prescribed particulars of a local service falls within one of the Cases mentioned in sub-paragraph (2) below—
- (a) the traffic commissioner to whom the application is made shall register those particulars ;
 - (b) they shall be deemed to have been registered with him under section 6 of this Act; and
 - (c) the period of notice (mentioned in section 6) in relation to that registration shall be deemed to have expired.

(2) The Cases are—

CASE A

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time before 1st March 1986 ; and
- (b) the prescribed requirements are satisfied in relation to the application.

CASE B

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time after the grant of the licence mentioned in paragraph (b) below but before 14th September 1986 ;
- (b) a road service licence has been granted for that service at any time after 28th February 1986 ; and
- (c) the prescribed requirements are satisfied in relation to the application.

CASE C

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time during the period beginning with 1st March 1986 and ending with 13th September 1986 ;
- (b) the particulars of the service are the same as those of a trial area service; and
- (c) the prescribed requirements are satisfied in relation to the application.

In this Case " trial area service " means a local service provided in a trial area (as defined by section 38 of the 1981 Act) and in respect of which the requirements of section 40 of that Act (duty to publish particulars of services in trial areas) have been satisfied.

CASE D

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time during the period beginning with 1st March 1986 and ending with 25th October 1986 ;
- (b) the application is supported in writing, in accordance with sub-paragraph (3) below, by an authority responsible for expenditure on

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public passenger transport services (as defined for Part V of this Act by section 88(8)); and

(c) the prescribed requirements are satisfied in relation to the application.

(3) An authority of the kind mentioned in paragraph (b) of Case D shall give their support to an application in accordance with this sub-paragraph if, but only if, the local service in question is one—

- (a) which the operator has contracted with that authority to operate under an agreement providing for service subsidies ; or
- (b) for the provision of which that authority have issued an invitation to tender under section 89 of this Act and for which the person applying for registration of the particulars of the service has submitted a tender to provide the service without subsidy ; or
- (c) in respect of which the conditions mentioned in sub-paragraph (4) below are satisfied.

(4) The conditions are that—

- (a) the service is to be operated by a person who has entered into an agreement with London Regional Transport (" LRT ") to operate it; and
- (b) the authority has entered into an agreement or arrangement with LRT to contribute to the costs incurred by LRT in securing the service.

Variation and cancellation of registrations during transitional period

8 (1) Where the prescribed particulars of a local service have been registered with a traffic commissioner under paragraph 7 above and an application is made to him for the variation or cancellation of the registration, he shall vary or (as the case may be) cancel the registration if he is satisfied that the application falls within one of the Cases mentioned in sub-paragraph (2) below.

(2) The Cases are—

CASE 1

Where—

- (a) the application is made by the operator of the service to which the registration relates ;
- (b) the application is received by the traffic commissioner at any time before 1st March 1986 ; and
- (c) the prescribed requirements are satisfied in relation to the application.

CASE 2

Where—

- (a) the application is made by the operator of the service to which the registration relates ;
- (b) the application is received by the traffic commissioner at any time during the period beginning with 1st March 1986 and ending with 31st July 1986 ;
- (c) the application is supported in writing, in accordance with sub-paragraph (3) below, by each relevant authority ; and
- (d) in the case of an application for variation, a service operated in accordance with the particulars as proposed to be varied would not amount to a service improved by comparison with a service operated in accordance with the particulars as registered.

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Where a relevant authority have refused to support the application but the traffic commissioner is of the opinion that no such authority acting reasonably would have refused to support it he may, at the request of the applicant, proceed as if paragraph (c) of this Case were omitted.

CASE 3

Where the application—

- (a) is for the variation of the registered particulars;
- (b) is made by the operator of the service to which the registration relates ;
- (c) is received by the traffic commissioner at any time during the period beginning with 1st March 1986 and ending with 25th October 1986 ; and
- (d) is supported in writing, in accordance with sub-paragraph (4) below, by each relevant authority.

(3) Where a relevant authority are asked by the operator of a local service to provide written support, in accordance with this sub-paragraph, for an application for the variation or cancellation of the registration of the prescribed particulars of the service, the authority shall do so if, but only if, they are satisfied—

- (a) that any demand which would have been met by a service operated in accordance with the registered particulars would be met—
 - (i) by a service operated in accordance with the particulars as proposed to be varied ; or
 - (ii) by another service the particulars of which have been registered under paragraph 7 above ; or
- (b) that there has been a change of circumstances—
 - (i) which seriously impairs the ability of the operator of the service to operate it in accordance with the registered particulars; and
 - (ii) which could not reasonably have been foreseen by him.

(4) Where a relevant authority are asked by the operator of a local service to provide written support, in accordance with this sub-paragraph, for an application for the variation of the registration of the prescribed particulars of the service, the authority may do so if they are satisfied—

- (a) that a variation of the particulars of the service is desirable in the interests of producing a pattern of service which is better suited to meeting the public transport requirements of their area ; and
- (b) where a service operated in accordance with the particulars as proposed to be varied would amount to a service improved by comparison with a service operated in accordance with the particulars as registered, that any demand met by the improvement to the service could not be met by any other local service if the improvement were not made.

Duty to notify relevant authorities of applications for registrations etc.

- 9 (1) Any person making an application which falls within one of the Cases mentioned in paragraph 7 above shall—
- (a) notify each relevant authority of the application and of the particulars to be registered ; and
 - (b) furnish each such authority with such further information as may be prescribed.

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- (2) Any person making an application which falls within one of the Cases mentioned in paragraph 8 above shall—
- (a) notify each relevant authority of the application and, in the case of an application for the variation of registered particulars, of the variation to be registered ; and
 - (b) furnish each such authority with such further information as may be prescribed.

Publication of information by traffic commissioner

- 10 (1) Each traffic commissioner shall publish such information with respect to applications made to him under any of the Cases mentioned in paragraphs 7 and 8 above as may be prescribed.
- (2) Information with respect to applications falling within Case A in paragraph 7 above, or Case 1 in paragraph 8 above, shall be published—
- (a) separately from the other information which is required to be published by sub-paragraph (1) above ; and
 - (b) before 1st April 1986.
- (3) Where a traffic commissioner is required by sub-paragraph (1) above to publish any information, he shall give that information to any Passenger Transport Executive, district council in England and Wales or county, regional or islands council in whose area lies any part of the route of the service.

School buses

- 11 (1) For the purpose of ensuring that in the school year beginning in 1986 satisfactory provision can be made for transporting those pupils for whom a local education authority (or, in Scotland, an education authority) are under a duty to provide transport, the Secretary of State may by regulations make provision (including provision modifying this Schedule) for enabling approved local services to be operated during the transitional period without road service licences.
- (2) In this paragraph " approved ", in relation to a local service, means approved by the traffic commissioner for the traffic area in which the service is to be provided.

Continuation of existing road service licences

- 12 A road service licence (other than one for a service with no stopping place outside London) which is in force when this Act is passed but which would otherwise expire before 25th October 1986 shall, unless previously revoked, continue in force to the end of that day.

In the application of this paragraph section 34(3) of this Act shall be disregarded.

Traffic commissioners

- 13 (1) The person who, immediately before the commencement of section 3 of this Act, was the chairman of the traffic commissioners for any traffic area shall be deemed to have been appointed by the Secretary of State (under section 4 of the 1981 Act as substituted by section 3 of this Act) as the traffic commissioner for that area on the same terms and conditions as those on which he was appointed as chairman of

the traffic commissioners; and in relation to any such person appointed before 1st May 1985, subsection (4)(b) of the substituted section 4 shall have effect as if for the words from " sixty-five " to " direct " there were substituted the word " seventy ".

- (2) For the purposes of the principal civil service pension scheme any period of service as chairman of the traffic commissioners for any area which ends with the commencement of section 3 of this Act and any period of service as traffic commissioner for that area which begins on that commencement shall be treated as a single, unbroken, period of service.

PSV operators' licences

- 14 (1) This paragraph applies where the condition attached under section 16(1) of the 1981 Act (maximum number of vehicles which may be used) to a restricted PSV operator's licence in force at the commencement of section 24 of this Act specifies more than two vehicles as the maximum.
- (2) The traffic commissioner for the traffic area in question shall, for the purpose of securing that the licence complies with section 16(1A) of that Act, vary the condition but shall direct that the variation of the condition shall not take effect before the end of such period as appears to him to be reasonably required to enable the holder of the licence to make arrangements to comply with the condition as varied.

Appeals under section 18 of Civic Government (Scotland) Act 1982 (c.45)

- 15 Anything done or treated by virtue of any enactment as having been done under section 18 of the Civic Government (Scotland) Act 1982 before the coming into force of paragraph 5 of Part II of Schedule 2 to this Act which could be done under the said section 18 as amended by the said paragraph shall be treated as having been done under the said section 18 as so amended.

London local service licences

- 16 (1) A road service licence which—
- (a) is in force immediately before section 35 of this Act comes into force; and
 - (b) applies to a service which on the coming into force of section 35 is a London local service ;
- shall be treated for the purposes of this Act as a London local service licence granted under Part II (and, if granted under section 35 or 35A of the 1981 Act, as granted under section 39 of this Act).
- (2) Subject to sub-paragraph (3) below, the terms and conditions applicable to any such licence shall be those applicable to it immediately before section 35 of this Act comes into force.
- (3) Section 41 of this Act shall apply to any such licence as if it had been granted for a period ending with the date on which it would have expired under section 37 of the 1981 Act; and any condition attached to the licence under section 33 of that Act (conditions as to fares) shall cease to have effect.
- (4) In this paragraph and paragraph 17 below "road service licence" means a road service licence under Part III of the 1981 Act.

- 17 In relation to a London local service—

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- (a) any application for a road service licence in respect of that service made under section 31 of the 1981 Act and not determined before the date on which section 35 of this Act comes into force shall be treated as an application for a London local service licence made under section 37 of this Act;
- (b) any decision of the metropolitan traffic commissioners or (as the case may be) of the Secretary of State under any provision of the 1981 Act with respect to—
 - (i) the grant, revocation or suspension of a road service licence in respect of that service ; or
 - (ii) the attachment of any condition to such a road service licence or the variation or renewal of any condition attached to such a road service licence;
 shall be treated as made in relation to a London local service licence in respect of that service by the metropolitan traffic commissioner or (as the case may be) by the Secretary of State under the corresponding provision of Part II of this Act; and
- (c) any appeal or other proceeding pending under the 1981 Act with respect to any such decision may be proceeded with under the corresponding provision of Part II of this Act.

- 18 In so far as any regulations in force immediately before sections 31 and 42 of this Act come into force then have effect as if made under section 50(9) of the 1981 Act (procedure on appeals under that section) with respect to appeals under any of the provisions of subsections (1) to (5) and (7) of that section, those regulations shall have effect as if made under section 42(10) of this Act with respect to appeals under the corresponding provision of that section.

Compensation for loss of employment, etc.

- 19 Any regulations made under section 17(3) of the 1968 Act which are in force immediately before the repeal of that section by this Act—
- (a) shall continue in force notwithstanding that repeal; and
 - (b) may be varied or revoked by regulations made under section 84 of this Act as if they had been made by reason of any such transfer of property, rights and liabilities as is mentioned in section 84(1)(c).

Tendering

- 20 (1) Section 89 of this Act shall not apply in relation to any agreement providing for service subsidies entered into by an authority responsible for expenditure on public passenger transport services during the transitional period if none of the service subsidies under the agreement is payable in respect of the provision after the end of that period of any public passenger transport service.
- (2) Sub-paragraph (1) above shall be read as if contained in Part V of this Act.
- (3) In this paragraph " the transitional period " means the period beginning with the day on which section 89 of this Act comes into force and ending with 25th October 1986.

Agreements under section 3 of the Transport Act 1978

- 21 (1) Where—

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- (a) before the date on which the repeal by this Act of section 3 of the Transport Act 1978 comes into force any non-metropolitan county council have, in exercise of the power conferred by that section, entered into an agreement with London Regional Transport under which payments fall to be made by that council towards expenses incurred by London Regional Transport in securing the provision of a public passenger transport service ("the old agreement");
 - (b) the service is provided under an agreement entered into by London Regional Transport accepting a tender invited for its provision; and
 - (c) the old agreement is still in force immediately before that date ;
- that council shall have power to enter into a new agreement with London Regional Transport to contribute towards any of the expenses to which they were liable to contribute in respect of that service under the old agreement.
- (2) An agreement entered into under this paragraph shall be made so as to remain in force for a period ending not later than the date on which the agreement mentioned in sub-paragraph (1)(b) above expires.

Travel concessions

- 22 (1) A scheme established under section 93 of this Act shall not come into operation before 26th October 1986.
- (2) The authority or authorities responsible for administration of any scheme under that section shall not have power under section 97(2) of this Act to serve on any person for the purposes of that scheme a participation notice which has an operative date falling before 1st April 1987 unless the relevant publication date in relation to that scheme falls before 8th April 1986.
- (3) For the purposes of sub-paragraph (2) above—
- (a) the operative date of a participation notice shall be taken to be the date immediately following the end of such period of notice as may be specified in the participation notice for the purposes of section 97(5)(a) of this Act; and
 - (b) the relevant publication date in relation to any such scheme is the date (or whichever last occurs of the respective dates) of first publication under section 95 of this Act of particulars of the scheme and of the current reimbursement arrangements for eligible service operators participating in the scheme as they are to apply on initial establishment of the scheme.
- (4) Expressions used in this paragraph to which a meaning is given for any purposes of Part V of this Act have the same meaning in this paragraph.
- 23 (1) Notwithstanding the repeal by this Act of the Travel Concessions Acts 1955 and 1964, section 138 of the 1968 Act and section 1(1) of the Concessionary Travel for Handicapped Persons (Scotland) Act 1980, but subject to the following provisions of this paragraph—
- (a) the Acts of 1955 and 1964 and section 1(1) of the Act of 1980 shall continue to have effect in relation to any council of any description within section 66(1) of this Act who—
 - (i) at the time when section 66 comes into force are providing a service for the carriage of passengers by road which requires a PSV operator's licence ; and

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- (ii) immediately before the date on which that repeal comes into force are granting travel concessions under arrangements made under the Acts of 1955 and 1964 or (as the case may be) under section 1(1) of the Act of 1980 to persons travelling on any such service operated by them ;

so long as the council retain their bus operating powers and continue to provide that service; and

 - (b) section 138(2) of the 1968 Act shall continue to have effect for the purpose of authorising any local authority who immediately before that date are contributing to the cost incurred by that council in granting those concessions to continue to do so.
- (2) Subject to the following provisions of this paragraph, where in the case of any such council—
 - (a) any such arrangements (" the former arrangements ") are in force immediately before the date on which any scheme or order under Part IV of this Act providing for the transfer to any company or companies of property, rights and liabilities comprised in that council's bus undertaking comes into force; and
 - (b) that council retain their bus operating powers during any period after that date ;

the council may reimburse the cost incurred by any company to which any public service vehicles formerly used or appropriated for use for the purposes of the council's bus undertaking are transferred under the scheme or order in granting travel concessions at any time during that period in accordance with arrangements made with that company (" the new arrangements ") which meet the requirements of sub-paragraph (3) below.
- (3) Subject to the following provisions of this paragraph, the travel concessions to be granted under the new arrangements—
 - (a) shall correspond to the travel concessions available under the former arrangements; and
 - (b) shall be available in respect of journeys on public service vehicles transferred to the company in question under the scheme or order and used in operating services on routes to which the former arrangements applied.
- (4) In any case to which sub-paragraph (2) above applies any local authority who immediately before the date on which the scheme or order in question comes into force are contributing to the cost incurred by the council in question in granting travel concessions under the former arrangements may contribute to any cost incurred by that council under sub-paragraph (2) above.
- (5) Sub-paragraph (1) above, and sub-paragraph (2) above so far as relates to travel concessions granted on or after the date on which the repeal mentioned in sub-paragraph (1) above comes into force—
 - (a) shall not apply in relation to any council unless there is in operation on that date a scheme established under section 93 of this Act by that council, or by authorities who include that council, which covers the whole of that council's area ; and
 - (b) where any such scheme which is in operation on that date subsequently ceases to operate, shall not apply in relation to the granting of travel

concessions or (as the case may be) in relation to travel concessions granted at any time after the date on which the scheme ceases to operate.

- (6) The travel concessions—
- (a) that may be provided under the Acts of 1955 and 1964 or (as the case may be) under the Act of 1980 by virtue of sub-paragraph (1) above ; and
 - (b) that may be financed by any council under sub-paragraph (2) above;
- shall be limited to concessions which correspond to travel concessions available at the time in question under the scheme mentioned in sub-paragraph (5) above.
- (7) For the purposes of sub-paragraph (3)(a) or (as the case may be) sub-paragraph (6) above, travel concessions correspond to any other travel concessions in question if they are—
- (a) of the same value ;
 - (b) available subject to the same terms, limitations or conditions; and
 - (c) available to persons of the same descriptions ;
- as those other concessions.
- (8) A council of any description within section 66(1) of this Act who at the time when that section comes into force are providing a service for the carriage of passengers by road which requires a PSV operator's licence shall be regarded for the purposes of this paragraph as retaining their bus operating powers until section 66(1) has effect in relation to that council.
- (9) In this paragraph "local authority" has the same meaning as in section 93 of this Act, and expressions to which a meaning is given for any purposes of Part IV or Part V of this Act have the same meaning.

- 24 During any period after section 104 of this Act comes into force and before the repeal by this Act of section 138 of the 1968 Act comes into force section 15(2)(b) of that Act (approval of Passenger Transport Authority required for reduction or waiver of charges by Executive) shall have effect as if the reference to section 104(2) of this Act (substituted by paragraph 8 of Schedule 7 to this Act for a reference to section 138(1) of that Act) included a reference to section 138(1) of that Act.

The Transport Tribunal

- 25 (1) The repeals made by this Act which relate to the Transport Tribunal shall not affect any judgment or order given, any document issued or any other thing done under any repealed enactment before the date on which the repeals take effect; and any such judgment or order, document or thing shall have effect as if it had been given, issued or (as the case may be) done under the provision of this Act corresponding to the repealed enactment
- (2) Any reference in any instrument or other document to such an enactment shall be taken as regards anything done after that date as a reference to the corresponding provision of this Act.
- (3) Without prejudice to the generality of sub-paragraph (1) above, any rules made by the Transport Tribunal under paragraph 11 of Schedule 10 to the 1962 Act which are in operation immediately before Schedule 4 to this Act comes into force shall have effect as if they had been made by the Secretary of State under paragraph 11 of Schedule 4.

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- (4) Sub-paragraph (1) above does not apply in relation to any appointment made under Schedule 10 to the 1962 Act
- (5) Paragraphs 3 and 4(1) of Schedule 10 to the 1962 Act (appointment of members of the tribunal and tenure of office of the president) shall continue to apply in relation to the person who, at the time when section 117 of this Act comes into force, is the president of the Transport Tribunal, notwithstanding their repeal by this Act; and Schedule 4 to this Act shall have effect, so far as relates to the appointment and tenure of office of the president of the tribunal, subject to the provisions of this sub-paragraph.
- (6) Any person who, immediately before section 117 of this Act comes into force, is a member of the special panel mentioned in subsection (3)(a) of that section, shall be treated as if he had been appointed by the Lord Chancellor, on the coming into force of that section, as a chairman of the Transport Tribunal under paragraph 2(1)(a) of Schedule 4 to this Act.
- (7) Sub-paragraph (6) above applies in relation to any such person whether or not he would be qualified for such appointment in accordance with paragraph 2(2) of that Schedule ; and, subject to paragraphs 3 and 6 of that Schedule, the terms and conditions applicable to any such person's tenure of office as such a chairman shall be the same as; those applicable to his office immediately before section 117 of this Act comes into force.
- (8) Any person other than the president of the Transport Tribunal who is a member of the tribunal at the time when that section comes into force shall be treated as if he had been appointed as such a member by the Secretary of State under paragraph 2(1)(b) of Schedule 4 to this Act for a term ending when his current term of office expires, and otherwise on the same terms and conditions as those applicable to his office immediately before that section comes into force.
- (9) Rules made by the Secretary of State under paragraph 11 of Schedule 4 to this Act may include provision for applying those rules to proceedings pending before the tribunal at the time when those rules come into force with any modifications which appear to the Secretary of State to be necessary or desirable.

Transfers under section 17 of the 1968 Act

26

Notwithstanding the repeal by this Act of—

- (a) section 17 of the 1968 Act (transfer to Executive of local authority transport undertakings); and
- (b) section 202(4) of the 1972 Act (power by order establishing Passenger Transport Executive to make any provision that could be made by an order under section 17 of the 1968 Act);

the provisions of Schedule 4 to the 1968 Act, as they had effect immediately before that repeal came into operation, continue to apply for the purpose of determining the effect or giving effect to, or making any provision consequential on or incidental to, any transfer under section 17 (including that section as applied by section 202(4)).