



Transport Act 1962

1962 CHAPTER 46

PART IV

MISCELLANEOUS AND GENERAL

Provisions relating to the Boards

58 Restrictions on carriage by road in London

- (1) On and after the vesting date, in section sixteen and subsection (2) of section seventeen of the London Passenger Transport Act, 1933 (under which those carrying passengers by road in the London area must obtain the consent of the Commission in certain circumstances), for references to the Commission there shall be substituted references to the London Board.
- (2) If the London Board, on an application for their consent under either of the said sections made at any time after the vesting date, refuse to give the consent in the terms of the application, the applicant may within one month from receipt of notice of their refusal apply to the metropolitan traffic commissioner, and if the metropolitan traffic commissioner is of the opinion that the refusal is unreasonable, he may give the consent either in the terms of the application or in such other terms as appear to him to be appropriate, and that consent shall have effect as if given by the London Board.
- (3) If within a period of one month beginning with the date of the application, or within such extended period as may at any time be agreed in writing between the applicant and the London Board, the London Board do not notify the applicant of their decision on the application, subsection (2) of this section shall apply in relation to the application as if the London Board had refused to give consent in the terms of the application and had notified the applicant of their decision at the end of the said period.
- (4) The applicant or the London Board may appeal to the Minister against the decision of the metropolitan traffic commissioner on an application under subsection (2) of this section, and on such an appeal the Minister may confirm, vary or annul the decision.

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- (5) The right of appeal to the Minister conferred by the last foregoing subsection shall be conditional on the appeal being made within the time, and in the manner, prescribed by regulations made under the following provisions of this section.
- (6) The Minister may by statutory instrument make regulations as to the procedure on any application under this section, and on any appeal to the Minister from such an application, and the regulations may make provision as to—
- (a) the particulars to be furnished and the persons to whom notices are to be given, and the manner in which notices are to be published or served;
 - (b) the manner in which objections or other representations with respect to applications are to be made;
 - (c) the time within which and the manner in which any appeal to the Minister is to be made.
- (7) In this section " the metropolitan traffic commissioner " means the traffic commissioner for the Metropolitan Traffic Area.

59 Special restrictions on grant to London Board of road service licences

- (1) The traffic commissioners shall not under Part III of the Road Traffic Act, 1960, grant to the London Board a road service licence (whether or not in substitution for another licence) to provide a road service over a route which is not within the London Passenger Transport Area unless they are satisfied that any person who is providing transport facilities along or near any part of the route, and whose interest will in their opinion be substantially affected if the licence is granted.—
- (a) has, whether as one of the terms of a working agreement made with the London Board or otherwise, consented to the making of an application for the licence, or
 - (b) has unreasonably refused or withheld his consent.
- (2) The traffic commissioners shall not under subsection (5) of section one hundred and thirty-five of the Road Traffic Act, 1960, on the application of the London Board vary the conditions attached to a road service licence granted by them to the London Board, being a licence to provide a road service over a route which is not within the London Passenger Transport Area, unless they are satisfied that any person who is providing transport facilities along or near any part of the route, and whose interest will in their opinion be substantially affected if the variation is made.—
- (a) has consented to the making of the application, or
 - (b) has unreasonably refused or withheld his consent,
- and they shall not vary the conditions attached to such a licence otherwise than on the application of the London Board unless they are satisfied that any such person has had an opportunity of consenting to the proposal for the variation and either has consented to the proposal or has unreasonably refused or withheld his consent.
- (3) Subsections (1) and (2) of this section shall not apply—
- (a) if the route to which the licence relates is one of the London Transport Executive's routes as defined in subsection (5) of section eight of this Act, and is not a restricted route as defined in subsection (5) of this section, or
 - (b) if that route is one of the London Transport Executive's routes, and is a restricted route as so defined, but the licence is, or when the conditions are varied will be, subject to a condition that the London Board shall not both pick up and set down a passenger on the route, or

- (c) if the Minister certifies to the traffic commissioners that there are exceptional circumstances which make it desirable that the relevant provisions of those subsections should not apply in relation to the proceedings specified in the certificate,
- or if part of the route falls under one of the foregoing paragraphs and part under another (but the subsections shall apply if part of the route falls outside those paragraphs).
- (4) Any road service licence which is transferred on the vesting date to the London Board under Part II of this Act and which authorises the London Board to provide a road service on a restricted route shall have effect as if it contained a condition that the Board shall not both pick up and set down a passenger on the route, but any such condition may be varied subject to the provisions of this section.
- (5) In the two last foregoing subsections the expression "restricted route" means a route over which the London Transport Executive had at any time in the period of twelve months ending on the second day of November, nineteen hundred and sixty-one, power to carry passengers by public service vehicles subject to a condition that they should not both pick up and set down a passenger on the route ; and the Minister shall in the order made by him under subsection (5) of section eight of this Act distinguish the routes which were so restricted.
- (6) Any determination of the traffic commissioners under subsection (1) of this section shall be open to review on an appeal under subsection (1) or subsection (3) of section one hundred and forty-three of the Road Traffic Act, 1960 (which relates to appeals against the refusal to grant a licence and against the granting of a licence), and any determination of the traffic commissioners under subsection (2) of this section shall be open to review on an appeal under subsection (2) or subsection (3) of the said section.
- (7) This section shall apply whether or not the route to which the licence relates is partly within the London Passenger Transport Area, but for the purposes of this section the part within that Area shall be left out of account.
- (8) If such part of the route as is outside the said Area is only provided to reach a terminal point or stand which is not more than half a mile, or in the county of Berkshire one mile, beyond the boundary of the said Area, this section shall not apply in relation to the route.
- (9) This section shall be construed as one with Part III of the Road Traffic Act, 1960.

60 Carriers' licences for vehicles operated by subsidiaries of the Boards and other bodies

- (1) For the purposes of the definition of " holding company " in subsection (4) of section one hundred and eighty of the Road Traffic Act, 1960 (which relates to carriers' licences for the vehicles of a subsidiary), the Boards and the Holding Company shall each be deemed to be a company and the said section one hundred and eighty shall have effect accordingly.
- (2) If on the vesting date a subsidiary of the Commission becomes a subsidiary of the Holding Company, any carriers' licence under Part IV of the Road Traffic Act, 1960, held by the Commission for a vehicle owned by the subsidiary shall thereafter have effect as if granted to the Holding Company ; and for the purposes of section one hundred and eighty of the Road Traffic Act, 1960, the Holding Company shall be deemed to have made the application for the licence and to have signified to the

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licensing authority their desire that the section should have effect as respects the subsidiary.

- (3) If as a result of a transaction effected by the Holding Company not more than twelve months after the vesting date, and at a time when the Holding Company hold carriers' licences under Part IV of the Road Traffic Act, 1960, for vehicles owned by a subsidiary, the subsidiary becomes a wholly-owned subsidiary of a company (hereinafter referred to as " the company ") which is itself a wholly-owned subsidiary of the Holding Company, any such licence for a vehicle then owned by the subsidiary shall thereafter have effect as if granted to the company; and for the purposes of section one hundred and eighty of the Road Traffic Act, 1960, the company shall be deemed to have made the application for the licence and to have signified to the licensing authority their desire that the section should have effect as respects the subsidiary.

61 Amendment of enactments relating to inland waterways

- (1) As from the vesting date, section seventeen of the Regulation of Railways Act, 1873 (which requires the Commission to maintain certain inland waterways), shall have effect as if—
- (a) the reference in that section to every railway company included a reference to the British Waterways Board, and
 - (b) for the references in that section to a canal there were substituted, in relation to that Board, references to any inland waterway comprised in the undertaking of the Board which was by virtue of the Transport Act, 1947, transferred to the Commission and which has not been closed to navigation by or under any statutory provision.
- (2) Sections thirty-five and thirty-six of the Transport Act, 1947 (under which the Commission may apply a licensing system to canal carriers on an inland waterway belonging to them), shall cease to have effect.
- (3) In section thirty-seven of the Transport Act, 1947 (which relates to the abandonment of inland waterways by the Commission), for references to the Commission there shall as from the vesting date be substituted references to the British Waterways Board.
- (4) The definition of " statutory water undertakers " in subsection (1) of section fifty-nine of the Water Act, 1945, shall not include the British Waterways Board.

62 Local enactments relating to the supply of water for canals

- (1) Any local enactment which authorises the British Waterways Board to take water for the purpose (whether express or implied) of using the water for a canal owned or managed by the British Waterways Board, or for purposes which include that purpose, shall have effect as if that purpose included the purpose of selling, or affording the use of, water from the canal; and the British Waterways Board may exercise their powers under Part I of this Act accordingly.
- (2) The foregoing subsection shall not be taken as authorising the British Waterways Board—
- (a) to disregard any restriction, whether as regards quantity or rate or otherwise, on the water which may be taken from any source, or
 - (b) to affect the level or flow of water in any part of the canal, or in any river or watercourse fed from the canal, to a degree which conflicts with any of the

Board's obligations, and in particular with any statutory obligation to maintain the canal in a navigable condition.

63 Abstraction of water by British Waterways Board

- (1) Subject to this section the British Waterways Board shall not without the consent of the Minister sell water from an inland waterway—
 - (a) unless the water is abstracted at a point at which water was being abstracted before the passing of this Act, and
 - (b) unless the quantity of water sold in the period of twelve months beginning with the vesting date, and in each subsequent period of twelve months, does not exceed the quantity abstracted at that point in the period of twelve months ending with the passing of this Act, and
 - (c) unless the land or premises on which the water is used is the same as that on which the water was used before the passing of this Act.
- (2) If on the vesting date the British Waterways Board become subject to an obligation to sell water such that the quantity they are obliged to sell is limited, whether by reference to the average rate of abstraction, or the quantity abstracted in any period, or otherwise, then, so long as the terms of the obligation are not varied, subsection (1) of this section shall not apply to the sale of water in discharge of the obligation.
- (3) Subsection (1) of this section shall not apply to the sale of water under section thirty-five of the River Lee Water Act, 1855 (under which a limited quantity of water may be sold for industrial purposes), or under section thirty-five of the Lee Conservancy Act, 1900 (under which the abstraction of water may be regulated by byelaw).
- (4) The British Waterways Board shall serve on the persons specified in this section notice of any application made by them for the consent of the Minister, giving sufficient particulars of their proposals and of the terms of the consent applied for, and stating that the person on whom the notice is served should submit any objections to the Minister within twenty-eight days of service of the notice and should within that time send a copy of any such objection to the Board.
- (5) The British Waterways Board shall publish in one or more newspapers circulating in the area in which the point of abstraction is situated a notice of any application made by them for the consent of the Minister, giving sufficient particulars of their proposals and of the terms of consent applied for.
- (6) Except in Scotland, the persons on whom the notice is to be served shall be—
 - (a) the council of the borough or urban or rural district in which the point of abstraction is situated,
 - (b) the River Board in whose area the point of abstraction is situated, and
 - (c) the statutory water undertakers within whose limits of supply the point of abstraction is situated, and any other statutory water undertakers on whom the Minister, after consultation with the Minister of Housing and Local Government, directs the notice to be served.
- (7) In Scotland the persons on whom the notice is to be served shall be—
 - (a) the council of the county or burgh in which the point of abstraction is situated,
 - (b) the river purification authority in whose area the point of abstraction is situated and any other river purification authority on whom the Minister after consultation with the Secretary of State directs the notice to be served,

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- (c) any salmon fishery district board on whom the Minister after consultation with the Secretary of State directs the notice to be served, and
 - (d) the local water authority within whose limits of supply the point of abstraction is situated and any other local water authority on whom the Minister after consultation with the Secretary of State directs the notice to be served.
- (8) The British Waterways Board shall give the Minister such information as he may require to determine whether any directions should be given under the two last foregoing subsections.
- (9) The Minister shall not entertain the application unless he is satisfied that all the required notices have been duly given; and the Minister shall take into consideration any objections duly made by the persons on whom they have been served.
- (10) The Minister in considering the application and the terms in which any consent ought to be given shall have regard—
- (a) to the importance of the uses to which the abstracted water will be put and to the present and future needs of statutory water undertakers, industry and agriculture, and
 - (b) to the effect which the proposals may have on fisheries, land drainage or public health, or on the inland waterway directly affected or any other inland waterway or stream, and
 - (c) to the extent to which the abstracted water will be returned,
- and shall, before giving his consent as respects any inland waterway in Scotland, consult the Secretary of State.
- (11) The Minister may give his consent either in the terms requested in the application, or in any other terms, but shall not afford terms more favourable than those requested unless he is satisfied that all the authorities concerned have had an opportunity of considering those terms and making objections.
- (12) The terms of any consent given by the Minister shall be transmitted by the British Waterways Board to each of the persons on whom they are required in pursuance of this section to serve notice of their application for consent.
- (13) The Commission shall before the vesting date compile for the use of the British Waterways Board a record of all cases in which, in the period of twelve months ending with the passing of this Act, they were abstracting water from inland waterways for use on any land or premises, and shall include in the record particulars of the land or premises on which the water was used, of the points of abstraction, of the total quantities abstracted in the said period, and of any contract under which they were obliged to sell the water.

The British Waterways Board shall give reasonable facilities for the inspection of the record by representatives of the authorities described in subsections (6) and (7) of this section, and shall, at the request of any such authority, give them any information as to the contents of the record.

- (14) In this section—
- " local water authority " has the meaning given by section five of the Water (Scotland) Act, 1946 ;
 - " river purification authority " has the same meaning as in Part III of the Rivers (Prevention of Pollution) (Scotland) Act, 1951;

" salmon fishery district board " means the district board for a fishery district for the purposes of the Salmon Fisheries (Scotland) Act, 1862, and the Commissioners appointed under the Tweed Fisheries Act. 1857 ;

" statutory water undertakers " has the meaning given by subsection (1) of section fifty-nine of the Water Act, 1945;

" stream " includes any river or watercourse whether natural or artificial.

- (15) This section shall apply to the Conservators of the River Thames and the Lee Conservancy Catchment Board as if they were River Boards and their areas were the Thames catchment area and the Lee catchment area respectively.
- (16) References in this section to the sale by the British Waterways Board of water from an inland waterway include references to any arrangements whereby the Board for valuable consideration abstract, or authorise the abstraction of, the water of an inland waterway for use by some other person, whether or not the water is returned after use.
- (17) The granting of consent under this section shall not be taken as authorising the British Waterways Board to do anything which they would not have power to do apart from the provisions of this section.

64 Temporary suspension of liability to maintain inland waterways

- (1) In this section " the interim period " means the period beginning with the passing of this Act and expiring at the end of the year nineteen hundred and sixty-seven.
- (2) During the interim period no action or other proceeding shall be instituted or continued for the purpose of enforcing any obligation of the Commission or the British Waterways Board (whether statutory or otherwise) to maintain any inland waterway or part of an inland waterway which was not in a navigable condition at any time in the period of six months ending on the second day of November, nineteen hundred and sixty-one; and, in any proceedings against the Commission or the British Waterways Board which are brought for that purpose before the end of the year nineteen hundred and sixty-seven as respects an inland waterway or part of an inland waterway which was to any degree navigable in the said period of six months, the defendants shall not be required to secure its maintenance in a condition which is, in matters affecting navigation, better than it was in at any time in that period, but if there has been any deterioration since the end of that period the court may, if satisfied that it is in the interests of navigation, require the defendants to secure its maintenance in the condition in which it was at any time in the said period.
- (3) No person shall be entitled to recover from the Commission or from the British Waterways Board any damages or other sum or compensation in respect of any inability to navigate any inland waterway during the interim period in consequence of it not being in a navigable condition unless the right in respect of which he would be so entitled is a right—
- (a) which he has exercised or sought to exercise at some time in the period of six years ending with the relevant date, or
 - (b) which his predecessor in title has exercised or sought to exercise at some time in the period of six years ending with the relevant date,

and unless he commences proceedings in respect thereof not later than twelve months after the end of the interim period:

Provided that this subsection shall not prevent the court from awarding any sum in respect of defects in the inland waterway if it is shown that it was without any of

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those defects at some time in the period of six months ending on the second day of November, nineteen hundred and sixty-one.

For the purposes of this subsection—

- (i) the expression " the relevant date " means in relation to the Kennet waterways the twenty-sixth day of November, nineteen hundred and fifty-five, and in relation to any other inland waterway the second day of November, nineteen hundred and sixty-one ;
 - (ii) the expression " the Kennet waterways " has the meaning assigned to it by section fifteen of the British Transport Commission Act, 1956 ;
 - (iii) the expression " predecessor in title " includes a person whose business or part of whose business (being a business or part of a business in connection with which that person has exercised or sought to exercise the right of navigation in question) has been acquired by the successor whether by succession, purchase, amalgamation, reconstruction or otherwise ; and
 - (iv) the amount of any damage suffered by a person shall be deemed to have accrued from day to day.
- (4) During the interim period any inland waterway comprised in the undertaking of the Commission or the British Waterways Board which has not been closed to navigation by or under any statutory provision shall be deemed to be a watercourse for the purposes of section two hundred and fifty-nine of the Public Health Act, 1936, and paragraph (b) of subsection (1) of section eighty-two of the Public Health (London) Act, 1936 ; and the provisions of Part III of the Public Health Act, 1936, as they apply by virtue of this subsection may be enforced by a county council as well as by a local authority as defined in that Act.
- (5) For the purposes of section thirty-three of the Town and Country Planning Act, 1947 (which relates to the proper maintenance of gardens, vacant sites and other open land), any inland waterway comprised in the undertaking of the Commission or the British Waterways Board which has not been closed to navigation by or under any statutory provision shall during the interim period be deemed to be a vacant site, and any local authority within the meaning of that Act (and not only the local planning authority) shall be entitled to enforce the provisions of that section as it applies by virtue of this subsection.
- (6) This section shall not affect section eighteen of the British Transport Commission Act, 1956 (which imposes certain liabilities as respects the Kennet waterways), but sections sixteen and seventeen of that Act, and so much of sections twenty and twenty-one of that Act as relates to the Kennet waterways shall cease to have effect.
- (7) Nothing in this section shall be taken as preventing proceedings being taken to enforce a right other than a right of navigation.
- (8) This section shall have effect as from the passing of this Act.

65 The railway savings banks

(1) In this section—

" the railway savings banks " means the savings banks established under—
section twenty-three of the Metropolitan Railway Act, 1873,
section forty-five of the Great Western Railway Act, 1885,
section eighteen of the Taff Vale Railway Act, 1895,

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section sixty-one of the London, Midland and Scottish Railway Act, 1924,
section ninety-nine of the Southern Railway Act, 1924, and
section three of the London and North Eastern Railway Act, 1944,
and any other savings bank for which the Commission was responsible
before the vesting date and which primarily served those employed by the
Commission on their railways;

" the appropriate Board " means—

- (a) in relation to the savings bank established under the Metropolitan Railway Act, 1873, the London Board,
- (b) in relation to any other railway savings bank, the Railways Board.

- (2) Part II of this Act shall not apply to the property, rights and liabilities of the Commission so far as held and subsisting for the purposes of any railway savings bank, but all such property, rights and liabilities shall by virtue of this section be transferred on the vesting date to the appropriate Board and held and assumed by that Board subject in all respects to the duties and obligations to which the Commission were subject immediately before the vesting date.
- (3) As from the vesting date, for references to the Commission in the enactments listed in subsection (1) of this section and in any other statutory provision, so far as that provision relates to a railway savings bank, there shall be substituted references to the appropriate Board, and for references in any such enactment to any officer or servant of, or person appointed by, the Commission there shall be substituted a reference to such person as the appropriate Board may appoint or, in default of appointment, in the case of references to any officer or servant of the Commission, to the officer or servant of that Board who corresponds as nearly as may be to the first-mentioned officer or servant.
- (4) Subject to this section, the persons entitled to deposit money in the railway savings banks established under section forty-five of the Great Western Railway Act, 1885, section sixty-one of the London Midland and Scottish Railway Act, 1924, section ninety-nine of the Southern Railway Act, 1924, and section three of the London and North Eastern Railway Act, 1944, shall be—
 - (a) existing depositors,
 - (b) persons employed by the Railways Board,
 - (c) persons who, owing to incapacity arising from ill health or on reaching retirement age, have retired from service with the Railways Board or the Commission or the railway company by which the savings bank was established,
 - (d) members of the families of persons of any of the foregoing descriptions,
 - (e) any group, society or association the members of which consist, or mainly consist, of persons of any of the foregoing descriptions.
- (5) The persons entitled to make deposits in any railway savings bank other than those to which the last foregoing subsection applies shall be the persons who are depositors in that bank on the vesting date, and, where any such depositor is a man who dies leaving a widow, his widow during her widowhood.
- (6) So much of the enactments listed in the definition of railway savings banks in subsection (1) of this section as relates to the charging of deposits on the undertaking or profits of any body shall cease to have effect.

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66 Liability of Boards to rates

- (1) Subject to this section, in section eighty-six of the Local Government Act, 1948 (which defines the railway and canal hereditaments which by virtue of Part V of that Act are not liable to be rated), and in subsection (6) of section nine of the Rating and Valuation (Miscellaneous Provisions) Act, 1955, and paragraph twenty-three of the Eighth Schedule to the Local Government Act, 1958 (which relate to railway or canal hereditaments partly used for other purposes), for references to the Commission there shall be substituted references to any of the Boards, other than the Docks Board.
- (2) In the rating year following that in which the vesting date falls, and in all subsequent rating years, the Railways Board, the London Board and the British Waterways Board shall respectively make payments for the benefit of local authorities in lieu of the rates which would, apart from the provisions of Part V of the Local Government Act, 1948, be payable to rating authorities in England or Wales in respect of railway or canal hereditaments, and the amount of those payments shall be determined by reference to the following amounts (which are hereafter in this section referred to as standard amounts and which together add up to the standard amount specified as regards the Commission in subsection (4) of section ninety-three of the Local Government Act, 1948, as amended by section two of the Rating and Valuation Act, 1957), that is to say—

	£
the Railways Board	1,905,000
the London Board	649,000
the British Waterways Board	46,000

- (3) In the rating year following that in which the vesting date falls, and in all subsequent rating years, the Railways Board shall make payments for the benefit of local authorities in Scotland in lieu of the rates which would, apart from the provisions of Part V of the Local Government Act, 1948, be payable to rating authorities in respect of such railway or canal lands and heritages in Scotland as are not occupied for the purposes of the British Waterways Board, and the amount of those payments shall be determined by reference to the amount arrived at by deducting from the amount specified in the first column of the following Table the amount specified in the second column of that Table:—

TABLE

	<i>Amount to be deducted</i>
The amount certified by the Secretary of State under subsection (1) of section two of the Local Government (Financial Provisions etc.) (Scotland) Act, 1962.	Such amount as may be certified by the Secretary of State as the portion of the amount specified in the first column of this Table attributable to lands and heritages occupied for the purposes of the British Waterways Board.

Any reference in this section in its application to Scotland to the standard amount for the Railways Board shall be construed as a reference to the amount so arrived at.

- (4) The amounts which the said Boards are to pay in each of the said rating years shall be their respective standard amounts adjusted—
- (a) by applying subsections (2) to (4) of section ninety-four of the Local Government Act, 1948, as if references in that section to the Commission were references to those Boards respectively, and references to the standard amount were references to the relevant standard amount under this section, and
 - (b) by making such further adjustment for changes in the circumstances of the respective Boards as may be prescribed by order of the appropriate Minister of which a draft has been laid before Parliament and approved by a resolution of each House of Parliament.
- (5) An order under paragraph (b) of the last foregoing subsection shall be made by statutory instrument and—
- (a) may provide for effecting a comparison between the circumstances of the Board in question and the circumstances (at some time before the vesting date) of the Commission as a whole, or of the part of the Commission's undertaking corresponding to that of the Board, or partly the one and partly the other, and
 - (b) may be varied or revoked by a subsequent order so made,
- and in that paragraph " the appropriate Minister " means, in relation to the Railways Board, the Minister of Housing and Local Government and the Secretary of State acting jointly, and in relation to the other Boards, the Minister of Housing and Local Government.
- (6) In paragraph (a) of subsection (1) of section one hundred and nine of the Local Government Act, 1948 (under which orders may be made extending or restricting the class of hereditaments to be treated as railway or canal hereditaments), for the reference to the Commission there shall be substituted a reference to any of the Boards, and, before an order is made under the said subsection (1), the Minister making the order shall consult with such of the Boards, and such associations of local authorities, as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable.
- (7) Subsection (1) of this section shall come into force at the beginning of the rating year following that in which the vesting date falls, and—
- (a) in the period between the vesting date and the coming into force of subsection (1) of this section the enactments mentioned in that subsection shall have effect as if for references to the Commission there were substituted references to any of the four Boards, and
 - (b) in the rating year in which the vesting date falls the Commission shall make the payment due from them for that rating year under section ninety-three of the Local Government Act, 1948, before the vesting date.
- (8) This section shall be construed as one with Part V of the Local Government Act, 1948, and—
- (a) in subsection (1) of section one hundred and paragraph (c) of subsection (1) of section one hundred and nine of that Act the references to the preceding provisions of the said Part V shall include a reference to this section,
 - (b) in subsection (3) of the said section one hundred, for the reference to the Commission there shall, as respects rating years after that in which the vesting date falls, be substituted a reference to the Railways Board, and
 - (c) in subsection (1) of section one hundred and two and paragraph (a) of subsection (1) of section one hundred and twenty-four of that Act, for

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references to the Commission there shall, as respects rating years after that in which the vesting date falls, be substituted references to the Boards.

- (9) In subsection (2) of section ninety-seven of the Local Government Act, 1948, for the words from " the same adjustment " to " have effect accordingly" there shall, as respects rating years after that in which the vesting date falls, be substituted the words " made by applying subsections (2) to (4) of section ninety-four of this Act ".
- (10) In this section " rating year " means a year beginning, as respects England and Wales with the first day of April, and as respects Scotland with the sixteenth day of May, in any calendar year.
- (11) Section ninety-three, subsection (1) of section ninety-four and section ninety-five of the Local Government Act, 1948, and paragraph 1 of the Second Schedule to the Local Government (Financial Provisions etc.) (Scotland) Act, 1962, shall cease to have effect at the beginning of the first rating year after that in which the vesting date falls.
- (12) There shall be paid out of money provided by Parliament any increase attributable to this section in the sums payable out of such money by way of rate-deficiency grant or Exchequer equalisation grant under the enactments relating to local government in England and Wales or in Scotland.

67 Bylaws for railways and railway shipping services

- (1) The Railways Board and the London Board may each make bylaws regulating the use and working of, and travel on, their railways, the maintenance of order on their railways and railway premises, including stations and the approaches to stations, and the conduct of all persons, including their officers and servants, while on those premises, and in particular bylaws—
 - (a) with respect to tickets issued for entry on their railway premises or travel on their railways and the evasion of payment of fares and other charges,
 - (b) with respect to interference or obstruction of the working of the railways,
 - (c) with respect to the smoking of tobacco in railway carriages and elsewhere and the prevention of nuisances;
 - (d) with respect to the receipt and delivery of goods, and
 - (e) for regulating the passage of bicycles and other vehicles on footways and other premises controlled by the Boards and intended for the use of those on foot.
- (2) The Railways Board may make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation.
- (3) Any bylaws made under this section may provide that any person contravening them shall be liable on summary conviction to a penalty not exceeding twenty-five pounds for each offence.
- (4) Without prejudice to the taking of summary proceedings under the last foregoing subsection, if the contravention of any bylaw having effect under this section is attended with danger or annoyance to the public, or hindrance to a Board in the lawful use of their railway, it shall be lawful for the Board in question summarily to interfere to obviate or remove the danger, annoyance or hindrance.
- (5) Bylaws under this section shall not come into operation until they have been confirmed by the Minister.

- (6) At least twenty-eight days before application for confirmation of any bylaws is made the Board in question shall publish in such manner as may be approved by the Minister a notice of their intention to apply for confirmation and of the place at which and the time during which a copy of the bylaws will be open for public inspection; and any person affected by any of the bylaws shall be entitled to make representations thereon to the Minister within a period of not less than twenty-eight days specified in the notice.
- (7) For at least twenty-four days before application for confirmation of any bylaws is made under this section, a copy of the bylaws shall be kept at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment.
- (8) The Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding ten shillings as the Board shall determine.
- (9) The Minister may confirm with or without modification, or may refuse to confirm, any of the bylaws submitted under this section for confirmation and, as regards any bylaws so confirmed, may fix a date on which the bylaws shall come into operation; and if no date is so fixed the bylaws shall come into operation after the expiration of twenty-eight days after the date of confirmation.
- (10) A copy of the bylaws when confirmed shall be printed and deposited at the principal office of the Board and shall at all reasonable hours be open to public inspection without payment, and the Board shall supply a copy of any such bylaws to any person who applies for a copy thereof on payment of such sum not exceeding ten shillings as the Board shall determine.
- (11) The production of a printed copy of bylaws confirmed under this section on which is indorsed a certificate purporting to be signed by the secretary of the Board or of some person authorised by the Board to act in his stead in that behalf, stating—
 - (a) that the bylaws were made by the Board or by the Commission,
 - (b) that the copy is a true copy of the bylaws,
 - (c) that on a specified date the bylaws were confirmed by the Minister, and
 - (d) the date when the bylaws come into operation,shall be prima facie evidence of the facts stated in the certificate.
- (12) The power of making bylaws under this section shall include power to vary or repeal any bylaws previously made under this section.
- (13) Sections one hundred and eight and one hundred and nine of the Railways Clauses Consolidation Act, 1845, sections one hundred and one and one hundred and two of the Railways Clauses Consolidation (Scotland) Act, 1845, section thirty-two of the Railways Clauses Act, 1863, and section seven of the Regulation of Railways Act, 1889, shall cease to have effect, but any bylaws under any of those enactments which were in force immediately before the vesting date and which applied in relation to any of the railways belonging to the Commission, or in relation to the ships operated by the Commission, shall continue in force and have effect as if made under this section, and subject to the provisions of Part II of this Act so far as applicable.
- (14) In the bylaws made by the London Transport Executive under the Railways Clauses Consolidation Act, 1845, which were confirmed by the Minister on the thirteenth day of December, nineteen hundred and fifty-seven—

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- (a) for references to the Commission or the London Transport Executive there shall be substituted references to the London Board, and
 - (b) for references to the railways as there defined there shall be substituted references to the railways of the London Board.
- (15) In the bylaws made by the Commission under the said Acts of 1845 which relate to the railways of the Commission other than those of the London Transport Executive which were confirmed by the Minister on the fifth day of December, nineteen hundred and fifty-seven.—
- (a) for references to the Commission there shall be substituted references to the Railways Board, the Docks Board and the British Waterways Board, and
 - (b) for references to London Transport railways there shall be substituted references to the London Board's railways.
- (16) Any power exercisable by the Docks Board or the British Waterways Board under any local enactment to make bylaws as regards any harbour comprised in their undertaking shall include power to make any such bylaws in relation to railways within the harbour as the Railways Board and the London Board have power to make under this section in relation to their railways.
- (17) This section shall have effect as from the vesting date.

68 Custody of lost property on London Board's transport system

- (1) As from the vesting date, for references in section one hundred and six of the London Passenger Transport Act, 1933, to the London Passenger Transport Board there shall be substituted references to the London Board.
- (2) The repeal by this Act of section one hundred and nineteen of the Transport Act, 1947, shall not affect the London Transport (Lost Property) Regulations, 1960 (which were made under that section), and as from the vesting date those regulations—
- (a) shall be treated for all purposes, and in particular for the purposes of section eighty-eight of the London Passenger Transport Act, 1935 (which relates to offences against regulations under section one hundred and six of the said Act of 1933), as if they had been made under the said section one hundred and six, and
 - (b) shall have effect, subject to the necessary modifications, as if any reference therein to the Commission or the London Transport Executive were a reference to the London Board.

69 Organisation of transport police

- (1) Within one year from the vesting date the Railways Board shall, after consulting the other Boards, prepare and submit to the Minister a scheme for the organisation of the transport police of the Boards.

In this section, references to " transport police " are references to constables appointed under section fifty-three of the British Transport Commission Act, 1949.

- (2) A scheme under this section which provides for the organisation of transport police in a joint force shall contain provisions with respect to—
- (a) the control and administration of the force by or on behalf of the Boards participating in the force,

- (b) the contributions to be (made by those Boards to the expenses of the force, and
 - (c) the method of settling disputes between those Boards in relation to the force.
- (3) Without prejudice to the generality of subsection (1) of this section, a scheme under this section may make provision—
- (a) for the transfer or appropriation for the purposes of the scheme of property vested in the Railways Board by paragraph (e) of subsection (2) of section thirty-one of this Act, and
 - (b) for enabling the services of transport police organised in a force for any Board or Boards to be made available to another Board on such terms as may be agreed with that Board,
- and may contain such incidental and transitional provisions as may appear to the Railways Board or the Minister to be expedient.
- (4) A scheme under this section may make modifications consequential on the provisions of the scheme in section fifty-three of the said Act of 1949, but nothing in the scheme shall require any Board to exercise its powers under that section.
- (5) On a scheme being submitted to the Minister under this section, the Minister may by order approve the scheme with or without amendment; and the scheme, as so approved, shall come into effect on such date as may be specified therein and it shall be the duty of the Boards to comply with the scheme as so approved.
- (6) The Minister shall consult the Boards before approving a scheme under this section ; and the Minister shall not approve a scheme under this section which provides for the organisation of transport police in more than one force unless it appears to him, after consultation with the Boards, that there are special reasons which make it desirable that such provision should be made.
- (7) If after a scheme has been approved under this section any Board apply to the Minister and satisfy him that the scheme should be amended in any respect the Minister may, after consulting the Boards, by order make such amendments of the scheme as he thinks fit.
- (8) The power conferred by this section on the Minister to make orders shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) During the period between the vesting date and the coming into effect of a scheme under this section the Railways Board shall make police services available to the other Boards to such extent and on such terms as the Railways Board and the other" Board concerned may agree or as may, in default of agreement, be determined by the Minister.

70 Transport police constables

- (1) Section fifty-three of the British Transport Commission Act, 1949, shall be amended as follows:
- (2) Any premises transferred or leased to the Hotel Company before the vesting date shall until the vesting date be regarded for the purpose of the section as belonging to the Commission.
- (3) For the first two references in subsection (1) of the section to the Commission there shall be substituted—
- (a) during the interim period, references to the Railways Board, and

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- (b) thereafter, references to any of the Boards acting jointly or separately in pursuance of a scheme under section sixty-nine of this Act.
- (4) On and after the vesting date for references in the section to premises belonging to, leased to or worked by the Commission there shall be substituted references to premises belonging to, leased to or worked by any of the Boards or the Hotel Company, and in the proviso to paragraph (b) of subsection (1) of the section for the reference to matters in connection with or affecting the Commission or their undertaking there shall be substituted a reference to matters in connection with or affecting any of the Boards or their undertakings.
- (5) On and after the vesting date a Board may dismiss a constable who is employed by them (whether or not appointed after the vesting date) and, accordingly, in paragraph (c) of subsection (1) of the section for references to the Commission there shall, as regards such a constable employed by a Board (or two or more Boards jointly), be substituted a reference to that Board (or those Boards), and for the reference at the end of the said paragraph (c) to the authority by whom a constable was dismissed or by whom a constable's resignation is accepted there shall, in the case of a constable dismissed by the Commission, or whose resignation was accepted by the Commission, be substituted—
 - (a) during the interim period, a reference to the Railways Board, and
 - (b) thereafter, a reference to any of the Boards acting jointly or separately in pursuance of a scheme under section sixty-nine of this Act.
- (6) On and after the vesting date references in any statutory provision or other document to a constable appointed or employed by the Commission shall be taken as a reference to a constable employed by any of the Boards and acting under the said section fifty-three.
- (7) In this section " the interim period " means the period referred to in subsection (9) of section sixty-nine of this Act.

71 Terms and conditions of employment of transport police

- (1) If any of the Boards in pursuance of a scheme under section sixty-nine of this Act arrange to establish a joint police force consisting of constables appointed under section fifty-three of the British Transport Commission Act, 1949, they shall also arrange to establish a conference consisting of an equal number of representatives of those Boards on the one hand and of the members of the police force on the other hand, to which all questions relating to rates of pay, hours of duty and conditions of service of members of the police force shall be referred.
- (2) If and so long as any Board in pursuance of a scheme under section sixty-nine of this Act employ a separate police force consisting of constables appointed under the said section fifty-three, that Board shall arrange for the establishment of a separate conference consisting of an equal number of representatives of the Board and of the members of their police force to which all questions relating to rates of pay, hours of duty and conditions of service of members of the police force shall be referred.
- (3) If and so long as there are two or more conferences established under the foregoing provisions of this section (hereinafter referred to as constituent conferences), the Boards concerned shall arrange for the establishment of a central conference which shall consist of an equal number of representatives of those Boards on the one hand,

and of their police forces on the other hand, elected from the constituent conferences, and there shall be an appeal from the constituent conferences to the central conference.

- (4) In the event of disagreement between the two sides of a conference established under this section (except a conference from which an appeal lies to a central conference), an independent chairman shall be appointed with power to give decisions which shall have effect as decisions of the conference, the said chairman to be chosen by mutual agreement or failing agreement to be nominated by the Minister of Labour.
- (5) On the coming into force of this section any arrangements made in pursuance of section ninety-seven of the Transport Act, 1947 (which contains provisions corresponding to those of this section), shall cease to have effect.

72 General provisions as to terms and conditions of employment of staff

- (1) It shall be the duty of each Board, except as far as they are satisfied that adequate machinery exists for achieving the purpose of this subsection, to seek consultation with any organisation appearing to the Board to be appropriate, with a view to the conclusion between the Board and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for—
 - (a) the settlement by negotiation of terms and conditions of employment of persons employed by the Board, with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements, and
 - (b) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed by the Board and the discussion of other matters of mutual interest to the Board and such persons, including efficiency in the operation of the Board's services.
- (2) Where the Board conclude such an agreement as is mentioned in the foregoing subsection or any variation is made in such an agreement, the Board shall forthwith transmit particulars of the agreement or the variation to the Minister and the Minister of Labour.
- (3) Nothing in this section shall be construed as prohibiting a Board from taking part together with other employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment, and the promotion and encouragement of measures affecting the health, safety and welfare of their workers, and the discussion of other matters of mutual interest to them and their workers.
- (4) This section shall apply, with any necessary modifications, to the Holding Company as it applies to the Boards.

73 The powers of the Boards and the Holding Company as regards pensions and pension schemes

- (1) Subject to the next following section, each of the Boards and the Holding Company shall have power to pay pensions and enter into obligations under pension schemes.
- (2) Each of the Boards and the Holding Company shall have power to lend money to be applied for the purposes of a pension scheme under which any of those bodies, or a subsidiary of any of those bodies, pay employer's contributions or are subject to any other obligations, but shall not exercise that power without the consent of the Minister.

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74 Minister's power to make orders about pensions

- (1) The Minister may make orders—
- (a) with respect to the provision of pensions by the Boards and the Holding Company and by the subsidiaries of the Boards and of the Holding Company for or in respect of—
 - (i) their employees, or persons who have been in their employment, or
 - (ii) persons who have been in the employment of the Commission or of any subsidiary of the Commission or of any body whose undertaking or part of whose undertaking was transferred to the Commission under or by virtue of the Transport Act, 1947, or
 - (iii) persons who have been employed in connection with the Caledonian and Crinan Canals or Holyhead Harbour, or by or in connection with the Railway Clearing House;
 - (b) for the establishment and administration of existing or future pension schemes and pension funds for any of the purposes of the foregoing paragraph;
- and the Boards and the Holding Company shall exercise the powers conferred on them by the last foregoing section subject to any order under this section.
- (2) Without prejudice to the powers conferred by the foregoing subsection, the Minister may make orders—
- (a) for enabling employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company to participate or continue to participate in any pension scheme in which employees of the Commission or a subsidiary of the Commission participated before the vesting date, or in any pension scheme established under this section, and requiring their employers to make payments under that scheme,
 - (b) for modifying any pension scheme the participants in which include persons of any of the descriptions in sub-paragraphs (i), (ii) and (iii) of paragraph (a) of the foregoing subsection, so as to ensure that changes cannot be effected in the pension scheme without the approval of the Minister,
 - (c) for varying the rates of the contributions to be made under any pension scheme by employees of any of the Boards or the Holding Company or a subsidiary of any of the Boards or the Holding Company, as well as the rates of employers' contributions and the benefits under the scheme, and
 - (d) for re-arranging, amalgamating, simplifying and assimilating pension schemes the participants in which include any such persons.
- (3) An order under this section may in particular provide—
- (a) for altering or winding up any pension scheme,
 - (b) for varying any trust or transferring any pension fund, or obligations or liabilities under a pension scheme,
 - (c) for requiring a Board or the Holding Company to make payments to the persons administering a pension scheme so as to convert the pension scheme from an unfunded scheme into a funded scheme,
 - (d) for establishing any body to administer or assist in administering a pension scheme,
 - (e) for enabling all or any of the participants in a pension scheme to become instead participants in another pension scheme,
 - (f) for empowering the persons responsible for administering any pension scheme established for the purposes of an undertaking carried on by persons

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other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, to carry out any arrangements for the participation in the scheme of a person who has been an employee of the Commission, or of the Boards or of the Holding Company, or of any subsidiary of any of those bodies.

- (g) as to the manner in which questions arising under the order are to be determined,

and may contain such supplemental, incidental and consequential provisions as appear to the Minister expedient.

- (4) Without prejudice to the generality of the foregoing provisions of this section, an order under this section may contain provisions authorising any person who, having pension rights to which an order under this section relates, becomes a member of a Board, or the Holding Company, or a director of a subsidiary of a Board or of the Holding Company, to be treated for the purposes of a pension scheme as if his service as such a member or director were service in the employment of such a body, and as if, where that service immediately precedes or follows other service which is, or is to be treated as, service in that employment, the two periods of service were continuous.
- (5) An order under this section shall have effect notwithstanding anything in—
- (a) any local enactment, or
 - (b) any regulations or other instrument made under the Transport Act, 1947, or the Transport Act, 1953, and continued in force by this Act, or
 - (c) the Truck Acts, 1831 to 1940, or the Shop Clubs Act, 1902, or
 - (d) section eighty of the London Passenger Transport Act, 1933 (which contains transitional provisions concerning superannuation funds affected by that Act),
- and may amend or repeal any such enactment or instrument as is mentioned in paragraphs (a) and (b) of this subsection.
- (6) (a) Orders under this section shall be so framed as to secure that no person other than the Boards, the Holding Company and any subsidiary of any Board, or of the Holding Company, is placed in any worse position by reason of the order.
- (b) An order shall not be invalid by reason that in fact it does not have the result of securing that all such persons are not placed in any worse position by reason of the provisions of the order, but if the Minister is satisfied or it is determined as hereinafter mentioned that any such order has failed to secure that result, the Minister shall as soon as may be make the necessary amending order.
- (c) Any dispute arising between the Minister and any person as to whether or not the said result has been secured by any order under this section shall be referred to a referee or board of referees appointed by the Minister of Labour after consultation with the Lord Chancellor, or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State, for his or their determination thereof.
- (d) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—
- (i) to any referee or to the members of any board of referees appointed under this subsection such fees and allowances as he may with the consent of the Treasury determine, and
 - (ii) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.

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- (e) For the purposes of this subsection no person shall be regarded as being placed in a worse position because an order provides that any changes in a pension scheme are not to be effected without the consent of the Minister.
 - (f) Nothing in the Arbitration Act, 1950, shall be construed as applying to any proceedings before a referee or board of referees appointed under this section.
- (7) An order under this section may be made so as to have effect from a date prior to the making of the order, so, however, that so much of any order as provides that any provision thereof is to have effect from a date prior to the making of the order shall not place any person other than the Boards, the Holding Company or any subsidiary of any Board, or of the Holding Company, in a worse position than he would have been in if the order had been made to have effect only from the date of its making.
- (8) The power of making orders under this section shall be exercised by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament, and the power of making orders under this section shall include power to vary or revoke a previous order.
- (9) Nothing in this section shall be taken to derogate from the power conferred by subsection (4) of section sixty-nine of the National Insurance Act, 1946, to make regulations providing for the modifying or winding up of pension schemes in connection with the passing of that Act, but an order under this section shall have effect notwithstanding anything in regulations made under the said Act before the order was made.

75 Transitional provisions relating to pensions

Part IV of the Seventh Schedule to this Act (which contains transitional provisions relating to pensions) shall have effect for the purposes of this Act.