



Transport Act 1962

1962 CHAPTER 46

PART IV

MISCELLANEOUS AND GENERAL

Transitory provisions concerning the Commission

76 Power to make grants to Commission

The Minister shall have power, with the approval of the Treasury, at any time after the passing of this Act to make grants out of money provided by Parliament to the Commission to meet any deficit on revenue account.

77 Commission's power to develop land

- (1) As from the passing of this Act the Commission shall have power to develop their land in such manner as they may think fit.
- (2) The Commission may, in particular, and subject to this section.—
 - (a) retain any part of their land which is not required for the purposes of their business and develop it for use by other persons, and
 - (b) where the use of their land for the purposes of their business can be combined with its use for other purposes, develop the land by constructing or adapting buildings thereon for use wholly or partly by other persons,with a view to selling or otherwise disposing of any right or interest in the land or, as the case may be, the buildings or any part of the buildings, after the development is carried out.
- (3) The Commission shall not incur any substantial item of expenditure in developing their land for use for purposes which are not the purposes of their business without the consent of the Minister, and the Minister may from time to time give directions to the Commission indicating what is to be treated for the purposes of this section as a substantial item of expenditure.

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- (4) Where the Commission propose under this section to develop any land for use otherwise than for the purposes of their business they shall have power, with the consent of the Minister, to acquire by agreement adjoining land for the purpose of developing it together with the other land, but the Minister shall not give his consent under this subsection unless it appears to him that the other land cannot be satisfactorily developed unless the adjoining land is acquired by the Commission.

Subject to the foregoing provisions of this subsection the Commission shall not have power to acquire land, whether by agreement or compulsorily, for use otherwise than for the purposes of their business.

- (5) Anything done in the exercise of the powers conferred on the Commission by this section shall not be invalid on the ground that it is prohibited by proviso (iii) to subsection (2), or the proviso to subsection (3), of section two of the Transport Act, 1947, but, subject to that, the provisions of this section relate only to the capacity of the Commission as a statutory corporation.
- (6) Section twenty-eight of this Act shall apply with the necessary modifications in relation to consents given by the Minister under this section as it applies in relation to consents given by the Minister under Part I of this Act.

78 The Commission's subsidiaries

- (1) Notwithstanding anything in sections one to eleven of the Transport Act, 1953, and the Transport (Disposal of Road Haulage Property) Act, 1956, the Commission may exercise their control over such of their subsidiaries as were formed in pursuance of the said enactments, and over property transferred to them by the Commission, in such manner as appears to the Commission appropriate to facilitate the transfers to be effected by Part II of this Act.
- (2) If as a result of a transfer of securities effected by the Commission at a time when the Commission hold carriers' licences 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 Commission—
- (a) any such licence for a vehicle then owned by the subsidiary shall thereafter have effect as if granted to the company;
 - (b) for the purposes of section one hundred and eighty of the Road Traffic Act, 1960 (which relates to carriers' licences for the vehicles of a subsidiary), 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 ; and
 - (c) subsection (8) of section five of the Transport Act, 1953 (which relates to the duration of carriers' licences for vehicles owned by a company all the securities of which are disposed of under that section), shall not apply in relation to the transfer.
- (3) It is hereby declared that if an application is made before the vesting date for the issue of a licence in substitution for an existing licence which is due to expire on the vesting date by virtue of subsection (4) of section two of the Transport (Disposal of Road Haulage Property) Act, 1956 (which relates to carriers' licences for vehicles owned by certain subsidiaries of the Commission and provides that they shall expire on the date when the subsidiary ceases to be under direct or indirect control of the Commission), and on the vesting date proceedings are pending before the licensing authority on that

application, the existing licence will under subsection (3) of section one hundred and sixty-nine of the Road Traffic Act, 1960, continue in force until the application is disposed of.

- (4) The Commission shall before the vesting date exercise their control over the company called British Road Services Limited (which was formed in pursuance of the enactments mentioned in subsection (1) of this section) so as to effect the transfer to the Commission, on such terms as may be appropriate, of the securities of the body called Atlantic Steam Navigation Company Limited.
- (5) Subsection (3) of section forty-one of this Act shall apply to any instrument which the Commission certify to the Commissioners of Inland Revenue as having been made or executed in pursuance of the last foregoing subsection as it applies to the instruments mentioned in the said subsection (3).
- (6) In this section " carriers' licence " means a licence under Part IV of the Road Traffic Act, 1960 (including one issued in pursuance of Part II of the First Schedule to the Transport Act, 1953).

79 Power to make special payments on the termination of the appointment of members of the Commission or Executive

- (1) If a person ceases to be a member of the Commission, or of the London Transport Executive, otherwise than on the expiration of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, the Minister may with the approval of the Treasury require the Commission to make to him a payment of such amount as may be determined by the Minister with the approval of the Treasury.
- (2) This section shall apply whether or not any pension is payable under paragraph (b) of subsection (7) of section one of the Transport Act, 1947, or sub-paragraph (1) of paragraph 2 of the Second Schedule to that Act, and shall apply to persons who cease to be members of the Commission or Executive before the passing of this Act, as well as to persons who cease to be members at a later time.
- (3) Any requirement imposed by the Minister as regards a member of the Commission under subsection (1) of this section after the vesting date shall be imposed on the Railways Board instead of on the Commission, and any requirement so imposed as regards a member of the London Transport Executive shall be imposed on the London Board instead of on the Commission.

80 Dissolution of Commission

- (1) Subject to this section, the Commission shall cease to exist on the vesting date.
- (2) If it appears to the Minister that the steps which the Commission are under sub-paragraph (4) of paragraph 1 of the Sixth Schedule to this Act to take for the effective transfer of property and rights to the Boards cannot be completed until a date after the vesting date, he may by order direct that the Commission shall not be dissolved until that later date.
- (3) An order under this section shall provide for the constitution and proceedings of the Commission in the period after the vesting date, and may require the Railways Board to pay to members of the Commission in respect of their service after the vesting date

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such salaries or fees and such allowances as the Minister may with the approval of the Treasury determine.

- (4) If the dissolution of the Commission is postponed under this section, the Commission shall during that period have such powers, and only such powers, as they require for the purpose of discharging their duty under the said sub-paragraph (4).
- (5) The Railways Board shall make available to the Commission such staff and premises as the Commission may require for the said purpose, and shall discharge any expenses incurred by the Commission for that purpose.
- (6) The Minister may from time to time extend the period specified in an order under this section by a further order, and any order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) So much of subsection (2) of section one of the Transport Act, 1947, as requires the Chairman and not less than four other members of the Commission to render whole-time service to the Commission shall cease to have effect on the passing of this Act.
- (8) The transitional provisions in Part V of the Seventh Schedule to this Act (which relate to the Commission) shall have effect for the purposes of this Act.