

SEVENTH SCHEDULE

Sections 36, 49, 56, 75 and 80.

TRANSITIONAL PROVISIONS

PART I

TRANSPORT STOCK

- 1 Any certificate issued or other thing done before the vesting date under or for the purposes of any provision in the British Transport Stock Regulations, 1947, shall continue to have effect on and after the vesting date in relation to the Stock, and shall be deemed to be issued or done under or for the purposes of the corresponding enactment, regulation or rule which for the time being applies to the Stock.
- 2 (1) Any direction relating to the payment of interest to any particular person Which, by virtue of paragraph (1) of regulation 19, paragraph (3) of regulation 25 and paragraph (2) of regulation 29 of the said Regulations of 1947 applied to Stock immediately before the vesting date shall continue to apply on and after the vesting date to that Stock and shall be taken to have effect under the regulations made under section four of the National Debt Act, 1889.
- (2) Any stock or share certificate or similar document which by virtue of regulation 26 of the said Regulations of 1947 was treated as applicable to any Stock shall continue on and after the vesting date to be treated as so applicable and as equivalent to a stock certificate under the Government Stock Regulations, 1943, or any regulations replacing those regulations, until such time as a stock certificate is issued under such regulations.
- (3) A stockholder in respect of whose holding any such stock or share certificate or similar document is outstanding shall be entitled under the said Regulations of 1943, or any regulations replacing those regulations, to a stock certificate, but that document shall be surrendered to the Bank of England before the issue of the stock certificate:
- Provided that where the said document has been lost or for any other reason cannot be surrendered, the Bank may issue the stock certificate on such terms as to evidence and indemnity as the Bank, may require.
- 3 (1) If the vesting date does not fall at the end of a year for the purposes of regulation 6 of the British Transport Stock Regulations, 1947 (which relates to redemption funds), those regulations shall have effect as respects the year in which the vesting date falls subject to the provisions of this paragraph.
- (2) In paragraph (1) of regulation 6 and in paragraph (3) of regulation 7 of the said regulations the references to a year shall be taken as references to the part of the year ending at the vesting date.
- (3) The sum to be carried to redemption fund accounts under the said regulation 6 in the said period, and any sum to be carried to any such account under paragraph (3) of the said regulation 7, shall be calculated on the principles set out in paragraph (3) of regulation 6 and paragraph (3) of regulation 7 with the necessary modifications to take account of the period being shorter than one year.
- 4 If the vesting date does not fall at the end of a year for the purposes of regulation 9 of the said regulations (which relates to adjustments consequent on the purchase of

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stock), adjustments to be made under paragraph (1) of that regulation on the year in which the vesting date falls shall be made before the vesting date.

PART II

PASSENGER FARES IN LONDON

5 In the application of subsection (4) of section forty-five and subsection (4) of section forty-six of this Act to the Commission, references to subsection (1) of section eighteen of this Act and to directions by the Minister under this Act shall be construed as references to subsection (4) of section three of the Transport Act, 1947, and as references to directions by the Minister under that Act.

6 (1) If immediately before the date when section forty-four of this Act comes into force there is in operation an order under subsection (2) of section twenty-three of the Transport Act, 1953 (which relates to special temporary increases in fares), amending any part of the charges schemes under Part V of the Transport Act, 1947, which is continued in force by this Act, the Commission shall, within one month of the date of the order or such longer period as the Minister may allow, apply to (the Transport Tribunal under section forty-six of this Act for the alteration of all or any of their fares subject to the London fares orders (whether or not all or any of those specified in the application were the fares affected by the order).

(2) Any application by the Commission in compliance with subsection (5) of the said section twenty-three (which requires the Commission to apply within a prescribed time for confirmation of an order under subsection (2) of that section) which is pending before the Transport Tribunal when section forty-four of this Act comes into force shall be deemed to have been made in compliance with the foregoing sub-paragraph, and the proceedings on that application shall be continued in such manner as the Tribunal may direct as if they were proceedings under section forty-six of this Act.

7 Any application by the Commission under section forty-six of this Act which is pending on the vesting date, and any application required to be made by the Commission under section forty-eight of this Act which has not been made on the vesting date, shall be proceeded with, or made, by the London Board and the Railways Board jointly:

Provided that if the application under section forty-six or the notice under section forty-eight of this Act was concerned with charges for the services of one of the Boards exclusively, the application shall be proceeded with or made by that Board alone.

PART III

CONSULTATIVE COMMITTEES

Areas and members of existing Consultative Committees

8 The areas for which under section six of the Transport Act, 1947, there were Transport Users Consultative Committees immediately before the date on which section fifty-six of this Act (hereafter in this Part of this Schedule referred to as the principal section) comes into force shall, until the Minister otherwise directs, be the

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areas for which Area Committees are to be established under the principal section, and the persons who were immediately before that date chairmen and members of a Transport Users Consultative Committee for any such area shall, unless—

- (a) they were appointed under paragraph (c) of subsection (4) of the said section six (which relates to persons nominated by the Commission), or
- (b) the Minister otherwise directs,

constitute the Area Committee for that area under the principal section until the expiration of their appointments.

Pending representations and recommendations about railway passenger closures

- 9 If immediately before the date on which the principal section comes into forces—
- (a) there is before the Central Transport Consultative Committee established under the said section six a representation with respect to any proposal by the Commission to discontinue all railway passenger services from any station or on any line (hereinafter referred to as a closure), or a recommendation from a Transport Users Consultative Committee for any area in respect of such a representation lodged with that committee ; or
 - (b) there is before the Transport Users Consultative Committee for any area such a representation as aforesaid,

the Central Committee established under this Act, or the Area Committee for the corresponding area, as the case may be, shall forthwith inform the Minister and the Commission or the Board concerned, and the closure shall not be proceeded with until the committee has reported to the Minister and the Minister has given his consent; and the provisions of subsections (9) to (11) and (13) of the principal section shall apply as if the committee were an Area Committee with whom an objection to the closure in question had been lodged under that section and as if the consent of the Minister to the closure were required under that section.

Other pending matters

- 10 (1) If immediately before the date on which the principal section comes into force there is before the Central Transport Consultative Committee any matter, other than a matter to which the last foregoing paragraph applies, being a matter within the competence of the Central Committee, the Central Committee may deal with that matter as if it had come before the Committee under the principal section.
- (2) If immediately before the date on which the principal section comes into force there is before the Transport Users Consultative Committee for any area, any matter, other than a matter to which the last foregoing paragraph applies, being a matter within the competence of the Area Committee for the corresponding area, that Committee may deal with that matter as if it had come before the committee under the principal section.

Directions

- 11 (1) If when the principal section comes into force there is before the Minister a recommendation of the Central Transport Consultative Committee or the Transport Users Consultative Committee for Scotland or for Wales and Monmouthshire—
- (a) with respect to any proposed closure, or
 - (b) with respect to any other matter,

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the Minister may in connection with the closure, or with respect to the other matter dealt with in the recommendation, as the case may be, from time to time give to the Commission or to any Board such directions as he thinks fit.

- (2) The principal section shall not apply to a closure in connection with which directions can be given under the foregoing sub-paragraph.
- (3) If When the principal section comes into force the Commission are providing, or assisting in the provision of, alternative services in connection with a closure which has taken place before that date, the Minister may from time to time give to the Commission or the Board concerned such directions with respect to those services, or any other services in substitution for, or in addition to, those services, as he thinks fit.
- (4) The Minister may refer to an Area Committee any matter relating to alternative services provided 'by or with the assistance of the Commission or a Board—
 - (a) in pursuance of a direction under this paragraph, or
 - (b) otherwise than in pursuance of such a direction, if a direction with respect to those services could have been given under this paragraph, or
 - (c) in connection with a closure which has taken place before the principal section comes into force,
 and the Committee shall consider and report to the Minister on that matter.

PART IV

PENSIONS

Employees' rights to continue to participate in pension schemes after transfer

- 12 (1) A person who at any time after the passing of this Act and before the vesting date ceases to be in the employment of the Commission and thereupon becomes an employee of a subsidiary of the Commission or an employee of a Board or of the Holding Company shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the Commission.
- (2) A person who at any time after the passing of this Act and before the vesting date ceases to be in the employment of a subsidiary of the Commission and thereupon becomes an employee of the Commission or of another subsidiary of the Commission, or an employee of a Board or of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the first-mentioned subsidiary of the Commission.
- (3) A person who on the vesting date ceases to be in the employment of the Commission and thereupon becomes an employee of a Board or a subsidiary of a Board, or of the Holding Company or of a subsidiary of the Holding Company, shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the Commission.
- (4) A person who on the vesting date ceases to be in the employment of a subsidiary of the Commission and thereupon becomes an employee of a Board or a subsidiary of a Board, or of the Holding Company or of a subsidiary of the Holding Company,

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shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before he ceased to be in the employment of the subsidiary of the Commission.

- (5) In the application of this paragraph to a pension scheme the benefits under which are or will be receivable as of right, persons who have obtained pension rights under the scheme without having contributed under the scheme shall be regarded as participants in the scheme ; and references to being eligible to participate in a pension scheme shall be construed accordingly.
- 13 (1) The Minister may make orders with respect to the provision of pensions by a subsidiary of the Commission, or by a Board or the Holding Company, in the period before the vesting date, and shall in exercise of his power under this paragraph make such provision as appears to him expedient for ensuring that persons who become employees of the Hotel Company before the vesting date, whether previously in the employment of the Commission or not, are afforded such pension rights as they would have had if the Hotel Company's undertaking had formed part of the Commission's undertaking until the vesting date.
- (2) Subsections (3) to (9) of section seventy-four of this Act shall apply to orders under this paragraph with any necessary modifications.
- (3) An order under the said section seventy-four may amend or revoke an order under this paragraph.

Provisions to be included in orders about pensions

- 14 (1) The Minister shall in exercise of the powers conferred on him by section seventy-four of this Act provide for the transfer on the vesting date of the rights, liabilities and functions of the Commission relating to pensions or pension schemes, and any securities held by the Commission on trust for a pension scheme, to the Boards and the Holding Company or, in such cases as appear to the Minister appropriate, to a subsidiary of a Board or a subsidiary of the Holding Company, or to trustees or to the persons administering a pension scheme, and, except so far as is provided by an order under the said section seventy-four, Part II of this Act shall not apply to any such rights, liabilities, functions or property.
- (2) The Minister shall, in exercise of the powers conferred on him by section seventy-four of this Act, make such provision as appears to him expedient—
- (a) with respect to persons who in consequence of the reorganisation effected by this Act leave the employment of the Commission at any time after the passing of this Act—
- (i) so as to enable those who become employees of any of the Boards or the Holding Company, or of a subsidiary of any of the Boards or of the Holding Company, and who suffer any diminution of their emoluments or change in the nature or terms of their employment in consequence of the re-organisation effected by this Act, to avoid any corresponding diminution in, or consequent loss of, any pension, and
- (ii) so as to preserve the rights under any pension scheme of those who do not become employees of any such body ; and
- (b) for modifying contributory pension schemes so as to afford to persons who become employees of any such body after the vesting date opportunities for participation similar to those afforded to persons who are in comparable

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service with the body and who entered the employment of the body on or before the vesting date.

- (3) Paragraph 12 of this Schedule shall have effect subject to any order under section seventy-four of this Act taking effect at any time after the vesting date.

Existing pensions payable by Commission as of grace

- 15 (1) This paragraph applies to annual and other periodical payments which the Commission have been making in the period before the vesting date, but which the Commission are not by law obliged to make.
- (2) The Commission shall as soon as practicable after the passing of this Act prepare a scheme for the distribution among the Boards and the Holding Company of responsibility for continuing to make the annual or other periodical payments to which this paragraph applies in accordance with the arrangements under which the Commission were making those payments.
- (3) A scheme under this paragraph—
- (a) may require the Boards and the Holding Company to give to the persons by whom payments will be receivable in accordance with the scheme information as to the effect of the scheme, and
 - (b) may provide for any of those bodies contributing to the expenses incurred by any other of them, and
 - (c) may contain such other supplementary, incidental and consequential provisions as appear to the Commission expedient.
- (4) The Commission shall submit any such scheme to the Minister and, if the Minister is satisfied that responsibility for the payments is distributed among the said bodies in an appropriate manner and that the scheme contains sufficient particulars to enable them to discharge their duties under the scheme, he shall approve the scheme.
- (5) Notice that the scheme has been so approved shall be published by the Commission in the London and Edinburgh Gazettes.
- (6) The payments which the Boards and the Holding Company are respectively to make in accordance with a scheme approved under this paragraph shall be recoverable by proceedings in any court of competent jurisdiction.
- (7) An order under section seventy-four of this Act may vary the provisions of a scheme under this paragraph.
- 16 (1) If it appears to the Minister, upon representations made to him by, or on behalf of, any person, or class of persons, affected, that any pensions for persons employed before, but retiring after, the vesting date, or any other pensions payable after the vesting date (other than by way of continuing periodical payments which the Commission have been making in the period before the vesting date) would be receivable, although not as of right, under arrangements made by or with the Commission before the vesting date and that they ought to be receivable as of right, he shall by order direct the Commission by a scheme under the last foregoing paragraph to distribute among the Boards and the Holding Company responsibility for making payments under the arrangements specified in the order as if those payments were payments which the Commission were making in the period before the vesting date.

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- (2) An order under this paragraph shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Continuation of existing pension regulations, etc.

- 17 (1) Sections ninety-eight to one hundred of the Transport Act, 1947, and section twenty-seven of the Transport Act, 1953 (which relate to pensions), shall cease to have effect on the vesting date, but that shall not affect—
- (a) regulations made under the said section ninety-eight or the said section twenty-seven, or
 - (b) any liability in relation to customary obligations arising by virtue of subsection (2) of the said section ninety-nine and transferred under this Part of this Schedule, or
 - (c) the participation in any pension scheme of a person who became such a participant before the vesting date by virtue of subsection (3) of the said section ninety-nine, or
 - (d) the provisions of subsections (3) and (4) of the said section ninety-nine and the said section one hundred as they apply to service before the vesting date.
- (2) If at any time after the vesting date the Minister is satisfied, or it is determined under the next following sub-paragraph, that regulations under the said section ninety-eight have failed to secure the result mentioned in subsection (3) of that section (that is to say that certain persons having pension rights are not placed in any worse position by reason of provisions of the regulations), the Minister shall as soon as possible exercise the power conferred on him by section seventy-four of this Act to make the necessary amendments.
- (3) If—
- (a) any dispute arises between the Minister and any persons as to whether the said result has been secured by any regulations under the said section ninety-eight, or
 - (b) any question arises as to the existence or extent of any customary obligation arising by virtue of subsection (2) of the said section ninety-nine and transferred under this Part of this Schedule,
- the dispute or question shall, in default of agreement, be referred for determination 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 ; and the Boards shall give effect to any determination under paragraph (b) of this sub-paragraph.
- (4) The Minister of Labour may, with the consent of the Treasury, pay out of money provided by Parliament—
- (a) to any referee or to the members of any board of referees appointed under the last foregoing sub-paragraph such fees and allowances as he may with the consent of the Treasury determine, and
 - (b) to persons giving evidence before any such referees or board such allowances as he may with the consent of the Treasury determine.
- (5) Nothing in the Arbitration Act, 1950, shall be construed as applying to any proceedings before a referee or board of referees appointed under this paragraph.

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- (6) It is hereby declared that where actual service in the employment of the Commission immediately precedes or follows service which is treated as such by virtue of subsection (4) of section ninety-nine of the Transport Act, 1947, for the purposes of a pension scheme, the two periods of service shall be treated for those purposes as continuous.

PART V

CONSEQUENCES OF DISSOLUTION OF COMMISSION

Accounts, audit and report

- 18 (1) The Railways Board shall prepare a statement of the Commission's accounts for the period from the end of that dealt with in the last annual statement of accounts published by the Commission down to the vesting date.
- (2) The statement shall be in such form and contain such particulars, compiled in such manner, as the Minister may direct, with the approval of the Treasury, and the Minister may, if the said period exceeds twelve months, with the approval of the Treasury direct that parts of that period shall be dealt with in separate statements.
- (3) Any such statement shall be so framed as to provide, as far as may be, separate information as respects the principal activities of the Commission, and in combination with the periodical statistics and returns rendered by the Commission to show, as far as may be, the financial and operating results of each such activity, and the Minister and the Treasury shall exercise their powers under this paragraph accordingly.
- (4) Section three of the Transport (Railway Finances) Act, 1957 (which requires the Commission to keep a special account relating to deficits on revenue account), shall apply with the necessary modifications to any such statement as it applies to the annual statement of accounts of the Commission.
- (5) In this Act the statement to be prepared under this paragraph, or if separate statements are prepared for parts of the said period, the statement relating to the later part of the period, is referred to as " the final accounts of the Commission ".
- 19 (1) The Minister shall arrange that auditors are appointed under subsection (3) of section ninety-four of the Transport Act, 1947, for a final period, whether of twelve months or of more or less than twelve months, ending on the vesting date, and the auditors so appointed shall, if the audit is not completed on the vesting date, continue and complete the audit after the vesting date.
- (2) Any liability to pay the remuneration of the auditors so appointed outstanding on the vesting date shall be transferred to the Railways Board.
- 20 The Railways Board shall send a copy of any statement of accounts prepared under paragraph 18 of this Schedule, together with a copy of the report made by the auditor or auditors on that statement, to the Minister.
- 21 The Railways Board shall be given by the other Boards and the Holding Company all such facilities and information as the Railways Board may require for the purpose of discharging their duty under this Part of this Schedule, and of enabling the auditors to complete any audit after the vesting date.

- 22 (1) The Railways Board shall as soon as possible after the vesting date make to the Minister a report on the exercise and performance by the Commission of their functions during any period not dealt with in the reports made by the Commission under subsection (7) of section four of the Transport Act, 1947, and that report shall set out any direction given by the Minister to the Commission during that time, unless the Minister has notified to the Commission or the Railways Board his opinion that it is against the interests of national security to do so, and shall include a statement of the salary or fees and of the emoluments of each of the members of the Commission during the period.
- (2) A copy of any statement prepared under paragraph 18 of this Schedule, and of the report made by the auditor or auditors on that statement, shall be included in the said report; and the Minister shall lay a copy of the report before each House of Parliament.

Pensions and other payments to members of the Commission

- 23 (1) Part II of this Act shall not apply to any liability of the Commission to make any payment by way of pension or otherwise to a member of the Commission, but all such liabilities shall be transferred on the vesting date to the Railways Board.
- (2) The Minister may after the vesting date with the approval of the Treasury make any such determination with respect to the payment by the Railways Board of any pension in respect of a member of the Commission as he might have made under paragraph (b) of subsection (7) of section one of the Transport Act, 1947, before the vesting date for the making of a payment by the Commission.
- (3) On the vesting date there shall be transferred to the Railways Board any liability of the Commission under section seventy-nine of this Act as regards a member of the Commission.
- 24 The London Board, the Docks Board, the British Waterways Board and the Holding Company shall pay to the Railways Board such amounts as may be just having regard to the liabilities assumed by the Railways Board under the last foregoing paragraph, and any dispute as to what ought to be paid under this paragraph shall be referred to and determined by the Minister.