



Railways Act 1921

1921 CHAPTER 55

PART VI

GENERAL.

75 Facilities.

- (1) In order to facilitate the transmission of traffic passing or intended to pass to, or from places on or beyond the railway of any amalgamated company from or to places on or beyond the railway of any other amalgamated company, every amalgamated company shall, at all times, afford to any such other amalgamated company all reasonable facilities for the convenient working, forwarding, and conveyance of such traffic via proper and convenient points of exchange, including through rates and fares, the efficient working of trains at suitable and convenient times so as to satisfy the reasonable requirements of the public for the reception, forwarding, and delivery of such traffic, and shall, so far as circumstances reasonably admit, accommodate, manage, and forward such traffic as effectually, regularly, and expeditiously as if it were its own proper traffic.
- (2) Except as hereinafter provided, all facilities for the interchange of traffic and the arrangements as to routes and divisions and invoicing of traffic which on the first day of August, nineteen hundred and fourteen, were in operation between any company and any other company who will not form part of the same group shall, unless otherwise mutually agreed between the companies concerned, be continued by and be binding upon the amalgamated company of which any such company shall form part, as if such amalgamated company had been party to the said facilities and arrangements, but not so as to enlarge or diminish the scope or duration of any such facilities or arrangements :

Provided always that no amalgamated company, except with the consent of the other companies concerned, shall alter or discontinue any point of exchange with any other amalgamated company or companies before the expiration of five years from the date when the amalgamation scheme applicable to such first mentioned amalgamated company came into operation, and then only on giving six calendar months' notice in writing of such intention to the other company or companies, and, if the other

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amalgamated company or companies shall object to such proposed alteration or discontinuance, the matter shall be referred to the rates tribunal, who shall make such order as they shall think just.

- (3) Subject to the provisions of this Act with respect to circuitous routes, in the case of a route competitive with its own by which traffic passes the through rates or fares charged by any amalgamated company shall not, unless the rates tribunal for good cause shown so order, be higher than those charged by its own route.
- (4) No constituent or subsidiary company and no amalgamated company shall be at liberty to refuse to receive, forward, or deliver traffic consigned by a through route on the ground that such traffic can be carried by a route which has, through the operation of this Act, become local to such company.

76 Allocation of receipts on worked railways.

Where under any Act or agreement passed or made before the passing of this Act any railway is maintained and worked on terms based upon the receipts from the traffic on such railway, the amount which shall be payable to the owning company out of such receipts shall be such as would have been payable to them if the rates, fares, tolls, dues, and charges in respect of such traffic had been the same as those in operation during the year nineteen hundred and thirteen, but not less than the amount actually paid in that year with the addition of an amount in respect of interest on capital expenditure at the same rate per annum as was payable by the Government to any such company in respect of the year nineteen hundred and twenty under the agreements or arrangements relating to the possession by the Crown of the railway of such company, and the balance of such receipts shall be retained by the company maintaining and working the said railway.

77 Accounts, returns, and statistics.

- (1) The accounts to be rendered under the Railway Companies (Accounts and Returns) Act, 1911, shall be compiled in such manner as may be determined by the Railway Clearing House with the approval of the Minister, or, if the Minister is unable to approve the proposals of the Railway Clearing House, as may be determined by the Minister after reference to, and considering the report thereon by, a committee composed of not less than three or more than six persons nominated by the Railway Companies' Association, and not less than three or more than six expert and impartial persons of wide commercial and trading experience to be chosen by the Minister from the panel set up under section twenty-three of the Ministry of Transport Act, 1919, as extended by this Act.
- (2) It shall be the duty of every railway company to compile and render to the Minister the statistics and returns set out in the Eighth Schedule to this Act, sub-divided in the case of an amalgamated company in accordance with such operating areas as may be agreed between the Minister and the company, subject, nevertheless, to such variation of those statistics and returns as may from time to time be agreed between the Minister and the Railway Companies' Association:

Provided that the Minister may exempt any light railway company from the obligations imposed by this subsection to such extent as he may think fit.

- (3) In the event of non-compliance on the part of any railway company with any requirement of this section, the requirement shall be enforceable by order of the Railway

and Canal Commission on the application of the Minister in any of the ways referred to in section three of the Railway and Canal Traffic Act, 1854, or section six of the Regulations of Railways Act, 1873.

- (4) Nothing in this section shall be interpreted to authorise any limitation of or interference with the control of the proprietors of any undertaking over the purposes to which its expenditure is to be applied.

78 Provision for applications by public authorities in certain cases.

- (1) Where under this Act an application may be made by a representative body of traders, or by a body of persons representative of trade or a locality, the application may be made by any of the following authorities or bodies—
- (a) any harbour board, or conservancy authority, the common council of the City of London, or the council of any county or borough or district; or
 - (b) any such association of traders or freighters, or chamber of commerce, shipping, or agriculture as may obtain a certificate from the Board of Trade that it is, in the opinion of the Board of Trade, a proper body to make such an application.
- (2) Subject as in this section provided, no company, body, or person not directly interested in the subject-matter of any application shall be entitled to make such application.
- (3) Any authority or body as aforesaid may appear in opposition to any application, representation, or submission in any case where such authority, or the persons represented by them, appear to the Board of Trade to be likely to be affected by the decision on any such application, representation, or submission.
- (4) The Board of Trade may, if they think fit, require as a condition of giving a certificate under this section, that security be given in such manner and to such amount as they think necessary, for costs which may be incurred.
- (5) Any certificate granted under this section shall, unless withdrawn, be in force for twelve months from the date on which it was given.
- (6) Any expenses incurred by any such authority in or incidental to any such application or opposition shall be defrayed out of the rate or fund out of which the expenses of the authority in the execution of their Ordinary duties are defrayed, and, in the case of a rural district council in England, shall be defrayed as general expenses unless the Minister of Health directs that they shall be defrayed as special expenses.

79 Provision as to railway officers transferred to Minister.

Paragraph (iii) of subsection (1) of section seven of the Ministry of Transport Act, 1919 (which provides for officers and servants transferred to the Minister remaining full members of railway pension funds and superannuation funds), shall—

- (a) in the case of an officer or servant transferred from any railway company to whom it is applicable at the time when the Minister ceases to be in possession of the undertaking or any part of the undertaking of the company continue to apply as respects that officer or servant or, after such cessation, so long as he remains in the service of the Crown; and
- (b) apply to any officer or servant of any railway company who, with his consent and the consent of the railway company, may hereafter be transferred to the

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Minister, so long as the officer or servant in question remains in the service of the Crown;

and accordingly the said paragraph shall have effect as if the words " under this section, then so long as the " Minister remains in possession of that undertaking or " any part or plant thereof " Were omitted therefrom.

80 Provisions as to inquiries.

- (1) The provisions of section twenty of the Ministry of Transport Act, 1919 (relating to local inquiries), shall extend so as to enable the Minister to hold local inquiries for the purposes of this Act in like manner as for the purposes of the said Act.
- (2) Section twenty-three of the Ministry of Transport Act, 1919 (which provides for the establishment of a panel for giving advice and assistance to the Minister in connexion with the exercise and performance of his powers and duties), shall extend to the exercise and performance of the powers and duties of the Minister under this Act; and the Minister may add to the panel persons having special experience in the various matters to which the powers and duties of the Minister under this Act relate.
- (3) Any expenses incurred by the Minister in relation to, any such local inquiry, or an inquiry by a committee chosen either wholly or partly from such panel as aforesaid, shall be paid by the railway companies and other persons concerned in the inquiry, or by such of them and in such proportions as the Minister may direct; and the Minister may certify the amount of the expenses incurred, and any sum so certified and directed by the Minister to be paid by any railway company or other person shall be a debt to the Crown from such company or person.
- (4) The rates advisory committee constituted under section twenty-one of the Ministry of Transport Act, 1919, shall continue in existence so long as may be necessary for the purposes of references under the Harbours, Docks and Piers (Temporary Increase of Charges) Act, 1920, and after the said committee ceases to exist any functions which under any other enactments are to be discharged by the committee shall be transferred to the rates tribunal.

81 Notices, &c.

Any notice, application, request, or other document authorised or required by this Act to be sent to a railway company may, unless some other manner is prescribed by the rates tribunal, be sent by post in a prepaid letter addressed to the secretary of the company at the principal office of the company.

82 Mode of action by Board of Trade.

Anything by this Act authorised or required to be done by the Board of Trade may be done by the President or a secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

83 Application to Scotland.

This Act in its application to Scotland shall be subject to the following modifications:

- (a) " Burgh " shall be substituted for " borough, " " servitude " for " easement ", and " Secretary for Scotland " for " Minister of Health ":

- (b) Subsection (5) of the section of this Act, whereof the marginal note is "Constitution and procedure of amalgamation tribunal," shall not apply to proceedings before the amalgamation tribunal in Scotland or to inquiries in Scotland by any Commissioner or other person authorised by the said tribunal, and for the purposes of the summoning and examination of witnesses and the production of documents the tribunal or Commissioner or person authorised as aforesaid shall have the like powers as are conferred upon Commissioners by section ten of the Private Legislation Procedure (Scotland) Act, 1899:
- (c) The expenses incurred by any town or county council in any application or representation authorised by the section of this Act whereof the marginal note is " Provision for applications by public authorities in certain cases," shall be defrayed in the case of a town council out of the burgh general assessment, and in the case of a county council out of the general purposes rate or such other rate as the county council may with the approval of the Secretary for Scotland designate.

84 Provisions as to Irish railways.

- (1) Railway companies in Ireland shall until other provision is made by the Council of Ireland, compile and render such statistics and returns as are at the passing of this Act in pursuance of any statute agreement or otherwise being rendered by such companies.
- (2) Save as aforesaid, the provisions of this Act shall not apply to railway companies in Ireland.

85 Definition of railway company.

for the purposes of this Act, the expression " railway company " includes a joint committee of two or more railway companies and the owners of any railway to which at the passing of this Act a Railways Rates and Charges Order within the meaning of Part III. of this Act applies, and, where a railway is owned by a joint committee of two or more railway companies, it shall, for the purposes of this Act, be deemed to be jointly owned by those companies.

86 Short title and repeal.

- (1) This Act may be cited as the Railways Act, 1921.
- (2) The enactments mentioned in the Ninth Schedule to this Act are, except so far as they relate to Ireland, hereby repealed to the extent specified in the third column of that schedule, but this repeal shall not, as respects the enactments mentioned in Part II. of that schedule, have effect until the appointed day fixed under Part III. of this Act, and nothing in this repeal shall affect the constitution of the Light Railway Commission or the remuneration of any members thereof so long as they continue to perform the duties reserved to them under this Act :

Provided that, for the purpose of the said schedule, the expression " light railway " shall not include a light railway forming part of the system of an amalgamated company, and an amalgamated company owning a light railway shall not, in relation thereto, be deemed to be a light railway company.