



# London Passenger Transport Act 1933

## 1933 CHAPTER 14

An Act to provide for the establishment of a Passenger Transport Board for an area to be known as the London Passenger Transport Area, which shall comprise certain portions of the London Traffic Area and of the districts adjacent thereto, and for the transfer to that Board of various transport undertakings and interests; to make other provisions with respect to traffic in the said area; and for purposes connected with the matters aforesaid. [13th April 1933.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### CONSTITUTION AND GENERAL POWERS OF LONDON PASSENGER TRANSPORT BOARD.

##### **1 Establishment of London Passenger Transport Board.**

- (1) For the purposes of this Act there shall, as soon as may be after the passing of this Act, be established a public authority to be called the London Passenger Transport Board (in this Act referred to as "the Board"), consisting of a chairman and six other members from time to time appointed by a body (in this Act referred to as "the Appointing Trustees") consisting of the following persons:—
- the chairman of the London County Council;
  - a representative of the Advisory Committee (as hereinafter in this Act defined);
  - the chairman of the Committee of London Clearing Bankers;
  - the president of the Law Society;
  - the president of the Institute of Chartered Accountants in England and Wales; and
- in the case of appointments to fill vacancies in the Board at any time after the first constitution of the Board, the chairman of the Board or some other member of the Board nominated by the Board for the purpose.

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The appointments to be made by the Appointing Trustees shall be made after consultation with such persons as they may think fit.

- (2) The chairman and other members of the Board shall be persons who have had wide experience, and have shown capacity, in transport, industrial, commercial or financial matters or in the conduct of public affairs and, in the case of two members, shall be persons who have had not less than six years experience in local government within the London Passenger Transport Area.
- (3) A Member of the Commons House of Parliament shall be disqualified for being appointed or being a member of the Board.
- (4) A member of the Board shall hold office for such term, not less than three years nor longer than seven years, as the Appointing Trustees may determine at the time of his appointment:  
  
 Provided that a member may resign his office by notice in writing under his hand given to the Minister of Transport (in this Act referred to as " the Minister ").
- (5) Where any member of the Board is absent from the meetings of the Board for more than six months consecutively, except for some reason approved by the Minister, or becomes disqualified for being such a member, or becomes bankrupt or makes a composition or arrangement with his creditors, the Minister shall forthwith declare the office to be vacant, and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.
- (6) The Minister after consultation with the Appointing Trustees may remove any member of the Board from his office for inability or misbehaviour.
- (7) A member on vacating his office at the expiration of the term thereof shall be eligible for re-appointment.
- (8) Subject to the provisions of this section the provisions contained in the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Appointing Trustees.

## **2 Incorporation, proceedings and officers of Board.**

- (1) The Board shall be a body corporate with power to purchase and hold land for the purposes of this Act without licence in mortmain.
- (2) The quorum of the Board shall be three, but subject as aforesaid the Board may regulate their own procedure.
- (3) The Board may act notwithstanding a vacancy in their number so long as that number is not reduced below three.
- (4) The Board shall have a common seal, and the seal of the Board shall be authenticated by the signatures of the chairman of the Board, or some other member of the Board authorised by the Board to act in his stead in that behalf, and of the secretary to the Board, or some person authorised by the Board to act in his stead in that behalf.
- (5) Every document purporting to be an instrument issued by the Board and to be sealed with the seal of the Board authenticated in manner provided by this section, or to be signed by the secretary to the Board or by a person authorised by the Board to act

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in his stead in that behalf, as the case may be, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

- (6) The Board shall appoint a secretary and such other officers and servants as the Board may determine, and, subject to the provisions of this Act, there shall be paid to the secretary, officers and servants of the Board such salaries and remuneration, and, on retirement or death, there shall be paid to them or their representatives such pensions and gratuities, as the Board may determine.

### **3 General duty of Board as to passenger transport.**

- (1) It shall be the general duty of the Board so to exercise their powers under this Act as to secure the provision of an adequate and properly coordinated system of passenger transport for the London Passenger Transport Area (as hereinafter in this Act defined), and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as they consider necessary for extending and improving the facilities for passenger transport in that area in such manner as to provide most efficiently and conveniently for the needs thereof.
- (2) The undertakings and parts of undertakings which are by this Act transferred to the Board, and any undertakings or parts of undertakings which under this Act are from time to time acquired, taken on lease or established by the Board, shall constitute, and be administered by them as, one undertaking.
- (3) Subject to the provisions of this Act, the Board may in the exercise of their duty as aforesaid—
- (a) maintain, manage, carry on, extend and improve their undertaking:
  - (b) by agreement acquire or take on lease the whole or any part of any other passenger transport undertaking if that undertaking or that part is being worked within or mainly within the London Passenger Transport Area :
  - (c) purchase, repair or maintain rolling-stock, vehicles, appliances and apparatus for use or used in connection with their undertaking:
  - (d) purchase by agreement or take on lease land, and erect thereon such buildings as may be requisite in connection with their undertaking :
  - (e) do or cause to be done all other things necessary for the convenient and efficient working of their undertaking.
- (4) It shall be the duty of the Board to conduct their undertaking in such manner, and to fix such fares and charges in accordance with the provisions of this Act, as to secure that their revenues shall be sufficient to defray all charges which are by this Act required to be defrayed out of the revenues of the Board.

### **4 Provisions as to members of Board.**

- (1) There shall be paid to the chairman and other members of the Board such salaries, or fees, and allowances for expenses as the Minister after consultation with the Appointing Trustees and with the consent of the Treasury may determine.
- (2) A member of the Board shall within six months, or in the case of an original member twelve months, after his appointment sell any securities which he may hold for his own benefit, whether in his own name or in that of some other person, in any company which is carrying on any passenger transport undertaking in the London Passenger Transport Area, and any transport stock issued under this Act which he may so hold,

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and it shall not be lawful for a member of the Board to purchase for his own benefit any securities in any such company or any such transport stock.

- (3) If a member of the Board becomes entitled for his own benefit to any securities in any such company as aforesaid, or to any such transport stock, he shall sell those securities or that stock within three months after the date on which he becomes entitled to have them transferred to him.
- (4) It shall be the duty of a member of the Board who is in any way, whether directly or indirectly, interested in any contract made or proposed to be made by the Board to disclose the nature of his interest at a meeting of the Board, and the disclosure shall be forthwith recorded in the Minutes of the Board, and the member who is so interested shall not take any part in any deliberation or decision of the Board with respect to that contract.
- (5) A member of the Board who fails to comply with, or acts in contravention of, any of the provisions of this section shall become disqualified for being a member.

## PART II

### THE UNDERTAKING OF THE BOARD.

#### *Transfer to the Board of existing Undertakings.*

#### **5 Transfer to Board of passenger transport undertakings.**

- (1) Subject to the provisions of this Act, the undertakings specified in the Second Schedule to this Act shall on the appointed day, by virtue of this Act, be transferred to and vest in the Board.
- (2) The transfer effected by this section shall (subject to the provisions of section eighty-two of this Act) extend—
  - (a) in the case of each of the undertakings specified in Part I of the said Schedule, other than the tramway and light railway undertaking of the South Metropolitan Electric Tramways and Lighting Company, Limited, (all of which undertakings, together with the last-mentioned undertaking, are in this Act referred to as " the Underground undertakings "), to the whole of the undertaking, including all lands, works, and other property, assets, powers, rights and privileges held or enjoyed in connection therewith or appertaining thereto and any rights or interests of the undertakers in any other undertaking; and
  - (b) in the case of the tramway and light railway undertaking of the South Metropolitan Electric Tramways and Lighting Company, Limited, to the whole of the undertaking including all lands, works, and other property, assets, powers, rights and privileges held or enjoyed in connection therewith or appertaining thereto (other than transforming stations, investments, cash or other liquid assets or book debts and any rights or interests of the undertakers in any other undertaking); and
  - (c) in the case of the undertaking specified in Part II of the said Schedule (in this Act referred to as " the Metropolitan undertaking ") to the whole of the undertaking including all lands, works and other property, assets, powers, rights and privileges held or enjoyed in connection therewith or appertaining

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thereto and any rights or interests of the undertakers in any other undertaking but excluding the undertaking of the Surplus Lands Committee as hereinafter in this Act defined; and

- (d) in the case of each of the undertakings specified in Part III of the said Schedule (in this Act referred to as " the local authorities' undertakings ") to the whole of the undertaking including all lands, works and other property, assets (other than moneys representing any fund established by the authority for the redemption of any loan raised by them for the purposes of the transferred undertaking), powers, rights and privileges held or enjoyed in connection therewith or appertaining thereto, other than such lands or buildings as the Board and the local authority concerned may before the appointed day agree to exclude, or in default of agreement as the arbitration tribunal may determine ought to be excluded, from the transfer effected by this section as being lands or buildings which are not being used for the purposes of the transferred undertaking and are not likely to be required for those purposes, or, in the case of the undertaking of the mayor, aldermen and burgesses of the county borough of West Ham, other than the lands or buildings delineated in red on the maps lettered ' A,' ' B ' and ' C ' signed by the Treasury Solicitor and by the borough surveyor of the said county borough and deposited with the Ministry of Transport; and
- (e) in the case of each of the undertakings specified in Part IV or Part V of the said Schedule (in this Act referred to as " the Tilling undertakings " and " the independent undertakings " respectively)—
  - (i) to such part of the undertaking as consists in the provision of services of stage carriages in respect of which schedules have been deposited with the licensing authority under section six of the London Traffic Act, 1924, consequent upon the grant of a licence under the Metropolitan Public Carriage Act, 1869, subject to the condition of not plying for hire without the consent of the licensing authority except in maintaining regular services on approved routes, including any property of the owners of the undertaking (other than book debts or cash) which was immediately before the appointed day wholly or mainly applied to, or used in connection with, the provision of those services, and any unexpired licence or insurance in respect of any such property; and
  - (ii) in any case where the owners of the undertaking by notice in writing served on the Board not later than three months from the passing of this Act claim that the transfer to the Board of part only of their undertaking would injuriously affect a part of their undertaking not so transferred, to so much of that remaining part as consists in running public service vehicles wholly or mainly in the London Passenger Transport Area and as the Board by a requisition in writing served on the owners not later than three months from the receipt of the notice elects to take over:

Provided that, if the Premier Omnibus Company, limited, by notice in writing served as aforesaid claims that the transfer to the Board of the whole or part only of the undertaking of that company would injuriously affect the undertaking of the Premier Line, Limited, the Board shall take over the whole undertaking of the Premier Line, Limited, including all lands, works, and other property, powers, rights, and privileges held or enjoyed in connection therewith or

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appertaining thereto (other than investments, cash, or other liquid assets or book debts and the freehold premises comprising a garage situate in Bicester Road, Aylesbury, in the county of Buckingham, and any rights or interests of the undertakers in any other undertaking) and for the purposes of this Act the undertaking so taken over shall be deemed to be an undertaking specified in Part V of the Second Schedule to this Act; and

- (f) in the case of the undertaking specified in Part VI of the said Schedule (in this Act referred to as " the Lewis undertaking ") to the whole of that undertaking, including all lands, works, and other property, assets, powers, rights, and privileges held or enjoyed in connection therewith or appertaining thereto and any rights or interests of the undertakers in any other undertaking.

For the purposes of sub-paragraph (ii) of paragraph (e) of this subsection and of paragraph (a) of subsection (6) of section fourteen of this Act the undertaking of the Westminster Omnibus Company, Limited, and the undertaking of the Westminster Coaching Services, Limited, shall be deemed to be one undertaking owned by the Westminster Omnibus Company, Limited.

- (3) If any question arises as to the extent of any transfer effected or to be effected by this section, that question shall, subject to the provisions of this section, be referred to the arbitration tribunal constituted under this Act.
- (4) Subject to the provisions of this Act, the Board, on the transfer of any undertaking specified in Parts I, II, III or VI of the Second Schedule to this Act—
- (a) may exercise and enforce all the rights, powers and privileges which were immediately before the appointed day vested in the undertakers in respect of the undertaking; and
- (b) shall, to the exclusion of the undertakers, be subject to all liabilities and obligations, whether arising by statute or otherwise howsoever, to which the undertakers were subject immediately before the appointed day in respect of the undertaking :

Provided that—

- (i) no liability or obligation of a local authority in respect of any loan raised for the purposes of a transferred undertaking and further in the case of the Hertfordshire County Council, London County Council and Middlesex County Council, and in the case of the mayor, aldermen and burgesses of the county borough of West Ham, no liability or obligation in respect of capital expenditure on work done, services rendered, goods delivered, or land or property acquired before the appointed day shall be transferred to the Board, and any dispute which may arise between the Board and any of those councils or that corporation under this proviso shall, in default of agreement, be determined by an arbitrator to be agreed or to be appointed by the Minister of Health;
- (ii) no liability or obligation in respect of any debenture stock or other like security in substitution for which transport stock is issued under this Act shall be transferred to the Board;
- (iii) no liability or obligation to which the Board is made subject, and no right, power or privilege vested in the Board, by virtue of this section by reason of the transfer to the Board of any undertaking shall be taken to extend to, or apply in respect of, any part of the undertaking of the Board other than so much thereof as represents the transferred undertaking;

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- (iv) the Board shall not by virtue of this section be entitled to exercise any power of borrowing which was before the appointed day exercisable by the undertakers of any transferred undertaking;
- (v) the Board shall not by virtue of this section be entitled to exercise any power vested in any undertaker being an existing company within the meaning of the Companies Act, 1929, unless that power was conferred on that undertaker by a special Act or order having the force of an Act or had been exercised by that undertaker before the appointed day;
- (vi) the Board shall not by virtue of this section be entitled to exercise any rights under section twenty-seven of the Leyton Urban District Council Act, 1904, save with the consent in writing of the mayor, aldermen and burgesses of the Borough of Leyton;
- (vii) no liability of the tramway and light railway undertaking of the South Metropolitan Electric Tramways and Lighting Company, Limited, in respect of work done, services rendered, goods delivered or money borrowed before the appointed day shall be transferred to the Board;
- (viii) the Board shall not without the consent in writing of the mayor, aldermen and burgesses of the county borough of Croydon exercise the powers which were conferred upon the said mayor, aldermen and burgesses by so much of Part IV of the Croydon Corporation Act, 1924, as relates to trolley vehicles;
- (ix) the transfer effected by this section shall not extend in the case of the London County Council or in the case of the mayor, aldermen and burgesses of the county borough of West Ham to any rights in the Consolidated Loans Fund of that council or of that corporation;
- (x) in respect of any roads whereon any light railway is laid by virtue of the Middlesex Light Railways Orders, 1901 to 1932, the Board shall be subject to the same liability to repair, maintain, and keep in good condition parts of the roads of which the Middlesex County Council are the highway authority as they are, by virtue of the transfer effected by this section, subject to in respect of parts of the roads of which the said county council are not the highway authority; and the said county council shall, in respect of the roads of which they are the highway authority, have all the powers, rights, and privileges which by the County of Middlesex Light Railways Orders, 1901 to 1932, and Part IV of the Middlesex County Council Act, 1925, are vested in highway authorities other than the said county council;
- (xi) the liability of the Middlesex County Council under subsection (2) of section twenty-five of the County of Middlesex Light Railways Order, 1901, subsection (2) of section twenty-five of the County of Middlesex Light Railways Order, 1903, and subsection (2) of section twenty-five of the County of Middlesex (Waltham Cross and Enfield) Light Railways Order, 1906, or under any of the said subsections as incorporated with, or made applicable to, the County of Middlesex Light Railways Orders, 1901 to 1932, shall continue to be and shall be deemed always to have been discharged by the Middlesex County Council as highway authority;
- (xii) the Middlesex County Council may and, if so required by the Board, shall at the expense of the council lay down, execute and complete to the satisfaction of the Minister the tramways and works authorised by section fifteen of the Middlesex County Council Act, 1925, within the period limited by that Act as extended by any subsequent enactment and for that purpose may exercise all the powers conferred and shall be subject to all the obligations imposed on the council by that Act in connection therewith;

- (xiii) the powers and obligations conferred or imposed on the Middlesex County Council by any, order made by the Minister under the Light Railways Acts, 1896 to 1912, in pursuance of an application made to the Minister by the council on the thirtieth day of October, nineteen hundred and thirty-one, for an order authorising the making of a light railway in the urban district of Finchley, or by any agreement made in contemplation of that order, shall remain vested in the council until the railway as defined and authorised by the order is laid down and completed, and the council, if so required by the Board, shall at the expense of the council complete the railway within the period limited by the order or by any subsequent order extending the period and, if the Minister certifies that the railway has been duly constructed and that all the obligations of the council in connection with its construction have been discharged, the undertaking authorised by the order (except any land acquired by the council under the powers conferred on the council by the order) shall, as from the date of the certificate or such later date as may be specified in the certificate, by virtue of this Act be transferred to and vest in the Board; and
- (xiv) all rights, powers and privileges vested in or purporting to be vested in, and all liabilities and obligations imposed on or purporting to be imposed on the undertakers by virtue of any private or local Act which receives the Royal Assent in the same session of Parliament as this Act shall for the purposes of this Act be deemed in so far as they relate to undertakings transferred to the Board by this Act to have been vested in or imposed on the undertakers immediately before the appointed day.

## **6 Provisions relating to Associated Equipment Company, Limited.**

- (1) Subject to the provisions of this section, no rights or liabilities arising by virtue of any contract between the Associated Equipment Company Limited (in this section referred to as the "Equipment Company") and any of the undertakers specified in Part I of the Second Schedule to this Act shall be transferred to the Board by this Act and as from the appointed day any such contract as aforesaid shall be discharged.
- (2) It shall be lawful for the Board at any time after the appointed day to enter into any such contract as they may think fit with the Equipment Company in relation to the supply to the Board of public service vehicles or spare parts or otherwise for the purposes of the undertaking of the Board.
- (3) If within six months from the appointed day no such contract as aforesaid is entered into by the Board, the Equipment Company shall be entitled to recover from the Board such compensation as may be agreed or in default of agreement as may be determined by the arbitration tribunal in respect of any loss which the Equipment Company would have suffered on the following assumptions:—
- (a) that a contract in the form of the pro forma contract identified by the signatures of the Treasury Solicitor and of the Secretary of the Equipment Company had been entered into between the London General Omnibus Company, Limited, and the Equipment Company immediately before the appointed day and had been transferred to the Board by this Act; and
  - (b) that the Board had repudiated that contract immediately after the appointed day.
- (4) This section shall not apply to rights or liabilities arising by virtue of the deed of covenant made the twelfth day of May, nineteen hundred and thirty, between the



Equipment Company and the Union Surplus Lands Company, Limited, or any deed of covenant varying or amending the aforementioned deed of covenant.

- (5) For the purposes of this section the appointed day means the first day of July, nineteen hundred and thirty-three.

## **7 Consideration for transfer of undertakings other than local authorities' undertakings.**

- (1) In the case of the Underground undertakings the Board shall, as consideration for the transfer to the Board of those undertakings, issue to the several companies owning those undertakings in such manner as is provided by this Act, the amounts of stock created under this Act (in this Act referred to as "transport stock") which are specified in Part I of the Third Schedule to this Act and of the classes therein specified and the stock so issued shall, in the case of the companies specified in Part II of the said Schedule, be distributed among the holders of the existing debenture and other stocks and shares of those companies at the rates of substitution specified in that Part:

Provided that, where any of the companies specified in Part I of the said Schedule (other than the Tramways (M.E.T.) Omnibus Company, Limited) has at any time after the thirty-first day of December, nineteen hundred and thirty, and before the appointed day redeemed any debenture stocks of the company, the appropriate reduction calculated on the basis of the said rates of substitution shall be made in the transport stock to be issued to the company under this section.

- (2) In the case of the Metropolitan undertaking the Board shall, as consideration for the transfer to the Board of that undertaking, issue to the company owning the undertaking in such manner as is provided by this Act the amounts of transport stock which are specified in Part I of the Fourth Schedule to this Act and of the classes therein specified, and the stock so issued shall be distributed among the holders of the existing stocks of the company (other than the Four per cent. Terminable Debenture Stock) at the rates of substitution specified in Part II of the said Schedule.
- (3) No interest shall accrue due in respect of any period after the appointed day on any existing debenture stock or other stock in substitution for which transport stock is to be distributed under the preceding subsections of this section.
- (4) The provisions of the Fifth Schedule to this Act shall have effect in relation to and for the purpose of the distribution of the transport stock issued under the preceding subsections of this section.
- (5) In the case of a Tilling undertaking the Board shall, as consideration for the transfer of the part of the undertaking transferred to the Board, issue to the undertakers such an amount of transport stock as may under the next following section of this Act be agreed or determined by arbitration.
- (6) In the case of an independent undertaking, or the Lewis undertaking, the Board shall pay or issue to the undertakers as consideration for the transfer of the undertaking or the part of the undertaking transferred to the Board such an amount of cash or of transport stock, or of both cash and transport stock, as may under the next following section of this Act be agreed or determined by arbitration:

Provided that, subject to the provisions of subsection (3) of the said section, the consideration shall, at the option of the undertaker, be payable wholly in cash or wholly

in transport stock, or partly in cash and partly in transport stock, in such proportions as the undertaker may require.

## **8 Determination of amount of consideration and terms of transfer of the Tilling, Independent and Lewis undertakings.**

- (1) The Board and any undertakers to whom this section applies being undertakers whose undertaking is by this Act transferred in whole or in part to the Board may enter into an agreement as to the consideration to be given by the Board for the transfer, but no such agreement shall have effect unless and until it has been confirmed by the arbitration tribunal to be constituted under this Act and the tribunal may confirm any such agreement either with or without modification.
- (2) Subject to the provisions of this Act the amount and nature of the consideration, shall be determined by the arbitration tribunal in accordance with the provisions of this Act in the following cases, that is to say—
  - (a) where the undertakers or the Board notify the tribunal that they are unable to agree;
  - (b) where an agreement submitted to the tribunal for confirmation is not confirmed by the tribunal; and
  - (c) where no such agreement as aforesaid has been so submitted to the tribunal within six months after the passing of this Act or within such longer period as the Minister, either generally or in relation to any particular case, may prescribe;

and in any case where the undertakers or the Board notify the tribunal that they are unable to agree, or where no such agreement as aforesaid has been submitted within the time so limited, either party may, and, if no scheme is submitted before the expiration of the time so limited, the Board, so soon as maybe, shall, prepare and submit to the tribunal a scheme setting out the amount and nature of the consideration which the party so submitting the scheme considers ought to be accepted by the tribunal as being in accordance with the provisions of this Act.
- (3) Where in pursuance of the last preceding subsection the amount and nature of the consideration payable in respect of the transfer of an independent undertaking, or of the Lewis undertaking, is to be determined by the arbitration tribunal, the undertakers shall for the purposes of subsection (6) of section seven of this Act be deemed to have elected to have the consideration paid wholly in cash unless, within such time and in such manner as the arbitration tribunal may direct, they elect to have the consideration paid wholly or partly in transport stock.
- (4) The undertakers to whom this section applies are the undertakers specified in Parts IV, V and VI of the Second Schedule to this Act.

## **9 Consideration for transfer of local authorities' undertakings.**

- (1) In the case of a local authority's undertaking being an undertaking owned by a local authority specified in the Sixth Schedule to this Act, the Board shall, on or as soon as may be after the appointed day, as consideration for the transfer to the Board of that undertaking, issue to the local authority in such manner as is provided by this Act transport stock of the amount and class shown against the name of that authority in the second column of that Schedule; and in the event of any land or buildings which immediately before the appointed day formed part of the transferred undertaking being excluded, either by agreement between the local authority and the Board or

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in accordance with a determination of the arbitration tribunal, from the transfer in accordance with the provisions of paragraph (d) of subsection (2) of section five of this Act the authority shall pay to the Board such sum as may be agreed or in default of agreement as may be determined by the arbitration tribunal to be the equivalent of the outstanding liabilities or obligations of the authority as at the appointed day in respect of so much of any loan raised by them as has been applied for the purposes of the land or buildings so excluded.

- (2) In the case of the undertaking of the Bexley Urban District Council (in this Act referred to as " the Bexley undertaking") and in the case of the undertaking of the mayor, aldermen and burgesses of the borough of Ilford (in this Act referred to as " the Ilford undertaking ") the Board shall as consideration for the transfer to the Board of that undertaking issue to the local authority in such manner as is provided by this Act transport stock of such amount and class as may under the next following section of this Act be agreed or determined by arbitration.
- (3) In the case of any other local authority's undertaking the Board, in order to enable the authority to satisfy their outstanding liabilities or obligations in respect of any loan raised by them for the purposes of the transferred undertaking as and when they fall to be met, shall, as consideration for the transfer to the Board of that undertaking—
  - (a) where the authority have established a fund for the redemption of the loan—
    - (i) pay to the authority from time to time sums by way of capital payment equal to the amounts of the annual or other periodical contributions which, regard being had to the interest for the time being earned by the moneys representing the fund, it is necessary to pay into the fund in respect of any period after the appointed day in order to make provision for the repayment of the loan within the redemption period; and
    - (ii) so long as the moneys representing the fund are insufficient to redeem the loan, make annual payments to the authority (either half-yearly or at some shorter period) equal to the annual amounts of any interest due on the loan;
  - (b) where provision has been made for the redemption of the loan by instalments—
    - (i) if the instalments do not include interest, pay to the authority sums by way of capital payment equal to the amounts of the instalments and also make annual payments (either half-yearly or at some shorter period) equal to the annual amounts of any interest due on the loan; or
    - (ii) if the instalments are instalments of principal and interest combined, pay to the authority sums by way of capital payment equal to the amounts of principal included in the instalments and concurrently therewith make annual payments equal to the amounts of interest included in the instalments :

Provided that—

- (i) the redemption period by reference to which the amount of any such contribution or instalment as aforesaid is to be calculated shall, unless the Board otherwise agree, be the period by reference to which the contributions to be made or instalments to be paid, as the case may be, were calculated during the last complete financial year before the appointed day; and

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- (ii) the consideration payable for the transfer of the undertaking of the local authority may, if it is so agreed between the Board and the authority, and the agreement is confirmed in manner provided by the next following section, be satisfied by the issue to the authority of such an amount of transport stock as may be so agreed as sufficient to enable the authority to discharge their liabilities in respect of the said loans.
- (4) For the purposes of this Act—
- (a) references to a loan raised by a local authority for the purposes of a transferred undertaking shall, where a loan has been raised by a local authority both for the purposes of a transferred undertaking and for other purposes, be construed as references to such part of the loan as had before the appointed day been applied for the purposes of the transferred undertaking;
  - (b) where a loan has been raised both for the purposes of a transferred undertaking and for other purposes, references to any fund established for the redemption of any such loan or to moneys representing any such fund or to any instalment for the redemption of any such loan shall be construed as references to such portion of the fund, or of the moneys representing the fund, or of the instalment, as relates to the part of the loan which had before the appointed day been applied for the purposes of the transferred undertaking;
  - (c) where a tramway which originally formed part of a transferred undertaking has been abandoned before the appointed day, so much of any loan as had before the appointed day been applied for the purposes of the part of the undertaking so abandoned shall be treated as a loan raised for the purposes of the transferred undertaking; and
  - (d) where any land or buildings which immediately before the appointed day formed part of a local authority's undertaking have been excluded from the transfer of that undertaking in accordance with the provisions of paragraph (d) of subsection (2) of section five of this Act, any liability of the local authority in respect of the redemption of, or the payment of interest upon, any loan raised by them and applied for the purposes of the land or buildings so excluded shall not be taken into account in determining the amount of the payments to be made or of the transport stock to be issued by the Board to the authority as consideration for the transfer of the undertaking.

## **10 Determination of amount of consideration and terms of transfer in case of local authorities' undertakings.**

- (1) The Board and any local authority whose undertaking is transferred to the Board by this Act (not being a local authority specified in the Sixth Schedule to this Act) may enter into an agreement as to the consideration payable for the transfer in accordance with the provisions of this Act and as to the dates on which and the manner in which that consideration is to be paid; but no such agreement shall have effect unless and until it has been confirmed by the arbitration tribunal and the tribunal may confirm any such agreement either with or without modification.
- (2) Where no such agreement as aforesaid has been submitted to the tribunal within six months after the passing of this Act or within such longer period as the Minister either generally or in relation to any particular case may prescribe, the Board, so soon as may be, shall prepare and submit to the tribunal a scheme setting out, in the case of the Bexley or the Ilford undertaking, the amount and class of transport stock which the

Board consider ought to be awarded by the tribunal as consideration for the transfer of that undertaking and providing, in the case of any other local authority's undertaking, for the calculation of the sums to be paid by the Board as consideration for the transfer which the Board consider ought to be accepted by the tribunal as being in accordance with the provisions of this Act and, where any scheme is so submitted, all questions covered by the scheme shall be determined by the arbitration tribunal.

- (3) If after the date on which any such agreement or scheme as aforesaid has been confirmed or determined by the arbitration tribunal any dispute arises between the Board and a local authority as to any matter arising out of the agreement or scheme, that dispute shall be determined by the arbitration tribunal, or if that tribunal has been dissolved, by an arbitrator to be agreed or failing agreement to be appointed by the Minister of Health.

## **11 Payments on account to be made by the Board.**

Pending the confirmation of an agreement as to, or the determination by arbitration of, the consideration to be given by the Board for the transfer of any undertaking, or part of an undertaking, the Board shall from time to time pay to the undertakers—

- (a) in the case of a local authority (not being a local authority specified in the Sixth Schedule to this Act or an authority which by this Act is to receive or which has agreed with the Board to accept an issue of transport stock), such sums on account of the consideration as may be necessary to enable the authority to meet its obligations in respect of the redemption or repayment of and interest on any loan raised by the authority for the purposes of the transferred undertaking, after taking into account any moneys then representing any fund established by the local authority for the redemption of the loan and any interest then earned by those moneys; and
- (b) in any other case, amounts on account of any payments to be made in cash, or on account of interest on any transport stock to which those owners may ultimately become entitled;

and, in default of agreement, the amount of any payments to be made under this section and the dates on which those payments are to be made, shall be determined by the arbitration tribunal.

## **12 Constitution and procedure of arbitration tribunal.**

- (1) For the purposes of this Act there shall be constituted a tribunal, to be called the London Passenger Transport Arbitration Tribunal (in this Act referred to as "the arbitration tribunal") consisting of three commissioners, of whom one, who shall be the president, shall be a person of legal experience, one shall be a person of experience in business and one shall be a person of experience in finance.
- (2) The commissioners shall hold office until all questions to be disposed of by them under the provisions of this Act other than questions referred to in subsection (3) of section ten or in subsection (5) of section sixteen of this Act have been so disposed of.
- (3) The commissioners shall be appointed by the Lord Chancellor, and in the event of any vacancy occurring among the commissioners for the time being by death, resignation, or otherwise, before the expiration of their term of office, the Lord Chancellor may appoint a person to fill the vacancy.

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- (4) If any commissioner becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, the Lord Chancellor may appoint some other fit person to discharge his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the commissioner in whose place he is appointed.
- (5) The arbitration tribunal shall be a court of record and shall have an official seal, which shall be judicially noticed.
- (6) The arbitration tribunal may hold such inquiries as appear to the tribunal to be necessary for the purpose of the proper discharge of the functions of the tribunal under this Act.

Before holding any such inquiry the tribunal shall give such public notice as appears to them best adapted for informing persons affected of the date on which and the place at which the inquiry will be held.

- (7) The arbitration tribunal shall take into consideration any objections to any agreement or scheme which are, within the prescribed time and in the prescribed manner, lodged by any person or any class or body of persons affected by the agreement or scheme or by any organisation representative of labour engaged in any transferred undertaking or by any local authority whose area, or any part of whose area, is comprised in the London Passenger Transport Area and, where any objection is so lodged and is not withdrawn, shall hear in support thereof any person who is authorised by the party lodging the objection to appear in support thereof unless the tribunal consider the objection to be unreasonable.
- (8) The provisions of the Arbitration Act, 1889, with respect to—
  - (a) the administration of oaths and the taking of affirmations;
  - (b) the summoning, attendance, and examination of witnesses and the production of documents;
  - (c) the correction of mistakes and errors in awards;shall apply in respect of any proceedings before the arbitration tribunal, but, save as aforesaid, the Arbitration Act, 1889, shall not apply to proceedings before the arbitration tribunal.
- (9) The arbitration tribunal shall have power to make interim awards.
- (10) The arbitration tribunal may state an award, or any part of an award, in the form of a special case for the decision of the Court of Appeal, and may at any stage of the proceedings, and if so ordered by the Court of Appeal shall, state in the form of a special case for the decision of the Court of Appeal any question of law arising in the course of any proceedings before the tribunal.
- (11) The decision of the Court of Appeal upon any award or case so stated shall be final.
- (12) The costs of the owner of any undertaking which is in whole or in part transferred to the Board by this Act shall, except and in so far as the arbitration tribunal otherwise determine, be borne by the Board, and the costs of any other person appearing before the tribunal in support of an objection shall be in the discretion of the arbitration tribunal, so however that where the tribunal consider that a claim or objection, as the case may be, is unreasonable or frivolous and vexatious the tribunal may direct the person putting forward the claim or objection to pay the whole or any part of the costs

of the Board and the arbitration tribunal may order the taxation of any costs referred to in this subsection in such manner and on such scale or principle as they may think fit.

- (13) Subject to the provisions of this section, the arbitration tribunal shall, subject to the approval of the Lord Chancellor, make rules regulating the procedure of the tribunal and providing for the publication of notice of the submission of agreements and schemes and the place where agreements and schemes may be inspected, and prescribing the time within which and the manner in which objections to agreements and schemes may be lodged.
- (14) Subject to the provisions of this section, every award or order made by the arbitration tribunal under this Act shall be binding and conclusive for all purposes, and shall have the like effect as if it were an order of the High Court.
- (15) The arbitration tribunal shall commence their sittings as soon as may be after the passing of this Act, and shall dispose of the matters referred to them under this Act with all reasonable dispatch.

### **13 Staff and expenses of tribunal.**

- (1) The arbitration tribunal may appoint a clerk and, subject to the consent of the Treasury as to numbers, such other officers and servants as they consider necessary for assisting them in the proper discharge of their functions.
- (2) There shall be paid to the members of the arbitration tribunal and to any person temporarily discharging the duties of a member of the tribunal, and to any such clerk, officers and servants as aforesaid, such remuneration as the Minister, with the approval of the Treasury, may determine.
- (3) The expenses of the arbitration tribunal, including any remuneration paid as aforesaid, as certified by the Treasury, shall be defrayed in the first instance by the Minister out of moneys provided by Parliament, but the amount paid by the Minister under this subsection, with interest at such rate as the Treasury may determine, shall on demand be repaid to the Minister by the Board.

### **14 Rules to be applied in determining compensation.**

- (1) The arbitration tribunal in determining the consideration to be paid by the Board for the transfer of—
  - (a) the Bexley undertaking;
  - (b) the Ilford undertaking; and
  - (c) any other undertaking or part of an undertaking not being a local authority's undertaking;

shall have regard to all the circumstances of the case, and shall, subject to the provisions of this section, determine the value of such undertaking or part of an undertaking, and award a consideration which in their opinion is equivalent to such value.

- (2) The arbitration tribunal shall endeavour to secure that the standard of consideration payable in respect of the several undertakings and parts of undertakings transferred by this Act (other than local authorities' undertakings which are transferred on the terms set out in subsection (1) or (3) of section nine of this Act) shall be fair and equitable as between the several owners thereof, and in order to secure that result may, amongst the circumstances to which they have regard in determining the value of any

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of the undertakings mentioned in subsection (1) of this section, have regard to the nature and value and the consideration paid for the transfer of any other undertaking or part of an undertaking (other than as aforesaid) transferred by this Act, whether that consideration is fixed by this Act or by agreement under this Act.

- (3) Where the arbitration tribunal are satisfied that in settling the consideration payable in respect of the transfer of any such other undertaking or part of an undertaking to the Board under this Act any factor has been taken into account which is relevant to the case pending before them, they shall, in making their award, take such factor into account, and shall in respect of that factor make their award on a similar basis.
- (4) Notwithstanding anything in this Act the parties to any proceedings before the arbitration tribunal shall, subject to any legal objection, submit to be examined by the tribunal on oath or affirmation in relation to the matters in dispute, and shall subject as aforesaid produce before the tribunal all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for by the tribunal, and do all other things which during the proceedings the tribunal may require, and this subsection shall apply to the owners of any undertaking or part of an undertaking the consideration for the transfer of which has been fixed by this Act or by agreement under this Act as if they were parties to the proceedings.
- (5) The arbitration tribunal in determining the consideration to be paid by the Board for the transfer of a local authority's undertaking (other than an undertaking owned by an authority specified in the Sixth Schedule to this Act or the Bexley or Ilford undertaking) shall proceed on the basis of the provisions of subsection (3) of section nine of this Act.
- (6) The arbitration tribunal—
  - (a) shall in the case of a Tilling undertaking or an independent undertaking, in any case where, after notice has been given in accordance with this Act by the owners of the undertaking claiming that the transfer to the Board of part only of their undertaking would injuriously affect a part of the undertaking not so transferred, the Board have not taken over the whole of the remaining part, take into consideration any damage suffered or to be suffered by the owners by reason of the severance of the part of the undertaking transferred to the Board from the remainder of the undertaking;
  - (b) shall not, in the case of an undertaking, or part of an undertaking, not being a local authority's undertaking, take into account so much of the value of the undertaking as is attributable to the possibility or probability of the undertaking being amalgamated with or purchased by or being made the subject of an arrangement with some other undertaking working in whole or in part within the London Passenger Transport Area.
- (7) The arbitration tribunal shall in no case make any allowance on account of the compulsory nature of the transfer.
- (8) The arbitration tribunal in determining any application for the confirmation of an agreement made under subsection (1) of section eight or subsection (1) of section ten of this Act shall have regard to the like considerations as when themselves determining the consideration to be paid and the foregoing provisions of this section shall apply accordingly.
- (9) For the purposes of this section the undertakings owned by the following companies, that is to say, the Central London Railway Company, the City and South London Railway Company, the London Electric Railway Company, the London General



Omnibus Company, Limited, and the Metropolitan District Railway Company shall be treated as a single undertaking.

*Transport Services, Fares and Charges.*

**15 Power of Board to ran public service vehicles.**

- (1) Subject to the provisions of this section, it shall be lawful for the Board to provide road services of stage and express carriages on any of the following roads, but not otherwise, that is to say—
- (a) on any road within the area described in Part I of the Seventh Schedule to this Act (in this Act referred to as the " London Passenger Transport Area ");
  - (b) on any road outside that area, being a road specified in Part II or Part III of that Schedule; and
  - (c) in accordance with working agreements made in pursuance of section eighteen of this Act, on any other road outside that area within a radius of ten miles, or in the county of Kent five miles, from any point on the boundary of the London Passenger Transport Area :

Provided that—

- (i) a service provided by the Board within the London Passenger Transport Area may for the purpose of reaching a convenient terminal point or stand be extended for a distance of not more than half a mile, or in the county of Berkshire one mile, beyond the boundary of that area; and
  - (ii) the Board shall not both pick up and set down a passenger on any road specified in Part III of the said Schedule or within the borough of Luton.
- (2) It shall be lawful for the Board to run any public service vehicle as a contract carriage on any road within the London Passenger Transport Area and on any road outside that area within a radius of ten miles, or in the county of Kent five miles, from any point on the boundary of that area but not otherwise.
- (3) Sections seventy-two to seventy-six, both inclusive, of the Road Traffic Act, 1930, shall not apply to a road service provided by the Board wholly within such portion of the London Passenger Transport Area as lies within the London Traffic Area (which portion is in this Act referred to as " the special area ") and, in the case of a road service provided by the Board partly within and partly without the special area shall not apply to that service in so far as it is within the special area.
- (4) The Traffic Commissioners appointed under the said Act, in considering whether they will grant or back a road service licence to the Board in respect of any route or part of a route which is outside the special area shall, in addition to the matters to which they are required to have regard by virtue of section seventy-two of the said Act, have regard to the general duty imposed on the Board by this Act of securing the provision of an adequate and properly coordinated system of passenger transport for the London Passenger Transport Area.
- (5) The Board shall, in respect of road services provided by them, perform such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act, 1893, in respect of a tramway to which that Act applies.

**16 Restriction on carriage of road passengers on certain journeys in special area.**

- (1) Subject to the provisions of this section, no person other than the Board shall, after the appointed day, except with the written consent of the Board, carry within the special area any passengers on any vehicle while that vehicle is being used as a stage carriage or an express carriage, other than passengers entering the vehicle within the special area for the purpose of being set down outside that area, or entering the vehicle outside the special area for the purpose of being set down within that area, or entering the vehicle outside the special area for the purpose of being set down outside that area :

Provided that—

- (a) where a service operating outside the special area is, for the purpose of reaching a convenient terminal point or stand, extended within the special area for a distance not exceeding half a mile from the boundary of that area, any portion of a road along which the service is so extended shall (except in the borough of Gravesend) be deemed, for the purposes of this section in so far as it relates to that service, to be outside the special area;
- (b) nothing in this section—
- (i) shall apply to the carriage of passengers entering a vehicle on a road specified in Part IV of the Seventh Schedule to this Act for the purpose of being set down at another place on any such road as aforesaid in any case where the vehicle is being used as a stage carriage or express carriage on a route which, except in so far as it traverses roads specified in the said Part, lies wholly outside the special area;
  - (ii) shall apply to the carriage of passengers to a terminal point within the special area for the purpose of enabling those passengers to transfer to another vehicle forming part of a service of express carriages proceeding from that terminal point to a place outside the special area, or to the carriage from a terminal point within the special area of passengers who have transferred at the terminal point from another vehicle forming part of a service of express carriages proceeding to the terminal point from a place outside the special area, if the following conditions are satisfied :—
    - (A) that no separate fare is charged for the conveyance to or from the terminal point; and
    - (B) that the vehicle in which the passengers are so carried is owned and operated by the person providing the service aforesaid and is being used solely for the purpose of carrying passengers to or from the terminal point of that service, and for the purposes of this condition a vehicle shall be deemed to be owned by the person providing the service if, being the subject of a hiring agreement or hire-purchase agreement, it is in the possession of that person under that agreement;
- (c) nothing in this section shall authorise the use of any stage or express carriage otherwise than in accordance with the provisions of the Road Traffic Act, 1930.
- (2) If any person carries any person as a passenger in contravention of this section, or permits any person to be so carried, he shall be guilty of an offence under the Road Traffic Act, 1930.
- (3) An application may be made to the Board on or before the first day of October, nineteen hundred and thirty-three or such later date as the Minister may determine, by any

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person who is at any time before the date of his application operating a service of stage or express carriages under a road service licence under the Road Traffic Act, 1930, on any route any part of which lies within the special area (not being a service operated by an undertaking or part of an undertaking which is transferred to the Board by this Act) for permission to operate that service free from the restrictions imposed by subsection (1) of this section, and where any application is so made, the Board may grant the application either unconditionally or subject to such conditions as it may think fit or may refuse the application :

Provided that, if within two months after the receipt of any application under this subsection the Board fails to grant the application in accordance with the provisions of this section, the Board shall be deemed to have refused the application.

- (4) If any person is aggrieved by the refusal of the Board to grant any application so made or by any condition attached by the Board to the grant of any such application, he shall—
- (a) if the service in respect of which the application is made is a service operated wholly or mainly within the special area, be entitled, by notice in writing served on the Board within one month from the date when he is notified by the Board of its decision on his application, or from the date on which the Board is to be deemed to have refused his application, to require the Board to take over such part of his undertaking as consists in the provision of services of stage or express carriages wholly or mainly within the special area on such terms as may be agreed or in default of agreement as may be determined by arbitration; or
  - (b) if he lodges with the Board a claim in writing within six months from the date when the restriction first operated in relation to that service, be entitled to recover from the Board such reasonable compensation as may be agreed or, in default of agreement, determined by arbitration in respect of any damage which has been or will be suffered by him by reason of that restriction:

Provided that, where a claim for compensation is duly lodged under this paragraph in respect of a service operated wholly or mainly within the special area, the Board shall, by notice in writing served on the claimant within one month from the date of the lodging of the claim, be entitled, in lieu of paying compensation under this paragraph, to take over such part of the undertaking of the claimant as consists in the provision of the service in respect of which the claim is made on such terms as may be agreed or in default of agreement as may be determined by arbitration.

For the purposes of this subsection a service shall be treated as being operated mainly within the special area if the car mileage run within the special area by vehicles while running on that service during the twelve months last preceding the date when the Board is required or elects to take over the service amounted to not less than seventy-five per cent. of the total car mileage run by vehicles while so running both within and without that area during that period.

- (5) Any question which under the last preceding subsection is required to be determined by arbitration shall be determined by the arbitration tribunal, or if that tribunal has been dissolved by an arbitrator to be appointed by the Lord Chancellor; and that tribunal or arbitrator, as the case may be, in determining the terms upon which the part of an undertaking is to be taken over by the Board under paragraph (a) or paragraph (b) of that subsection shall have regard to the same considerations as the arbitration tribunal would have had regard to if that part had been an undertaking specified in Part V of the

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Second Schedule to this Act, and, where the person carrying on the undertaking shows that the taking over by the Board of part only of his undertaking would injuriously affect a part of his undertaking not so taken over, may award reasonable compensation in respect of any damage which has been or will be suffered by him by reason of the severance of his undertaking.

- (6) For the purposes of this section the appointed day shall be the first day of January, nineteen hundred and thirty-four, or such later date as the Minister may appoint.
- (7) This section shall not apply to the following companies, that is to say, the Aldershot and District Traction Company Limited, the Chatham and District Traction Company, the Eastern National Omnibus Company Limited, the East Kent Road Car Company Limited, the Hants and Dorset Motor Services Limited, the Maidstone and District Motor Services Limited, the Redcar Services Limited, the Southdown Motor Services Limited and the Thames Valley Traction Company Limited.

## **17 Provisions relating to provincial operating companies.**

- (1) As from the appointed day the Board shall purchase from the Aldershot and District Traction Company Limited, the Eastern National Omnibus Company Limited, the Maidstone and District Motor Services Limited, the Redcar Services Limited and the Thames Valley Traction Company Limited, such buildings, premises, vehicles, plant, stores and equipment belonging to those companies as are specified in or may be determined in accordance with the provisions of Part I of the Eighth Schedule to this Act and in consideration therefor the Board shall pay to each of those companies such price as may be agreed or in default of agreement determined by the arbitration tribunal in accordance with the rules prescribed for the determination of that price in Part II of the said Schedule, and in addition such compensation in respect of the severance of their undertakings as may be so agreed or determined in accordance with the rules prescribed for the determination of that compensation in Part III of the said Schedule.
- (2) Subject to the provisions of this section, no person shall after the appointed day, except with the written consent of the Board, carry within the London Passenger Transport Area any passengers on any vehicle owned or operated by or on behalf of any of the provincial operating companies, or by or on behalf of any person to whom the goodwill or any part thereof of any of those companies is assigned, while that vehicle is being used as a stage carriage or express carriage, other than passengers entering the vehicle within that area for the purpose of being set down outside that area, or entering the vehicle outside that area for the purpose of being set down within that area, or entering the vehicle outside that area for the purpose of being set down outside that area :

Provided that—

- (a) where a service operating outside the London Passenger Transport Area is, for the purpose of reaching a convenient terminal point or stand, extended within that area for a distance not exceeding half a mile from the boundary of that area, any portion of a road along which the service is so extended shall (except in the borough of Gravesend) be deemed, for the purposes of this section in so far as it relates to that service, to be outside the London Passenger Transport Area;
- (b) nothing in this section—
  - (i) shall apply to the carriage of passengers entering a vehicle on a road specified in Part IV of the Seventh Schedule to this Act for the purpose of being set down at another place on any such road as aforesaid

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- in any case where the vehicle is being used as a stage carriage or express carriage on a route which, except in so far as it traverses roads specified in the said Part, lies wholly outside that area;
- (ii) shall apply to the carriage of passengers to a terminal point within the London Passenger Transport Area for the purpose of enabling those passengers to transfer to another vehicle forming part of a service of express carriages proceeding from that terminal point to a place outside that area, or to the carriage from a terminal point within that area of passengers who have transferred at the terminal point from another vehicle forming part of a service of express carriages proceeding to the terminal point from a place outside that area, if the following conditions are satisfied :—
- (A) that no separate fare is charged for the conveyance to or from the terminal point; and
- (B) that the vehicle in which the passengers are so carried is owned and operated by the person providing the service aforesaid and is being used solely for the purpose of carrying passengers to or from the terminal point of that service, and for the purposes of this condition a vehicle shall be deemed to be owned by the person providing the service, if, being the subject of a hiring agreement or hire-purchase agreement, it is in the possession of that person under that agreement;
- (c) nothing in this section shall authorise the use of any stage or express carriage otherwise than in accordance with the provisions of the Road Traffic Act, 1930.
- (3) If any person carries any person as a passenger in contravention of this section, or permits any person to be so carried, he shall be guilty of an offence under the Road Traffic Act, 1930.
- (4) In this section the expression " provincial operating companies " means the Aldershot and District Traction Company Limited, the Chatham and District Traction Company, the Eastern National Omnibus Company Limited, the East Kent Road Car Company Limited, the Hants and Dorset Motor Services Limited, the Maidstone and District Motor Services Limited, Redcar Services Limited, the Southdown Motor Services Limited and the Thames Valley Traction Company Limited.
- (5) For the purposes of this section the appointed day shall be the first day of July, nineteen hundred and thirty-three, or such later date as the Minister may appoint.

## **18 Working agreements.**

- (1) It shall be lawful for the Board and any local authority or other person providing or authorised to provide road services of stage or express carriages in any county borough or county district wholly or partly within the London Passenger Transport Area or adjacent to any such county borough or county district as aforesaid to make, carry into effect, rescind or vary, notwithstanding any enactment to the contrary, agreements for all or any of the following purposes, that is to say—
- (a) the interchange, accommodation and conveyance of traffic arising on, coming from or destined for any service provided by the Board or any other party to the agreement;
- (b) the payment, collection and apportionment of the fares and charges and other receipts arising from any such service as aforesaid;

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- (c) the through running of stage and express carriages and the fixing of fares and charges in relation thereto;
  - (d) the provision and use of any vehicles, lands, depots, buildings, sheds or property required in connection with any services to which the agreement relates.
- (2) Nothing in this section shall authorise the Board to enter into any agreement for any of the purposes mentioned in paragraphs (b), (c) or (d) of the last preceding subsection in relation to any service of stage or express carriages operating within the borough of Luton or proceeding beyond a radius of ten miles, or in the county of Kent five miles, from a point on the boundary of the London Passenger Transport Area.
- (3) Nothing in this section shall be taken to prejudice any powers vested in the Traffic Commissioners under the Road Traffic Act, 1930.
- (4) In this section the expression " authorised " means authorised otherwise than by virtue of an agreement made under this section.

#### **19 Provision of service of passenger vessels on River Thames.**

- (1) As from the appointed day the powers of the London County Council (in this section referred to as " the Council ") under the Thames River Steamboat Service Acts, 1904 and 1908 (in this section referred to as " the said Acts ") with respect to the provision of a service of passenger vessels on the River Thames shall be transferred to the Board.
- (2) It shall be the duty of the Board, in the exercise of their general duty under section three of this Act, to consider and take such measures as they may think fit by virtue of the powers transferred to them by this section to utilise the River Thames for the purposes of passenger transport, whether with steamboats, motor-boats, or other vessels.
- (3) The Board may from time to time enter into arrangements with the Council for the transfer to, or exercise by, the Board of any other powers vested in, or any duties imposed on, the Council by virtue of the said Acts and for the transfer to or use by the Board of any works, land or property vested in or acquired by the Council under or in pursuance of the said Acts upon such terms as may be agreed or, in default of agreement, as may be determined by arbitration.
- (4) An arrangement made under subsection (3) of this section may provide for (a) the alteration or improvement by the Board of any works vested in the Council by virtue of the said Acts; and (b) for the making of payments by the Board to the Council or by the Council to the Board in respect of any matter for which provision is made by the arrangement.
- (5) In the event of the Board deciding not themselves to exercise the powers transferred to them by this section, the Board may from time to time enter into arrangements with other persons willing to provide such a service as aforesaid for the exercise or discharge by such persons of any of the powers or duties transferred to the Board by, or by virtue of any arrangement made under, this section upon such terms and under such conditions as may be specified in the arrangement.
- (6) An arrangement made under subsection (5) of this section may provide for (a) the interchange, accommodation and conveyance of traffic arising on, coming from, or destined for, any service provided by the Board or any other party to the arrangement; and (b) the payment, collection and apportionment of fares and charges and other receipts arising from any such service as aforesaid.

- (7) Nothing in, or in any arrangement made under, this section shall prejudice or affect any provision of the said Acts relating to the protection of or the saving of any rights of any person other than the Council.
- (8) For the purpose of this section the appointed day shall be the first day of July, nineteen hundred and thirty-three, or such later date as the Minister may appoint for the purpose.

## **20 Power of Board to lease or sell surplus lands.**

- (1) Subject to the provisions of this section the Board may, if they by resolution so decide, sell or let on lease any lands or property forming part of their undertaking which in their opinion are not required for the proper carrying out of their duties under this Act.
- (2) Where within ten years from the appointed day the Board by resolution decide to sell or let on lease any land or building which immediately before the appointed day formed part of a local authority's undertaking, the Board shall send to the local authority concerned notice of the resolution, and, if within three months from the date of the receipt of that notice, the local authority notify the Board that they desire to purchase the land or building or to take it on lease, as the case may be, they shall be entitled so to purchase the land or building or to take it on lease on such terms as may be agreed between the Board and the authority or, in default of agreement, as may be determined by arbitration to be fair and reasonable having regard to all the circumstances of the case.

## **21 Restriction on power of manufacture.**

Subject to the provisions of this section, it shall not be lawful for the Board to manufacture, or apply their funds to the manufacture of any rolling-stock or vehicles except for the purposes of experiment or research:

Provided that, where immediately before the date of transfer any premises were being used for the purpose of manufacturing omnibus bodies by undertakings or parts of undertakings which are transferred to the Board by this Act, the Board may continue to use those premises for the purpose of manufacturing such bodies for use in connection-with their undertaking, so however that the number of omnibus bodies so manufactured by the Board in any year shall not exceed the average number of omnibus bodies manufactured annually by the London General Omnibus Company Limited at its premises at Chiswick in the County of Middlesex during the five years last preceding the first day of January, nineteen hundred and thirty-two.

## **22 Restriction on power of Board to establish garages.**

Subject to the provisions of this section, the Board shall not—

- (a) carry on the business of maintaining, repairing, storing, selling or providing any service for motor vehicles except such vehicles as may be used for the purposes of its undertaking, or used for the purpose of any working agreement made in pursuance of section eighteen of this Act;
- (b) sell or supply for the use of other persons fuel, lubricants, accessories, spare parts or equipment for motor vehicles;
- (c) let motor vehicles on hire for the conveyance of passengers or goods except as in this Act expressly provided:

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Provided that nothing in this section shall prevent the Board from—

- (i) continuing to carry on at Morden in the County of Surrey the undertaking of Morden Station Garage Limited;
- (ii) continuing to carry on the business of any other garage forming part of an undertaking which or part of which is transferred to the Board by this Act or which or part of which the Board is required to take over under this Act for such period not exceeding three years as may be necessary to enable the Board to dispose of the business so transferred or taken over;
- (iii) selling or otherwise disposing of vehicles which have been used for the purposes of its undertaking, or for the purpose of any working agreement made in pursuance of section eighteen of this Act, or spare parts or equipment held by the Board for use in connection with any such vehicle as aforesaid; or
- (iv) providing open or covered spaces where the private motor vehicles of persons using the transport services of the Board may stand.

### **23 Power to abandon tramway systems.**

- (1) Subject to the provisions of this section, the Board may abandon either in whole or in part any tramway forming part of their undertaking.
- (2) At least three months before the date on which any such abandonment is to take effect the Board shall give notice of the proposed abandonment and the date upon which that abandonment is to take effect to the highway authority responsible for the road on or above which the tramway is laid or erected.
- (3) Upon any such abandonment the Board may, and if so required by the responsible highway authority, shall, within a period not exceeding three months from the date upon which the abandonment takes effect or such longer period as the highway authority may allow, take up, remove and dispose of the rails, conduits, paving setts, posts, poles, wires and other works used or provided for the purpose of the tramway so abandoned (in this section collectively referred to as " tramway equipment ").
- (4) Subject to the provisions of this section, the Board in any such case shall forthwith fill in and make good the surface of the road to the reasonable satisfaction of the highway authority to as good a condition as that in which it was before the tramway equipment was laid or erected.
- (5) Within two months after receiving a notice of the proposed abandonment of a tramway or any part of a tramway, the highway authority may give notice to the Board that they propose themselves to take up, remove and dispose of all or any of the tramway equipment, and to make good the surface of the road, and in that event the Board shall not remove such tramway equipment or make good the surface of the road but shall pay to the highway authority such sum as may be agreed, or in default of agreement as may be determined by arbitration to be equivalent to the cost which the Board would have incurred in respect of their obligations under subsections (3), (4) and (6) of this section, if the highway authority had not given notice to the Board as aforesaid, due allowance being made for the value (less the cost of removal) of such tramway equipment, and where any such notice as aforesaid is given in respect of any such road or equipment, the Board shall (subject as aforesaid) be relieved from their obligations under the said subsections in respect of that road and the highway authority shall indemnify the Board against all claims, liabilities, costs, charges and expenses in respect of or in connection with such tramway equipment or the removal thereof or the making good of the surface



of the road and shall with all reasonable dispatch carry out the work as to which such notice has been given.

In an arbitration under this section the arbitrator shall be an engineer appointed by agreement, or failing such agreement, at the request of either party, after notice in writing to the other, by the President of the Institution of Civil Engineers.

- (6) In any case where the tramway equipment is laid or erected on, under or above any bridge or embankment the Board or the highway authority (as the case may be) shall make good to the satisfaction of the authority responsible for the maintenance of such bridge or embankment, any damage caused to the structure of such bridge or embankment by reason or in consequence of any work carried out under the provisions of this section.
- (7) As from the date on which abandonment by the Board of any tramway or part thereof takes effect, the Board shall cease to be charged with any expenses incurred under, and shall be relieved of any liability arising by virtue of, any statutory enactment relating to the maintenance or repair of the road by the persons working the tramway or part thereof, as the case may be.
- (8) In this section the expression " highway authority " where used in relation to any road vested in or repairable by the London County Council means the Council.
- (9) Nothing in this section—
  - (a) shall affect the provisions of any Act or order having the force of an Act which immediately before the appointed day applied to any tramway undertaking transferred to the Board by this Act and which relates to the protection or is for the benefit of—
    - (i) any highway authority in respect of reinstatement of roads; or
    - (ii) the Southern Railway Company in respect of the maintenance and repair or reinstatement of roads, footpaths, bridges, drains or other works or the abandonment of existing tramways; or
  - (b) shall authorise any interference with any electric lines or works of any undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1928, otherwise than in accordance with and subject to the provisions of section fifteen of the Electric Lighting Act, 1882 (which relates to the right of persons to alter the position of electric lines or works belonging to those undertakers).

## **24 Supply of electricity by local authorities.**

- (1) Where immediately before the appointed day a local authority was furnishing from an electricity undertaking owned by that authority the whole or any part of the supply of electricity necessary for the purposes of a tramway undertaking, being an undertaking which is owned or worked by that authority and which is transferred to the Board by this Act (in this section referred to as " a transferred undertaking ") the following provisions shall have effect.
- (2) Subject to the provisions of this section, the Board shall continue to take the whole or, as the case may be, the same proportionate part of the supply of electricity necessary for the purposes of the transferred undertaking from the electricity undertaking of the authority and shall pay for that supply such price as may be agreed between the Board and the local authority, or in default of agreement as may be determined by an arbitrator to be agreed or, failing agreement, to be appointed by the Minister.

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- (3) Where the Board is desirous of substituting for the supply of electricity furnished by the local authority for the purposes of the transferred undertaking a supply from some other source of supply, the Board shall notify the local authority concerned at least six months before the date when the proposed substitution is to take effect, and, if within one month from the receipt of that notice the local authority serves on the Board notice of objection to the proposed substitution, the Board shall not, unless otherwise agreed between the Board and the local authority concerned, substitute the supply from that other source of supply—
- (a) unless and until the Electricity Commissioners established under the Electricity (Supply) Act, 1919, give their written consent to the substitution; and
  - (b) where the generating station from which at the date of the notice of objection the supply of electricity is being furnished is owned by the local authority and is a station which by virtue of a scheme made under the Electricity (Supply) Act, 1926, has become a selected station, unless and until that station is being operated as a selected station under the directions of the Central Electricity Board.
- (4) Where in pursuance of the last preceding subsection a supply of electricity from a source of supply other than the electricity undertaking of the authority is substituted, or where the Board abandons the working of the transferred undertaking, then, unless otherwise agreed between the Board and the local authority concerned—
- (a) the Board, if so required by the authority—
    - (i) shall take over from the authority all such plant (other than generating plant), including mains, cables, sub - station buildings and sub-station equipment as has been provided by the authority solely for the purpose of supplying electricity for the transferred undertaking and is not suitable for use by the electricity undertaking of the authority except for that purpose; and
    - (ii) shall from time to time pay to the authority such sums as may be sufficient to enable the authority to satisfy its outstanding liabilities or obligations in respect of any loan raised by the authority and applied for the purposes of the plant so taken over, calculated on the basis prescribed by section nine of this Act for the calculation of the sums to be paid by the Board as consideration for the transfer of a transferred undertaking; and
  - (b) where after the Board has taken over any such plant as aforesaid, there remains as part of the electricity undertaking of the authority any such plant as aforesaid (other than generating plant) which has been provided by the authority solely for the purpose of supplying electricity for the transferred undertaking and is suitable, but is not immediately required, for use by the electricity undertaking of the authority for other purposes, the Board shall at its option either—
    - (i) take over that remaining plant on the same terms as if it had been plant which the Board had been required to take over under paragraph (a) of this subsection; or
    - (ii) pay to the authority from time to time in respect of each item of that remaining plant until that item of plant can again be brought into use by the electricity undertaking for those other purposes such sums as may be sufficient to enable the authority to satisfy its outstanding liabilities or obligations as they fall due for payment in respect of any

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loan raised by the authority and applied for the purposes of the item of plant so remaining unsuitable for use, calculated in the same manner as the sums which are to be paid by the Board in respect of the plant taken over by it under paragraph (a) of this subsection.

- (5) Where in pursuance of subsection (3) of this section a supply of electricity from a source of supply other than the electricity undertaking of the authority is substituted and the supply of electricity furnished by the authority is procured wholly or in part from some source other than a generating station owned by the local authority, the Board shall pay such compensation to the authority in respect of the increased costs, if any, of supplies of electricity required for the purposes of its electricity undertaking by reason of the loss of the demand for tramway purposes and the adverse effect, if any, upon the load factor of the electricity undertaking of the authority as may be agreed or in default of agreement as may be determined by an arbitrator to be agreed or, failing agreement, to be appointed by the Minister.
- (6) Nothing in this section shall affect any rights of the mayor aldermen and burgesses of the borough of Leyton arising under any contract relating to the supply of electricity for the purpose of a tramway undertaking which is transferred to the Board by this Act.

## **25 Statutory charging powers of the Board.**

- (1) Subject to the provisions of this Act, the statutory provisions in force immediately before the appointed day relating to the charging powers of the undertakings transferred to the Board by this Act shall have effect as if the Board were named in those provisions instead of the undertakers.
- (2) Part III of the Railways Act, 1921 (except section forty-seven thereof), shall not, in so far as it relates to fares in respect of passengers conveyed over the railway which was immediately before the appointed day the railway of the Metropolitan Railway Company, apply to the Board as owners of that railway but, subject to the provisions of this Act relating to the revision of fares of the Board, the Board shall be entitled to fix and charge such fares in respect of passengers conveyed over that railway as they may think fit, so however that the fares so fixed and charged shall not exceed the fares which the Metropolitan Railway Company was immediately before the appointed day entitled to charge under any schedule of charges applied, to that company under Part III of the Railways Act, 1921.
- (3) As from the appointed day all provisions contained in any special or local Act, or in any order having the force of an Act, with respect to the power of the Minister to revise the maximum fares and charges to be demanded by the tramway undertakings transferred to the Board by this Act shall cease to have effect.

## **26 Road service fares and charges of the Board.**

- (1) Subject to the provisions of this Act, it shall be lawful for the Board on a road service provided by them to carry, in addition to passengers and personal luggage in their charge not exceeding twenty-eight pounds in weight, small parcels not exceeding fifty-six pounds in weight and dogs in charge of passengers, but, save as aforesaid, no goods or animals shall be carried, on any public service vehicles used in connection with any road service provided by the Board:

Provided that it shall not be lawful for the Board to carry parcels on public service vehicles within the Metropolitan Police District or the City of London except when accompanied by passengers.

- (2) In the case of a road service provided by them, the Board may, subject to the provisions of this Act relating to the revision of fares of the Board and, in the case of public service vehicles operating wholly or in part outside the special area, subject, as respects any part of the service outside that area, to the provisions of section seventy-two of the Road Traffic Act, 1930, demand and take for the carriage of passengers, personal luggage accompanied by a passenger, parcels and dogs such charges and fares as they think fit, so however that no charge shall be made for personal luggage not exceeding twenty-eight pounds in weight in charge of a passenger, and the charge for the carriage of a dog shall not exceed the fare payable by the passenger having charge of the dog.

## **27 Fares in force on appointed day.**

- (1) Within three months after the appointed day or within such further period not exceeding two months as the Minister may allow, the Board shall deposit at the offices of the Ministry of Transport schedules containing detailed particulars specifying the various fares charged on the appointed day as respects the undertaking of the Board.
- (2) The schedules referred to in subsection (1) of this section shall be open for inspection at all reasonable times.

## **28 Notification of alterations in fares.**

The Board shall before making any alterations in fares give public notice of their intention to do so in accordance with regulations to be made by the Minister under this Act.

## **29 Revision of fares of the Board.**

- (1) The Railway Rates Tribunal established under the Railways Act, 1921 (in this Part of this Act referred to as "the rates tribunal"), may from time to time, on the application of a local authority, or in any case where the Board have not themselves power to make the alteration in the fares which they desire to make, on the application of the Board, by order reduce or increase the fares or any of them charged or chargeable by the Board, whether generally or in respect of any particular hours, in the case of any passenger service provided by the Board, or modify any conditions applicable to such fares :

Provided that the rates tribunal in making any order may have regard to the establishment and maintenance of a general basis for fares throughout the London Passenger Transport Area.

- (2) An order under this section shall have effect notwithstanding anything in any Act or order having the force of an Act limiting or regulating the fares to be charged by the owners of any undertaking which by this Act is transferred to and forms part of the undertaking of the Board and notwithstanding anything in any condition attached to a road-service licence granted under section seventy-two of the Road Traffic Act, 1930.
- (3) Subject as hereinafter provided, no application under this section for a general revision of the fares of the Board shall be made within twelve months after the date on which the rates tribunal having considered an application for such a general revision made

an order thereon, and no application for the revision of any particular fares shall be made at any time within twelve months after the date on which the rates tribunal having considered an application for the revision of those particular fares made an order thereon :

Provided that, if at any time the Minister certifies that, since the date on which an order was made by the rates tribunal on any matter, there has been such a material change in the circumstances as to justify a reconsideration of the matter, an application with respect thereto may be made at any time after the date of the certificate, notwithstanding that a period of twelve months has not elapsed since the date of the order.

- (4) The rates tribunal in determining an application under this section shall have regard to the desirability of the establishment and maintenance by the Board of an adequate reserve fund and shall not make any order which would in their opinion preclude the Board from complying with their obligations under subsection (4) of section three of this Act.

### **30 Representations by local authorities as to the services or facilities of the Board.**

- (1) A local authority may at any time apply to the rates tribunal with respect to the withdrawal or reduction, or the proposed withdrawal or reduction, of any services or facilities provided by the Board, or with respect to the need for the provision by the Board of new or improved services or facilities affecting the area of the authority.
- (2) Where any such application is made, the rates tribunal may, if and so far as they think proper, by order require the Board to restore, or prohibit the withdrawal or reduction of, the services in question, or permit the withdrawal or reduction of such services subject to such conditions (including the provision of alternative facilities) as they may prescribe, or require the Board to provide new or improved services or facilities, as the case may be:

Provided that the rates tribunal in determining an application under this section shall have regard to the desirability of the establishment and maintenance by the Board of an adequate reserve fund, and shall not make any order which would in their opinion preclude the Board from complying with their obligations under subsection (4) of section three of this Act, or which would necessitate the raising of additional capital save with the consent of the Board, or which would necessitate an application by the Board to Parliament for additional powers.

- (3) Subject as hereinafter provided, the Board may at any time apply to the rates tribunal to amend, alter or revoke any order made by the tribunal under this section and on any such application the tribunal, after hearing any local authority desiring to be heard, being a local authority whose area is affected by the order, and upon being satisfied that since the date upon which the order was made there has been such a material change of circumstances as to justify a revision of the order, may, subject to the provisions of subsection (2) of this section, make such amendments or alterations in the order as they think fit or may revoke the order :

Provided that no application shall be made by the Board under this subsection until the expiration of a period of twelve months from the date upon which the order was made, unless the Minister certifies that since the date on which the tribunal made the order there has been such a material change of circumstances as to justify a reconsideration of the order.

### **31 Co-ordination of services of Board and amalgamated railway companies.**

- (1) With a view to securing that the services provided or to be provided by the Board shall be properly coordinated with the suburban passenger services of the four amalgamated railway companies constituted under the Railways Act, 1921 (in this Act referred to as "the amalgamated railway companies"), there shall be established a Standing Joint Committee (in this section referred to as "the Joint Committee") which shall consist of eight members of whom four shall be appointed by the Board and one shall be appointed by each of the amalgamated railway companies.
- (2) The Joint Committee shall make rules for regulating its procedure, including the fixing of a quorum and the times and places of meeting and the appointment, powers, duties and procedure of sub-committees, and shall elect one member from among its number to be chairman who shall hold office for one year but shall be eligible for re-election.
- (3) It shall be the duty of the Joint Committee to consider and report to the Board and to each of the amalgamated railway companies on any of the following matters which may be referred to the Joint Committee by the Board, or by any of the amalgamated railway companies—
  - (a) proposals for co-operation between the Board and the amalgamated railway companies, or any of them, in the provision or working of passenger services or facilities, including proposals for through bookings, through working, leasing or working of lines, running powers, working of services, inter-availability of tickets and apportionment of receipts;
  - (b) proposals affecting any other matter of interest to any two or more of the parties appointing members to the Joint Committee.
- (4) Where the Joint Committee has made a report under the last preceding subsection, the Board and any amalgamated railway company concerned may enter into agreements in relation to any proposals forming the subject matter of the report, and in pursuance of any such agreement as aforesaid may apply their funds in the provision of any service or facility which the Board or the amalgamated railway company concerned may be authorised to provide, and the Board or any amalgamated railway company may, if they think fit, make advances of or otherwise contribute any moneys which may be necessary for the provision of any such service or facility as aforesaid.
- (5) It shall be the duty of the Joint Committee within twelve months from the appointed day or such longer period as the Minister may fix for the purpose to prepare and submit to the Board and to each of the amalgamated railway companies a scheme (in this Act referred to as "the pooling scheme") framed in accordance with the provisions of the Tenth Schedule to this Act for the pooling in the manner prescribed by the scheme of the whole of the passenger receipts to which by the said Schedule the pooling scheme is required to apply.
- (6) If within three months from the date on which the scheme is so submitted the scheme is adopted by the Board and by all the amalgamated railway companies, the scheme shall forthwith be submitted to the arbitration tribunal for confirmation; and the arbitration tribunal, if satisfied that the scheme is in accordance with the provisions of the said Schedule or, with such necessary modifications as the tribunal may require, would be in accordance with the provisions of the said Schedule, shall confirm the scheme as so submitted or as so modified, as the case may be.
- (7) If no scheme is so submitted within the time mentioned in subsection (5) of this section, or if the scheme is not so adopted within the period limited by subsection (6) of this section, it shall be the duty of the arbitration tribunal to prepare and settle

the pooling scheme in accordance with the provisions of the said Schedule and in preparing and settling the scheme the arbitration tribunal shall take into account any scheme prepared by the Joint Committee or by the Board or by any of the amalgamated railway companies.

- (8) The order of the tribunal confirming or settling the scheme under this section shall have effect as if it were an award by that tribunal under section twelve of this Act; and the scheme so confirmed or settled shall, notwithstanding anything in this or any other Act or in any order having the force of an Act limiting the powers of the Board or of any of the amalgamated railway companies, be or be deemed to have been of full force and effect as from the appointed day.
- (9) Subject to the provisions of sections thirty and thirty-five of this Act, any question which may arise between the Board and any of the amalgamated railway companies or between any of those companies after the date on which the pooling scheme under this section has come into operation as to services or facilities the receipts from which are or would be covered by the scheme involving (a) any substantial alteration of those services or facilities or (b) the introduction of any new service or facility or (c) the undertaking of any extension or development necessitating additional capital expenditure shall be submitted to and determined by the Joint Committee.
- (10) If the Joint Committee is unable to agree on any question so submitted, any party to the scheme may refer the matter in question to the rates tribunal for their decision; and, where any matter is so referred, the rates tribunal may by order authorise or require the Board or any of the amalgamated railway companies to make such alteration of services or facilities, or to introduce such new service or facility, or to undertake such extension or development, as the rates tribunal may think fit:

Provided that the rates tribunal in considering whether any order should be made under this section shall have regard to the desirability of the establishment and maintenance by the Board of an adequate reserve fund, and shall not make any order which would in their opinion preclude the Board from complying with their obligations under subsection (4) of section three of this Act, or which would be likely to affect prejudicially the financial position of the amalgamated railway companies or any of them, or which would necessitate the raising of additional capital, save with the consent of the Board or of the amalgamated railway company concerned, as the case may be, or which would necessitate an application to Parliament for additional powers.

- (11) The amalgamated railway companies shall furnish to the Minister statistics and returns of—
- (a) originating passenger journeys and receipts ;
  - (b) steam train miles;
  - (c) electric train miles; and
  - (d) electric vehicle miles

relating to the suburban passenger services of those companies compiled in the same manner and for the same periods as the corresponding returns compiled under subsection (2) of section seventy-seven of the Railways Act, 1921, with such modifications, if any, as may from time to time be agreed between the Minister and the Railway Companies' Association.

- (12) In this section the expression " authorised " means authorised otherwise than by virtue of an agreement under this section, and the expression " the appointed day " means the first day of July, nineteen hundred and thirty-three.

*Special Provisions relating to Amalgamated Railway Companies.*

**32 Application of provisions relating to amalgamated railway companies.**

As from the first day of July, nineteen hundred and thirty-three, the provisions of the next three succeeding sections shall have effect in relation to the fares to be charged, and the facilities to be provided in respect of, or in connection with, the suburban passenger services of the amalgamated railway companies.

**33 Charging powers of amalgamated railway companies.**

Part III of the Railways Act, 1921 (except section forty-seven thereof), shall cease to have effect in relation to the amalgamated railway companies in so far as it relates to fares in respect of the suburban passenger services of those companies; but, subject to the provisions of the next succeeding section, each amalgamated railway company shall be entitled to fix and charge such fares in respect of those services as it may think fit, so, however, that the fares so fixed and charged shall not exceed the fares which that company is immediately before the date when this section takes effect entitled to charge in respect of those services by virtue of any schedule of standard charges which is in force in respect of that company under Part III of the Railways Act, 1921.

**34 Revision of fares of amalgamated railway companies.**

- (1) The rates tribunal may from time to time, on the application of a local authority, or in any case where any of the amalgamated railway companies has not itself power to make the alteration in the fares which it desires to make, on the application of that company, by order reduce or increase the fares or any of them charged or chargeable by the company, whether generally or in relation to any particular hours, in respect of its suburban passenger services or modify the conditions applicable to any such fares.
- (2) An order under this section shall have effect notwithstanding anything in any Act or order having the force of an Act, limiting or regulating the fares to be charged by the amalgamated railway company concerned.
- (3) Subject as hereinafter provided, no application under this section for a general revision of fares shall be made within twelve months after the date on which the rates tribunal, having considered an application for such a general revision, made an order thereon, and no application for the revision of any particular fares shall be made at any time within twelve months after the date on which the rates tribunal, having considered an application for the revision of those particular fares, made an order thereon :

Provided that, if at any time the Minister certifies that, since the date on which an order was made by the rates tribunal on any matter, there has been such a material change in the circumstances as to justify a reconsideration of the matter, an application with respect thereto may be made at any time after the date of the certificate, notwithstanding that a period of twelve months has not elapsed since the date of the order.

- (4) The rates tribunal shall not make any order under this section which would be likely to affect prejudicially the financial position of the amalgamated railway companies or any of them.



### **35 Representations by local authorities as to services or facilities of amalgamated railway companies.**

- (1) A local authority may at any time apply to the rates tribunal with respect to the withdrawal or reduction, or the proposed withdrawal or reduction, of any suburban passenger service or any facility provided by any of the amalgamated railway companies in connection with its suburban passenger services or with respect to the need for the provision by any of those companies of new or improved suburban passenger services or facilities in connection therewith affecting the area of the authority.
- (2) Where any such application is made, the rates tribunal may, if and so far as they think proper, by order require any of the amalgamated railway companies to restore, or prohibit the withdrawal or reduction of the services in question or permit the withdrawal or reduction of, such services subject to such conditions (including the provision of alternative facilities) as they may prescribe, or require any of the amalgamated railway companies to provide new or improved passenger services or facilities as the case may be :

Provided that the rates tribunal shall not make any order under this section which would be likely to affect prejudicially the financial position of the amalgamated railway companies or any of them or which would necessitate the raising of additional capital by any of those companies save with the consent of the company concerned, or which would necessitate an application by any of those companies to Parliament for additional powers.

- (3) Subject as hereinafter provided, any of the amalgamated railway companies affected by an order of the rates tribunal made under this section may at any time apply to the tribunal to amend, alter or revoke that order and upon any such application the tribunal, after hearing any local authority desiring to be heard, being a local authority whose area is affected by the order, and upon being satisfied that, since the date upon which the order was made, there has been such a material change of circumstances as to justify a revision of the order, may, subject to the provisions of subsection (2) of this section, make such amendments or alterations in the order as they think fit, or may revoke the order:

Provided that no application shall be made by any of the amalgamated railway companies under this section until the expiration of a period of twelve months from the date upon which the order was made, unless the Minister certifies that since that date there has been such a material change of circumstances as to justify a reconsideration of the order.

### **36 Transfer of powers of Railway and Canal Commission, and &c.**

- (1) Any existing functions of or powers exercisable by the Railway and Canal Commission shall, in so far as they are exercisable by the rates tribunal by virtue of this Act, cease to be the functions of or powers exercisable by that Commission.
- (2) The provisions set out in the Ninth Schedule to this Act shall have effect in relation to the exercise by the rates tribunal of the functions and powers conferred on that tribunal by this Act.

## PART III

### FINANCIAL PROVISIONS.

#### 37 Transport fund.

There shall be established a transport fund, and, subject to the provisions of this Act, all receipts of the Board shall be carried to that fund, and all payments by the Board shall be made out of that fund.

#### 38 Power of Board to borrow for capital purposes.

- (1) For the capital purposes mentioned in the next following subsection, the Board may, subject to regulations to be made by the Minister with the approval of the Treasury, borrow money by the issue of transport stock in the manner provided by this Act.
- (2) Such powers of borrowing as aforesaid may be exercised for any of the following purposes :—
  - (a) the payment of the consideration for the transfer of undertakings or parts of undertakings (other than local authorities' undertakings) to the Board by this Act, in so far as the consideration is, in accordance with agreements confirmed by the arbitration tribunal or with decisions of the arbitration tribunal, required to be paid in cash;
  - (b) the payment of the consideration for the transfer of the local authorities' undertakings to the Board by this Act, in so far as that payment is by way of capital payment and is required to be paid in cash;
  - (c) the discharge of any liability imposed on or incurred by the Board under section sixteen or section seventeen of this Act;
  - (d) the provision of working capital;
  - (e) the provision of money for meeting any expenditure incurred in connection with any permanent work or other thing which the Board are authorised to execute or do, the cost of which is properly chargeable to capital, and, where the time for the completion of the work in respect of which the money was borrowed is limited by statute, the payment of interest on that money for a period not exceeding the time so limited or the period actually required for the completion of that work, whichever is the shorter;
  - (f) any other purpose, within the powers of the Board under this Act, including the payment of compensation and the purchase of undertakings or parts of undertakings by agreement, being a purpose properly chargeable to capital;
  - (g) the payment to the Minister of the costs of this Act;
  - (h) the redemption of any transport stock in so far as borrowing for that purpose is authorised by the regulations relating to the issue and redemption of stock.
- (3) The maximum amount which may be borrowed by the Board under this section, exclusive of any sums borrowed under paragraphs (a), (b), (c), or (h) of subsection (2) of this section, shall be an amount representing the aggregate of the following sums, that is to say—
  - (a) a sum equivalent to the additional moneys which, under the London Electric, Metropolitan District, Central London and City and South London Railway Companies Act, 1930, and the London Electric, Metropolitan District and Central London Railway Companies' (Works) Act, 1931, the London Electric Railway Company, the Metropolitan District Railway Company and the

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Central London Railway Company are respectively empowered to raise, reduced by an amount equivalent to any additional moneys which before the appointed day any of the said companies may have raised in pursuance of the powers conferred by those Acts; and

(b) the sum of ten million pounds.

- (4) Any money borrowed under this section (other than money borrowed by the issue of " C " Stock) shall be repaid before the expiration of a period of ninety years from the date of the borrowing :

Provided that any money borrowed for the purpose of redeeming any transport stock (other than " C " Stock) shall be repaid before the expiration of a period of ninety years from the date of the issue of the stock so redeemed.

- (5) Where by virtue of the transfer to the Board of the undertakings of the London Electric Railway Company, the Metropolitan District Railway Company, or the Central London Railway Company any cash or other liquid assets are transferred to the Board being cash or assets representing any part of the additional moneys raised before the appointed day by any of the said companies by the issue of debenture stocks under the powers conferred by the London Electric, Metropolitan District, Central London, and City and South London Railway Companies Act, 1930, or the London Electric, Metropolitan District and Central London Railway Companies' (Works) Act, 1931, the Board may, notwithstanding anything in this Act, apply that cash or those assets to the payment of interest on the transport stock issued in substitution for those debenture stocks of those companies and charge the same to capital account in the like manner as those companies might have applied those moneys to the payment of interest on those debenture stocks and have charged the same to capital account.

### **39 Issue of transport stock.**

- (1) For the purpose of enabling the Board—

- (a) to satisfy the consideration to be given by them for the transfer to them by this Act of undertakings and parts of undertakings in so far as such consideration is by this Act or in accordance with agreements confirmed by the arbitration tribunal or with decisions of that tribunal required to be satisfied by the issue of stock;
- (b) to raise money which they are empowered by the last preceding section to borrow for capital purposes; and
- (c) to carry into effect any arrangements for the issue of new stock for the redemption of stock previously issued by the Board;

the Board may create stock to be called London Transport Stock, and in this Act referred to as " transport stock."

- (2) Transport stock shall consist of the following classes, viz. :—

London Transport " A " Stock, London Transport "T.F.A." Stock, London Transport " L.A. " Stock, London Transport " B" Stock and London Transport " C " Stock.

- (3) London Transport " A " Stock," T.F.A. " Stock, " L.A." Stock and " B " Stock together with the interest on those stocks, and London Transport " C" Stock together with the interest thereon up to the standard rate, shall be charged on the undertaking of, and on all the revenues of the Board, and for that purpose the different classes of stocks shall rank in the order of priority in which they are named in the last preceding subsection.

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(4) London Transport " A " Stock and " B " Stock—

- (a) shall bear interest as follows :—
  - (i) stock issued as consideration for the transfer to the Board of the Underground undertakings and of the Metropolitan undertaking shall in the case of " A " Stock bear interest at such rate, being either four and one-half per cent. per annum or five per cent. per annum, as is necessary to enable effect to be given to the provisions of Part I. of the Third Schedule and of Part I of the Fourth Schedule to this Act, and in the case of " B " Stock at five per cent. per annum;
  - (ii) stock issued as consideration for the transfer to the Board of undertakings or parts of undertakings by this Act, other than the Underground undertakings and the Metropolitan undertaking, shall bear interest, in the case of " A " Stock at four and one-half per cent. or five per cent. per annum as the Board may determine, and in the case of " B " Stock at five per cent. per annum;
  - (iii) in any other case, the stock shall bear interest at such rates as the Board with the approval of the Treasury, may determine at the time of the issue of that stock; and
- (b) in the case of stock issued under paragraph (a) of subsection (1) of this section may be redeemed at par at the option of the Board in the case of " A " Stock on or after the thirty-first day of December, one thousand nine hundred and eighty-five, and in the case of " B " Stock on or after the thirty-first day of December, one thousand nine hundred and sixty-five, and in either case shall be redeemed at par before the expiration of a period of ninety years from the date of the issue of the stock.

(5) London Transport " T.F.A." Stock—

- (a) shall bear interest at the rate of four and one-half per cent. per annum;
- (b) shall be issued by the Board only in accordance with the provisions of the Third Schedule to this Act in substitution for the existing four and a half per cent. debenture stocks of the London Electric Railway Company, the Central London Railway Company, and the City and South London Railway Company, being stocks of which the principal and interest is guaranteed by the Treasury under the Trade Facilities Acts, 1921 to 1926; and
- (c) shall be subject to the same provisions with respect to the date of redemption as the said debenture stocks.

The guarantee given by the Treasury in respect of the principal and interest of the said debenture stocks shall be transferred to the transport stock issued in substitution therefor, and shall apply to that stock in the like manner as that in which it applied at the date of the substitution to those debenture stocks and subject to the like conditions and in the case of any default by the Board in respect of the said stock the Treasury shall have the same remedies against the Board as they would have had against those companies in the case of the like default.

(6) London Transport " L.A." Stock—

- (a) shall bear interest at the rate of four and one-half per cent. per annum;
- (b) shall be issued by the Board only to the local authorities specified in the Sixth Schedule to this Act;
- (c) may be redeemed at par at the option of the Board on or after the thirty-first day of December, one thousand nine hundred and seventy-five, and shall be

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redeemed at par before the expiration of a period of ninety years from the date of the issue of that stock.

- (7) London Transport " C " Stock shall, subject to the provisions of this section, bear interest as follows:—
- (a) interest shall be paid at the rate (in this Act referred to as " the standard rate") of five per cent. per annum in respect of each of the first two years after the appointed day and of five and one-half per cent. per annum in respect of each subsequent year; and
  - (b) in respect of any year after the first two years in which there is a sum available out of the revenues of the Board applicable to the payment of additional interest on that stock under subsection (3) of section forty-six of this Act, additional interest shall be paid at whichever of the following rates, that is to say, one-eighth, one-quarter, three-eighths, or one-half of one per cent. per annum, is the highest rate that that sum is sufficient to pay:

Provided that—

- (i) if in any year the revenues of the Board applicable to the payment of interest at the standard rate are insufficient to pay interest at that rate in respect of that year, interest shall be paid in respect of that year at the highest rate that can be paid out of the revenues so applicable, so however that the rate so paid shall be a multiple of one-eighth of one per cent.;
- (ii) in any year in which the amount which is applicable out of revenue for the payment of interest at the standard rate or additional interest is not wholly distributed as interest, any amount not so distributed shall be paid into a special fund to be called the London Transport " C " Stock Interest Fund (in this section referred to as " the fund"); and
- (iii) in any year in which the revenues of the Board applicable to the payment of interest on the " C " Stock are insufficient to pay interest at the rate of six per cent. per annum, any sums standing to the credit of the fund shall be applicable to making up interest for that year on the " C " Stock to any rate (being a multiple of one-eighth of one per cent.) not exceeding six per cent. per annum.

Any money standing to the credit of the fund shall be invested in statutory securities and the interest thereon shall be credited to the fund.

- (8) London Transport " C " Stock may be redeemed at par at the option of the Board on the thirty-first day of December, one thousand nine hundred and fifty-five, or at any time thereafter, so, however, that the said stock shall not be redeemable before the date of the dissolution of the trust for which provision is made by section eighty-nine of this Act, except upon six months' notice of intention to redeem expiring on the thirtieth day of June in any year.
- (9) Transport stock issued as consideration for the transfer by this Act to the Board of undertakings, or parts of undertakings, or issued pursuant to subsection (1) or subsection (3) of section eighty-eight of this Act shall bear interest from the appointed day.
- (10) Subject to the provisions of this section, transport stock issued as consideration for the transfer to the Board of undertakings or parts of undertakings by this Act (other than the Underground undertakings, the Metropolitan undertaking and the undertakings owned by the local authorities specified in the Sixth Schedule to this Act) shall be of such classes as may be provided for in any agreement confirmed by, or in default of agreement as may be determined by, the arbitration tribunal:

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Provided that no agreement shall be confirmed or determination made by the tribunal which would oblige or entitle the Board in the case of stock issued as consideration or part of the consideration for the transfer of a local authority's undertaking, a Tilling undertaking, an independent undertaking or the Lewis undertaking, to issue more than two-thirds of the total stock so issued in respect of any particular undertaking in stock other than " C " Stock.

(11) Subject to the provisions of this section—

- (a) transport stock created for raising any part of the sums mentioned in paragraph (a) of subsection (3) of section thirty-eight of this Act, shall be of such class or classes as may be determined by the Board;
- (b) transport stock created for raising any part of the moneys the borrowing of which is authorised by paragraphs (a), (b) and (c) of subsection (2) of section thirty-eight of this Act and of the sum of ten million pounds mentioned in paragraph (b) of subsection (3) of the said section shall be of such class or classes as may be determined by the Board, so however that in the case of such stock not more than one-third part of the amount outstanding at any time shall be " A " Stock and not less than one-third of the amount outstanding at any time shall be " C " Stock, unless the Minister with the approval of the Treasury otherwise consents.

(12) Subject to the provisions of this section interest on transport stock shall be paid as follows :—

- (a) in the case of "A" Stock, " T.F.A." Stock, " L.A." Stock and " B " Stock by equal half-yearly payments; and
- (b) in the case of " C " Stock by yearly payments :

Provided that, if in any year the Board are satisfied that the revenues of the Board applicable to the payment of interest on " C " Stock are sufficient to justify a payment being made at the end of the first six months of the year on account of the interest for that year, such a payment may be made, but no such payment shall be at a higher rate than one-half of the standard rate for that year.

(13) All transport stock of the same class, though issued at different dates and bearing interest at different rates, shall rank *pari passu*.

(14) Subject to the provisions of this Act, transport stock shall be issued, transferred, dealt with and redeemed in accordance with regulations to be made by the Minister, with the approval of the Treasury, prior to the issue of such stock, or such other regulations as the Minister may with such approval from time to time by order prescribe, and such regulations shall provide for the enforcement of the security by the appointment of a receiver or a receiver and manager or otherwise and may apply for the purposes of this section with or without modifications any provisions of the Local Loans Act, 1875, the Public Health Acts Amendment Act, 1890, and the Acts amending those Acts, and of any Act relating to stock issued by any local authority :

Provided that regulations made under this section—

- (a) shall not require or authorise any annual provision to be made for the repayment of moneys borrowed or the redemption of transport stock (other than transport stock issued for the purpose of redeeming transport stock previously issued) before the expiration of ten years from the date of the borrowing of the money or the issue of the stock; and

- (b) shall authorise the holders of " A " Stock, "L.A." Stock or " B " Stock respectively, being holders in the aggregate of not less than five per cent. of the total amount of stock of that class then outstanding, to apply to the High Court for the appointment of a receiver or a receiver and manager of the undertaking of the Board in the event of the Board making default in the payment of interest on those stocks respectively for a period of not less than three months; and
- (c) shall authorise the holders of " C " Stock, being holders in the aggregate of not less than five per cent. of the total amount of " C " Stock then outstanding, to apply to the High Court for the appointment of a receiver or a receiver and manager of the undertaking of the Board in the event of the Board failing in respect of each of three consecutive years of which the first shall be not earlier than the year ending on the thirtieth day of June nineteen hundred and thirty-six to pay interest on the " C " Stock at the standard rate for those years.

Where under any regulations made under this section any application is made to the court for the appointment of a receiver or receiver and manager, the Board in such manner as may be prescribed by such regulations shall convene meetings of the holders of each class of transport stock for the purpose of ascertaining and informing the court whether such holders desire to support or to oppose the application; and the court, after considering any resolutions passed at any such meeting as aforesaid and hearing any holders of transport stock desiring to be heard in opposition to or in support of the application may, if it thinks fit, appoint a receiver or a receiver and manager, as the case may be, on such terms as it may think fit.

- (15) Transport stock, other than " C " Stock, shall be included amongst the securities in which trustees may invest trust funds under the powers of section one of the Trustee Act, 1925, or section ten of the Trusts (Scotland) Act, 1921.

#### **40 Dealings with transport stock by local authorities.**

- (1) A local authority to whom transport stock has been issued as consideration for the transfer of their undertaking may, subject to the provisions of this section, hold or sell or otherwise dispose of that stock or any part thereof and the proceeds of any such sale or disposal shall be applied as follows :—
  - (a) in the case of the London County Council, they shall be carried to the Consolidated Loans Fund of that council and shall be dealt with as moneys carried to that fund under section twelve of the London County Council (Finance Consolidation) Act, 1912; and
  - (b) in the case of any other local authority, they shall be applied to one or more of the following purposes :—
    - (i) to any purpose to which capital receipts are authorised to be applied by any Act or order relating to the transferred undertaking; or
    - (ii) in the repayment of any loan raised or the redemption of any stock issued for the purposes of the transferred undertaking; or
    - (iii) to such other purpose as the local authority, with the approval of the Minister of Health, may determine;

and the provision required by law to be made for the repayment or redemption of any loan or stock raised or issued for the purposes of the transferred undertaking (including, in the case of the London County Council, any moneys standing to the credit of the Consolidated Loans Fund of that council which have been employed for the purposes of the transferred undertaking) may be suspended, altered or dispensed

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with to such extent as may be approved, as respects the London County Council, by the Treasury and, as respects any other local authority, by the Minister of Health :

Provided that a local authority to which " L.A." Stock is issued shall not, save with the consent of the Board, sell or otherwise dispose of the stock so issued before the expiration of ten years from the date of the issue of that stock.

- (2) The interest received by a local authority on any transport stock held by them shall, in the case of the London County Council, be carried to the credit of the county fund and allocated to general county purposes or special county purposes as the council may decide, and in any other case be applied in aid of the fund or rate from which the expenses of the local authority in respect of the transferred undertaking were payable before the date of transfer.

#### **41 Power of Board to borrow temporarily.**

- (1) The Board may borrow temporarily by the issue of bonds or otherwise or by arrangements with bankers such sums, in addition to the sums which they are authorised by this Act to borrow for capital purposes, as they may require for meeting their obligations and carrying out their duties under this Act, provided that the total amount so borrowed and outstanding shall not at any time exceed three million pounds.
- (2) Any sum borrowed under this section, together with interest thereon, shall be charged on the undertaking of and on all the revenues of the Board.

#### **42 Reserve fund.**

- (1) The Board shall establish a reserve fund and shall carry to that fund in each year such part of the revenues of the Board as is under the provisions of this Act relating to the application of the revenues of the Board applicable to that purpose.
- (2) The reserve fund shall, subject to the provisions of this Act, be applicable to any of the following purposes at the discretion of the Board—
- (a) the meeting of any charges to be defrayed out of the revenues of the Board to the extent to which those revenues are insufficient to meet those charges;
  - (b) the redemption of or the purchase and cancellation of London Transport " C " Stock :  
  
Provided that no stock shall be purchased for cancellation at a price above par;
  - (c) the benefit of passenger transport in the London Passenger Transport Area including the development, extension and improvement of the undertaking of the Board and the reduction of fares;
  - (d) the general purposes of the undertaking of the Board.
- (3) Any sum transferred from the reserve fund for the purpose of meeting any charge which by this Act is to be defrayed out of the revenues of the Board shall be deemed to form part of the revenues of the Board applicable to defraying that charge.

#### **43 Insurance fund.**

- (1) The Board may, if they think fit, establish a fund (in this Act referred to as " the insurance fund ") with the view of providing a sum of money which shall be available for making good all losses, damages, costs and expenses which the Board may suffer,



incur or become liable to in consequence of or in connection with any of the following risks :—

- (a) risk of fire in respect of buildings, works, premises and the contents thereof and other property forming part of the undertaking of the Board or for which the Board may be responsible;
- (b) risks of accident and claims by third parties in respect of any vehicles (including vessels) forming part of the undertaking of the Board;
- (c) risks of explosion in respect of boilers;
- (d) risks under the common law, the Employers' Liability Act, 1880, the Workmen's Compensation Act, 1925, or any Act or Acts for the time being amending or extending those Acts, or otherwise in respect of accidents to the officers, servants or workmen of the Board or to third parties;
- (e) risks of mechanical breakdown in connection with the undertaking of the Board;
- (f) risk of loss due to infidelity of officers or servants of the Board;
- (g) any other risks against which in the absence of such an insurance fund the Board would in accordance with ordinary commercial practice prudently insure:

Provided that nothing in this subsection shall be taken to prevent the Board from effecting insurances with insurers of good repute against the whole or any part of all or any of the risks for which the insurance fund is intended to provide or to require the Board to continue the insurance fund if and when established.

- (2) In the event of the establishment of the insurance fund, during its continuance the Board may pay into that fund annually such sum as is in their opinion required, having regard to the several risks for which the insurance fund is intended to provide, and any insurances effected by the Board against those risks.
- (3) When the insurance fund amounts to such aggregate amount as in the opinion of the Board adequately covers the several risks for which the fund is intended to provide, the Board shall discontinue the yearly payments to the fund, but if the fund is at any time reduced below that aggregate amount the Board may recommence and continue the yearly payments to that fund in accordance with subsection (2) of this section until the fund is again in their opinion adequate.
- (4) The following amounts, that is to say—
  - (a) any yearly payments made to the insurance fund; and
  - (b) the premiums payable in respect of insurances effected with insurers;shall form part of the working expenses of the Board.

#### **44 Tramway Debt Liquidation fund.**

The Board shall establish a separate fund to be called " the Tramway Debt Liquidation Fund, " to the account of which shall be charged the sums to be paid from time to time by the Board to local authorities by way of capital payment in respect of loans raised for the purpose of the transferred undertakings, and the Board shall in each year transfer to that fund out of revenue such amount as may be necessary to enable the total sum charged to the fund to be written off within such period not exceeding ninety years as the Board may determine.

**45 Continuance of grants under 20 and 21 Geo. 5. c. 7.**

In any case where before the appointed day a grant under the Development (Loan Guarantees and Grants) Act, 1929, or a grant in aid of an approved scheme of useful work to relieve unemployment was made to the owners of any undertaking specified in the Second Schedule to this Act, any sum which would, if this Act had not been passed, have become due after the appointed day to the owners of that undertaking in respect of that grant, shall be paid to the Board in the same manner as, and subject to the same conditions as would have been applicable, if the payment had been made to those owners.

**46 Application of revenues of Board.**

- (1) The revenues of the Board in any year shall be applied in defraying the following charges and in the following order:—
  - (a) working and establishment expenses, and expenditure on or provision for the maintenance and renewal of the undertaking and the execution and performance of the powers and duties of the Board (including the remuneration and salaries of the members and officers and servants of the Board and payments on account of pensions, superannuation allowances and compensation to officers and servants) properly chargeable to revenue account ;
  - (b) interest on any temporary loan raised by the Board;
  - (c) the amount to be transferred to the Tramway Debt Liquidation Fund and the amount of any sums payable to local authorities by way of annual payments in respect of the interest on loans raised by them for the purposes of transferred undertakings;
  - (d) interest on the " A " Stock, " T.F.A." Stock, " L.A." Stock and " B " Stock respectively and any arrears of interest thereon in the order specified;
  - (e) any sum becoming payable by virtue of any guarantee given by the Board under section eighty-eight of this Act;
  - (f) interest for that year on the " C " Stock at the standard rate; and
  - (g) any sums required under this Act to be transferred to any sinking fund or redemption fund in connection with the " A" Stock, " T.F.A." Stock, " L.A." Stock and " B " Stock.
- (2) The balance, if any, arising in respect of each of the first two years after the appointed day shall be transferred to the reserve fund established in accordance with this Act.
- (3) The balance, if any, arising in respect of any subsequent year shall, subject to the repayment to the reserve fund of any sum which may have been transferred from that fund and applied for the purpose of paying interest on the " C " stock at the standard rate, be applied up to one moiety thereof to the payment of additional interest for that year on the " C " Stock at a rate not exceeding one-half of one per cent. per annum, and the residue of the said balance shall be transferred to the reserve fund established in accordance with this Act.

**47 Annual report, statistics and returns.**

- (1) The Board shall annually, at such date and in such form as the Minister may prescribe, make to him a report dealing generally with the operations of the Board during the preceding year (including any action taken under section thirty-one of this Act) and

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containing such detailed information with regard to the proceedings and policy of the Board as may properly be given without detriment to the interests of the undertaking of the Board or of any of the amalgamated railway companies, and such report shall be laid before both Houses of Parliament and shall be on sale at a reasonable charge to the public at the offices of the Board.

- (2) The Board shall furnish to the Minister such financial and statistical returns as may be agreed between the Minister and the Board or, in default of agreement, as may be determined by the rates tribunal.

#### **48 Accounts and audit.**

- (1) The Board shall cause proper accounts and other records in relation thereto to be kept, and shall prepare an annual statement of accounts in such form and containing such particulars and compiled in such manner as may from time to time be prescribed by the Minister.
- (2) The accounts of the Board and their officers shall be audited by auditors to be appointed annually by the Board after consultation with and with the approval of the Minister.
- (3) So soon as the accounts of the Board have been audited, and in any case within a period of two months from the completion of each financial year or such longer period as the Minister may allow, the Board shall send a copy thereof to the Minister together with a copy of any report of the auditor thereon and shall publish the accounts in such manner as the Minister may direct, and shall place copies thereof on sale at a reasonable price.

#### **49 Enactments relating to accounts of railway or tramway undertakings not to apply to Board.**

Sections nine and ten of the Regulation of Railways Act, 1871, section thirty-two of the Railway and Canal Traffic Act, 1888, the Railway Companies (Accounts and Returns) Act, 1911, and section seventy-seven of the Railways Act, 1921, (which relate to the keeping of and audit of accounts of railway companies, the making of returns and keeping of statistics by railway companies) and, except in so far as the Minister may by order otherwise provide, so much of any special Act or statutory order as relates to the accounts, statistics and returns to be kept or made by the owners of any particular undertaking specified in Parts I, II or III of the Second Schedule to this Act or to the audit or publication of any such accounts as aforesaid, shall not apply to the Board.

### **PART IV**

#### **AMENDMENTS OF THE ROAD TRAFFIC ACT, 1930.**

#### **50 Alteration of traffic areas under 20 and 21 Geo. 5 c. 43.**

The following amendments shall be made with respect to the traffic areas constituted by the Road Traffic Act, 1930 (in this Part of this Act referred to as " the Act of 1930 "):—

- (1) In the Third Schedule to the Act of 1930, for the words—

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| “11. | Metropolitan Traffic Area. | The Metropolitan Police District and the City of London.” |
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there shall be substituted the following words—

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|------|----------------------------|--|
| “11. | Metropolitan Traffic Area. | The London Passenger Transport Area as constituted by the London Passenger Transport Act, 1933, with the addition of such parts of the London Traffic Area, as constituted by the London Traffic Act, 1924, and of the administrative county of Hertford, of the borough of Chepping Wycombe in the county of Buckingham, of the boroughs of Dunstable and Luton in the county of Bedford, of the urban district of Wrotham in the county of Kent, of the urban district of East Grinstead in the county of East Sussex, and of the urban district of Horsham in the county of West Sussex, as lie outside the London Passenger Transport Area as so constituted.” |
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- (2) There shall be excluded from the East Midland, Eastern, Southern and South-Eastern Traffic Areas as constituted immediately before the date on which this section comes into operation such parts of those areas as form part of the Metropolitan Traffic Area aforesaid.

## **51 Special provisions with, respect to Metropolitan Traffic Area.**

- (1) The provisions of this section shall have effect in relation to the Metropolitan Traffic Area.
- (2) The following enactments, that is to say, the Metropolitan Public Carriage Act, 1869 (in this section referred to as " the Act of 1869 "), sections eight and fourteen of the Metropolitan Streets Act, 1867, and the London Cab and Stage Carriage Act, 1907, shall not apply to any public service vehicle, or to the driver or conductor thereof.
- (3) Subject to the provisions of the next following subsection, the powers which, under the Act of 1869, as amended, extended, or applied by, or by any order made under

any subsequent enactment, are exercisable within the City of London and the Metropolitan police district by the Secretary of State, with respect to tram-cars, light railway cars and trolley vehicles, and the licensing of such vehicles and their drivers and conductors (including the power of granting licences which by his direction is exercisable by the Commissioner of Police of the Metropolis) shall be transferred to the Minister and for the purpose of the exercise by the Minister of the powers so transferred the limits of the Act of 1869 shall be extended to include the whole of the Metropolitan Traffic Area and any reference in any such enactment to the Secretary of State shall, in relation to the said vehicles or matters, be construed as a reference to the Minister.

(4) The Minister may by order provide—

- (a) that any licences in respect of tramcars, light railway cars or trolley vehicles, or any class of such vehicles, which are grantable by him by virtue of the powers transferred to him by the last preceding subsection may be granted by the Commissioner for the Metropolitan Traffic Area (in this section referred to as " the Traffic Commissioner ") and that any licences to drivers and conductors of tramcars, light railway cars, and trolley vehicles, or any class of such vehicles, which are so grantable by him may be granted by the Commissioner of Police of the Metropolis or by the Traffic Commissioner; and
- (b) that as regards persons residing in the Metropolitan Traffic Area, or any specified part of that area, the function of the Traffic Commissioner of granting licences to drivers and conductors of public service vehicles, or of any class of such vehicles, shall be transferred to the said Commissioner of Police:

Provided that no order conferring any power, or imposing any duty, on the said Commissioner of Police shall be made under this subsection, save with the concurrence of the Secretary of State.

(5) An order made under the last preceding subsection may—

- (a) make such adaptations and modifications in the provisions of Part IV of the Act of 1930 as may be necessary for the purpose of giving effect to the transfer of the said functions from the Traffic Commissioner to the said Commissioner of Police;
- (b) provide for the payment by the Minister, as part of the expenses of the Roads Department of the Ministry of Transport, into the Metropolitan Police Fund of such sum in respect of the costs incurred by the said Commissioner of Police in connection with the exercise of the functions transferred by the order as the Treasury, after consultation with the Minister, may from time to time determine; and
- (c) be revoked or altered by subsequent order made in the like manner.

(6) Before determining the conditions to be attached to a road service licence with respect to routes, stopping places or terminal points within the City of London or the Metropolitan police district, the Traffic Commissioner shall consult with the Commissioner of Police, and if the Commissioner of Police is dissatisfied with any condition attached to a road service licence with respect to a route, stopping place, or terminal point within his police district, he may appeal to the Minister, who shall make such order in the matter as he thinks fit, and any order so made by the Minister shall have effect as if it were an order made by the Traffic Commissioner.

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- (7) No local authority shall exercise under the Town Police Clauses Act, 1847, as amended, extended, or applied by any subsequent enactment any powers with respect to public service vehicles, trams, light railway cars, and trolley vehicles, or the licensing of such vehicles, or of their drivers or conductors, and there shall be repealed so much of any other Act as empowers any local authority to regulate such vehicles, or to make regulations for the conduct of drivers or conductors of, or passengers in, such vehicles.
- (8) The provisions of this section shall have effect in substitution for the provisions of section ninety-nine of the Act of 1930.

**52 Amendment of s. 90 of 20 and 21 Geo. 5. c. 43.**

Section ninety of the Act of 1930 shall have effect as if the following new subsection were inserted after subsection (10):—

“(11) The power of making orders conferred upon local authorities by subsection (1) of this section shall not be exercised within the London Traffic Area as defined by the London Traffic Act, 1924.”

**53 Consequential and minor amendments.**

The amendments set out in the second column of the Eleventh Schedule to this Act, being amendments of a consequential or minor character, shall be made in the provisions of the Act of 1930 specified in the first column of that schedule.

**54 Powers of Commissioners for South Eastern Traffic Area to hold public sittings in Metropolitan Traffic Area.**

Notwithstanding anything contained in section sixty-four of the Act of 1930, public sittings of the Traffic Commissioners for the South Eastern Traffic Area may be held at such places in the Metropolitan Traffic Area as appear to those Commissioners to be convenient.

**55 Transitory provisions as to licences.**

- (1) The Minister may by order provide that any licence which has been granted in respect of a vehicle, or to the driver or conductor thereof, by any authority whose powers in that behalf are abolished or transferred by this Part of this Act, and which is in force immediately before the date on which section fifty-one of this Act comes into operation, shall continue in force for such a period, and have such effect for the purposes of any enactment relating to any such licence or of the Act of 1930, as may be provided by the order.
- (2) The Minister may revoke, vary or amend an order made under this section.
- (3) Notwithstanding the provisions of section fifty-one hereof, a road-service licence granted under the Act of 1930 before the date on which the said section comes into operation and any backing of any such licence shall, during the currency thereof and until the date of expiry, so far as it relates to a route or portion of a route falling within any part of a traffic area transferred by this Act to the Metropolitan Traffic Area, have effect as if granted by the Commissioner for the Metropolitan Traffic Area on the date

of transfer, so, however, that no service of public service vehicles may be provided under any such licence otherwise than in accordance with the provisions of this Act.

**56 Date of operation of Part IV of Act.**

Sections fifty-two and fifty-four of this Act shall come into operation on the passing of this Act, but, save as aforesaid, this Part of this Act shall come into operation on the first day of July, nineteen hundred and thirty-three, or such later date as the Minister may by order appoint and different dates may be fixed for different purposes and different provisions of this Part of this Act.

**PART V**

AMENDMENTS OF LONDON TRAFFIC ACT, 1924.

**57 London Traffic Act, 1924, made permanent.**

The London Traffic Act, 1924 (in this Part of this Act referred to as " the Act of 1924 "), which is limited to expire on the thirty-first day of December, nineteen hundred and thirty-three, shall become a permanent Act.

**58 Reconstitution of Advisory Committee.**

- (1) The Committee (in the Act of 1924 and this Act referred to as " the Advisory Committee ") for the constitution of which provision was made by section one of the Act of 1924 shall, instead of being constituted in the manner provided by subsections (2) and (3) of the said section one, be constituted in the manner provided by the Twelfth Schedule to this Act, and subsections (4) and (5) of the said section one shall cease to have effect.
- (2) The term of office of the members of the Advisory Committee first appointed under this section shall be from the first day of July, nineteen hundred and thirty-three, until the thirtieth day of June, nineteen hundred and thirty-six, and, subject to the provisions of the said section one with respect to the term of office of persons appointed to fill casual vacancies, the term of office of persons subsequently appointed shall be three years.
- (3) The chairman of the Advisory Committee shall be such member of the Committee as the Committee may elect from amongst the members appointed by local authorities or groups of local authorities (other than the representative of the City Police).
- (4) Subject to the provisions of this Part of this Act, the provisions of the said section one shall apply in relation to the Advisory Committee appointed under this section as they applied in relation to the Committee appointed under the said section one as originally enacted.

**59 Extension of duties of Advisory Committee.**

- (1) It shall be the duty of the Advisory Committee—
  - (a) to consider, report to and advise the Minister on, any matters relating to traffic within the London Traffic Area which in their opinion ought to be brought to the notice of the Minister and, in particular, to consider, and to report to and

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advise the Minister on, any of the matters mentioned in the Second Schedule to the Act of 1924, which may be referred to them by the Minister;

- (b) to make representations to the Board with respect to any matter connected with the services or facilities provided by the Board in the London Traffic Area which ought, in the opinion of the Committee, to be considered by the Board; and
- (c) to consider, report to and advise the Minister on any other matters which, either under the Act of 1924 or this Act, are referred to them by the Minister.

The provisions of this subsection shall have effect in substitution for the provisions of section two of the Act of 1924.

- (2) Joint meetings of the Advisory Committee and of the Board, or, if so agreed between the Committee and the Board, of representatives of the Committee and of the Board, shall be held with a view to facilitating an interchange of views with reference to any representation so made as aforesaid, or with reference to any matter of common interest of which notice has been given by the Committee or by the Board, as the case may be, not less than fourteen days before the day fixed for the meeting.
- (3) Joint meetings for the purposes aforesaid shall be convened by the Chairman of the Advisory Committee at least three times in every year:

Provided that notwithstanding anything in this subsection a meeting shall not be required to be convened so long as the Board and the Committee agree that for the time being a meeting is not necessary.

#### **60 Extension of powers of Advisory Committee with respect to inquiries.**

- (1) In any case where in pursuance of section three of the Act of 1924 a public inquiry is held by a member of the Advisory Committee, or by the Committee themselves, that member or the Committee may by order require any person, subject to payment or tender of the reasonable expenses of his attendance, to attend as a witness at the inquiry and to give evidence, or to produce any documents in his possession or power which relate to the subject matter of the inquiry and are such as would not be privileged from production in a court of law, and shall have power to take evidence on oath, and that member or the chairman of the Committee shall have power to administer oaths for that purpose.
- (2) If any person fails without reasonable excuse to comply with an order made under this section, he shall, on summary conviction, be liable to a fine not exceeding five pounds.

#### **61 Provisions as to routes for road services within special area.**

- (1) It shall not be lawful for the Board or any other person, not being a person using the vehicle in accordance with a road service licence granted to him under Part IV of the Road Traffic Act, 1930, to use a vehicle for the purpose of conveying passengers for hire or reward at separate fares on any road within the special area except on a route approved by the Traffic Commissioner for the Metropolitan Traffic Area (in this section referred to as the "Traffic Commissioner"), and the Traffic Commissioner in approving any route may define the route by reference to the streets or parts of streets which may be traversed and to the terminal points, if such points are within the special area, and may attach to his approval conditions for securing that—
  - (a) no vehicles, except vehicles of such class or description, or vehicles used for such purposes, as may be specified in the condition, shall be used on that route;



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- (b) passengers shall not be taken up or shall not be set down except at or between specified points, or shall not be taken up or shall not be set down between specified points; and
- (c) vehicles on reaching the end of the approved route shall turn at such places, or by using such streets or parts of streets as may be specified;

and for the purposes of this subsection the Minister after consultation with the Commissioner of Police of the Metropolis may give directions to the Traffic Commissioner requiring him to attach to his approval of any route specified conditions relating to the construction of vehicles to be used on the route either in the case of all routes or in the case of particular routes any part of which lies within the Metropolitan Police District or the City of London

- (2) The Traffic Commissioner before approving any route, or any part of a route, which lies within the metropolitan police district, or within the City of London, shall consult with the Commissioner of Police.
- (3) If any person who has applied to the Traffic Commissioner for his approval of a route is aggrieved by the refusal of the Commissioner to approve that route, or by any condition attached by him to his approval (other than a condition attached by him in pursuance of a direction of the Minister given under subsection (1) of this section), or if the Commissioner of Police is aggrieved by the approval of any route within his district or by any condition attaching to the approval (other than as aforesaid), the applicant or Commissioner of Police, as the case may be, may appeal to the Minister.

Upon any such appeal the Minister may approve the route, or part of the route, in question either unconditionally, or subject to such conditions, whether the same conditions as those imposed by the Traffic Commissioner or not, as he may think fit, or may refuse approval, and the decision of the Minister shall have effect as if it were a decision of the Traffic Commissioner and shall be final and conclusive.

- (4) The Traffic Commissioner, either on the application of the Commissioner of Police or of any person who is using a vehicle upon a route approved under this section or without any such application, may at any time alter an approved route or revoke his approval of a route under this section or alter or revoke any condition attached by him to his approval.
- (5) If the Commissioner of Police is aggrieved by the failure of the Traffic Commissioner to revoke any approval of a route under this section, or if the Commissioner of Police or any person who is using a vehicle upon a route approved under this section is aggrieved by any alteration of any route or revocation by the Traffic Commissioner of his approval of a route, or the alteration or revocation of any condition attached by him to his approval (other than a condition attached by him in pursuance of a direction of the Minister given under subsection (1) of this section), or by the failure of the Traffic Commissioner to alter an approved route, or to alter or revoke any condition attached by him to his approval (other than as aforesaid), the Commissioner of Police or that person, as the case may be, may appeal to the Minister and upon any such appeal the Minister shall be entitled to take any action which the Traffic Commissioner might have taken in the first instance, and the decision of the Minister shall have effect as if it were the decision of the Traffic Commissioner and shall be final and conclusive.
- (6) If any person uses a vehicle for the purposes mentioned in subsection (1) of this section on a route not being an approved route, or if any person using any such vehicle on a route approved under this section fails to comply with, or acts in contravention of any condition attaching to the approval, he shall be liable on summary conviction to a fine

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not exceeding in the case of a first offence twenty pounds and in the case of a second or subsequent offence fifty pounds :

Provided that a person shall not be deemed to be acting in contravention of this section—

- (i) if he is using the vehicle in accordance with a road service licence granted to him under Part IV of the Road Traffic Act, 1930; or
  - (ii) by reason only of the fact that on such special occasions and under such conditions as the Traffic Commissioner may approve, either in relation to vehicles generally or a particular class of vehicles specified by the Traffic Commissioner in his approval, he is using a vehicle for the purpose of conveying passengers at separate fares to or from a specified destination.
- (7) For the purpose of the last preceding subsection, a vehicle used on a special occasion for the conveyance of a private party shall not be deemed to be a vehicle carrying passengers for hire or reward at separate fares by reason only that the members of the party have made separate payments which cover their conveyance by that vehicle on that occasion.
- (8) Nothing in this section shall apply to any tramcar or trolley vehicle which is being operated under statutory powers.
- (9) Proceedings for an offence under this section shall not be instituted except by or by the direction of the Director of Public Prosecutions, the Traffic Commissioner, or a chief officer of police.
- (10) The Minister may by order make such provision as he may consider necessary for the transition from the enactments in force immediately before the day upon which the provisions of this section come into operation and relating to the user of vehicles for the purpose of conveying passengers for hire or reward at separate fares in the special area to the provisions of this section, and may by any such order provide that any vehicle which is immediately before that day being lawfully used by any person for such purpose as aforesaid may continue to be so used, notwithstanding the provisions of this section, for such period as may be prescribed by the order and subject to such conditions as may be prescribed by the order.
- The Minister may revoke, vary, or amend an order made under this subsection.
- (11) The provisions of this section shall have effect in substitution for the provisions of section six of the Act of 1924.

## **62 Restriction on number of passenger vehicles using certain streets.**

- (1) If the Minister is of opinion that with a view to relieving congestion or promoting public safety or on account of the existence of alternative facilities for the conveyance of passengers or on other grounds of public interest it is desirable so to do, he may by regulations under this section regulate the number and frequency of journeys to be made, either generally or during particular periods, by vehicles conveying passengers for hire or reward at separate fares over any street or part of a street within the special area, and may further by any such regulations—
- (a) classify such vehicles by reference to their class or description, or the route on which, or the conditions under which, or the purposes for which, they are being operated;

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- (b) allot a specified number of journeys of a specified frequency, or a specified proportion of the aggregate number of journeys permitted to be made during specified periods, to a particular person or group of persons by whom such vehicles or any class of such vehicles are or are to be operated, or to persons who operate such vehicles on particular routes specified in the regulations, or subject to particular conditions so specified or for particular purposes so specified, so, however, that the number of journeys allotted to persons operating vehicles with the written consent of the Board under section sixteen of this Act shall be included in the allotment of journeys to the Board;
  - (c) require persons operating vehicles to which the regulations apply over, or over any part of, any such street as aforesaid to submit to the Minister particulars of the services maintained or to be maintained by them with such vehicles; and
  - (d) provide for any limitation imposed by the regulations being dispensed with or relaxed in special circumstances or on special occasions.
- (2) Before making any regulations under this section, the Minister shall refer the matter to the Advisory Committee for their advice and report, and shall give such notice of his intention to make the regulations as he may think best adapted for informing persons affected, and, if any organisation representative of the operators of public service vehicles affected by the proposed regulations make objection thereto in writing addressed to the Minister and requesting that a public inquiry be held, the Advisory Committee shall before reporting to the Minister either appoint one or more of their number to hold, or shall themselves hold, a public inquiry, at which the organisation and any other person whose interests may be affected by the proposed regulations shall be entitled to be heard in support of the objection or of the proposed regulations.
- Before any such inquiry is held the Advisory Committee shall give notice of the date and place at which the inquiry will be held, and of the matters to be dealt with at the inquiry.
- (3) Any regulation made under this section shall be laid forthwith before both Houses of Parliament, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after the regulation is laid before it praying that the regulation may be annulled, it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or the making of a new regulation.
- (4) Any such regulations may provide for imposing fines recoverable summarily in respect of breaches thereof not exceeding in the case of a first offence twenty pounds, or in the case of a second or subsequent offence fifty pounds, together with, in the case of a continuing offence, a further fine not exceeding five pounds for every day, subsequent to the day on which he is convicted of the offence, during which the offence continues.
- (5) Proceedings for an offence against regulations made under this section shall not be instituted except by, or by the direction of, the Director of Public Prosecutions, the Traffic Commissioner for the Metropolitan Traffic Area or a chief officer of police.
- (6) Nothing in this section or in any regulation made thereunder shall apply to any tramcar or trolley vehicle which is being operated under statutory powers.
- (7) The provisions of this section shall have effect in substitution for the provisions of section seven of the Act of 1924.

**63 Power to make regulations with respect to road traffic generally in London Traffic Area.**

For subsection (1) of section ten of the Act of 1924 (which relates to the power of the Minister to make regulations), the following subsection shall be substituted:—

“(1) The Minister may make regulations for controlling or regulating vehicular and other traffic on roads within the London Traffic Area and, in particular but without prejudice to the generality of the foregoing words, for any of the purposes, or with respect to any of the matters, mentioned in the Third Schedule to this Act.

Any such regulations may be made so as to apply—

- (a) to the London Traffic Area as a whole, or to particular parts thereof, or to particular places or streets, or parts of streets, therein;
- (b) throughout the day, or during particular periods;
- (c) on special occasions only, or at special times only;
- (d) to vehicles and traffic of any particular class;

and, for the purposes of paragraph (d) of this subsection, may classify vehicles and traffic by reference to any one or more of the following considerations, that is to say, weight, motive power, speed, the character of the load carried, or the absence of any load, and the purpose for which, and the direction in which, the traffic is being conducted, and, in the case of public service vehicles, the nature of the service provided by the vehicle, the route on which the vehicle is being operated and whether it is for the time being engaged in carrying passengers or not.”

**64 Consequential and minor amendments.**

The amendments set out in the second column of the Thirteenth Schedule to this Act, being amendments of a consequential or minor character, shall be made in the provisions of the Act of 1924 specified in the first column of that schedule.

**65 Transitory provisions.**

Notwithstanding anything in this Part of this Act, the members of the Advisory Committee in office on the passing of this Act shall continue in office as such members until the reconstitution of the Committee has been completed in accordance with this Part of this Act with the like powers and duties as if this Act had not been passed.

**66 Date of operation of Part V of Act.**

The provisions of this Part of this Act making permanent the Act of 1924 and making provision for the reconstitution of the Advisory Committee and for the continuance in office of existing members pending such reconstitution shall come into operation on the passing of this Act, but save as aforesaid, this Part of this Act shall come into operation on the first day of July, nineteen hundred and thirty-three, or such later date as the Minister may by order appoint, and different days may be fixed for different purposes and different provisions of this Part of this Act.

## PART VI

### WAGES AND CONDITIONS OF SERVICE.

#### **67 Settlement of disputes as to pay and conditions of service.**

If at any time any question arises with respect to the rates of pay, hours of duty or other conditions of service of any of the employees of the Board to whom this Part of this Act applies, and the Board and such of the trades unions as may be concerned are unable to come to an agreement thereon, the question shall be referred to a Negotiating Committee, and, if the question is not disposed of as a result of being so referred, it shall be further referred to a Wages Board.

#### **68 Constitution of Negotiating Committee and Wages Board.**

- (1) The Negotiating Committee referred to in the last preceding section shall, subject to the provisions of this section, consist of—
  - (a) six representatives of the Board to be appointed by the Board; and
  - (b) six representatives of the employees of the Board, two of whom shall be appointed by each of the trades unions.
- (2) The Wages Board referred to in the last preceding section shall, subject to the provisions of this section, consist of—
  - (a) an independent chairman to be nominated by the Minister of Labour;
  - (b) six representatives of the Board to be appointed by the Board;
  - (c) six representatives of the employees of the Board, two of whom shall be appointed by each of the trades unions; and
  - (d) four other persons to be appointed, as to one, by the General Council of the Trades Union Congress, as to one, by the Co-operative Union, as to one, by the Association of British Chambers of Commerce and, as to one, by the National Confederation of Employers' Organisations.
- (3) On the consideration by the Negotiating Committee or the Wages Board of any question referred to them, any party to the reference may raise any point they may consider relevant to the issue, and any point so raised shall be taken into consideration by the Negotiating Committee or the Wages Board, as the case may be.
- (4) The constitution of the Negotiating Committee or of the Wages Board may upon twelve months' notice being given either by the Board or by the trades unions be varied by a scheme prepared by a committee consisting of six representatives of the Board and two representatives of each of the trades unions and upon the scheme becoming operative references in this Part of this Act to the Negotiating Committee or to the Wages Board shall be construed as references to the Negotiating Committee or to the Wages Board as so varied.

#### **69 Establishment of councils.**

- (1) As soon as may be after the first day of July, nineteen hundred and thirty-three, provision shall be made by schemes made under the next following section for the establishment of one or more councils consisting of officers of the Board and representatives of the employees of the Board to whom this Part of this Act applies, to be elected by those employees.

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- (2) The schemes shall define the constitution and functions of the councils so to be established in such manner as to secure, so far as practicable, that the arrangements in respect of these councils shall be no less favourable to the employees of the Board to whom this Part of this Act applies and such of the trades unions as may be concerned than the arrangements which existed on the twelfth day of March, nineteen hundred and thirty-one, in respect of the councils established in connection with the several undertakings which are in whole or in part transferred to the Board by this Act.

**70 Power to make schemes.**

- (1) For the purpose of giving effect to the foregoing provisions of this Part of this Act, schemes shall be made and may, from time to time, be varied by a committee consisting of six representatives of the Board and two representatives of each of the trades unions.
- (2) Any scheme so made may be determined by twelve months' notice given either by the aforesaid representatives of the Board or by the aforesaid representatives of the trades unions, so however that no notice determining any scheme so made shall be given before the first day of January, nineteen hundred and thirty-five.

**71 Application of Part VI of Act.**

- (1) Subject to the provisions of this section, the employees of the Board to whom this Part of this Act applies are such employees, being persons engaged on or in connection with the railways of the Board, or in the performance of clerical, administrative, supervisory or technical duties, and not being—
- (a) persons who, in accordance with the classification for the time being in force, are comprised within the special class mentioned in the national agreements referred to in the Seventh Schedule to the Railways Act, 1921, or who, if they had been engaged on or in connection with any railway of the Board to which any of those agreements applies, would have been so comprised therein; or
  - (b) persons in receipt of a weekly wage and employed under shop conditions, either on constructional or repair or maintenance work, or in connection with electricity generating stations or sub-stations or high tension cables between any such stations or sub-stations,
- as the committee in making schemes under the last preceding section may from time to time agree to include in those schemes.
- (2) The committee, in making schemes under the last preceding section, shall not include in those schemes any persons who immediately before they became officers or servants of the Board were members of the London County Council Staff Association, so long as not less than one hundred of such persons as aforesaid, being officers or servants of the Board, express their desire to be excluded from those schemes.

**72 Definition of trades unions.**

In this Part of this Act the expression " trades unions " means the National Union of Railwaymen, the Associated Society of Locomotive Engineers and Firemen and the Railway Clerks Association.

## PART VII

### STAFF AND SUPERANNUATION.

#### **73 Transfer and compensation rights of officers and servants solely or mainly occupied in transferred undertakings.**

- (1) The provisions of this section shall apply in relation to any person who—
- (a) was on the twelfth day of March, nineteen hundred and thirty-one, an officer or servant of a local authority, company or person specified in the Second Schedule to this Act; and
  - (b) either (i) was on the said date occupied in or in connection with the undertaking or, as the case may be, the part of the undertaking transferred by this Act from that authority, company or person to the Board; or (ii) between the said date and the appointed day became so occupied on being transferred by his employers from other duties, such transfer being reasonably necessary in the ordinary course of the management of their business; and
  - (c) was immediately before the appointed day an officer or servant of that authority, company or person, and solely or mainly so occupied as aforesaid.

Any such person as aforesaid is in this section referred to as an " existing officer " or " existing servant. "

- (2) Subject to the provisions of this Act, every existing officer or servant shall, as from the appointed day, be transferred to and become an officer or servant of the Board and if any question arises as to whether any person is so transferred, that question shall be determined by an arbitrator who shall be appointed by the Lord Chancellor in accordance with the provisions hereafter in this Part of this Act contained and is hereafter in this Part of this Act referred to as the " standing arbitrator. "
- (3) No existing officer or servant so transferred shall, without his consent, be by reason of such transfer in any worse position in respect to the conditions of his service as a whole as compared with the conditions of service formerly obtaining with respect to him and, in determining whether an officer or servant is, or is not, in a worse position, regard shall be had to all relevant considerations, including tenure of office, remuneration, gratuities, pension, superannuation, sick fund and any other benefits or allowances, whether provided for himself or for his widow, family or representatives and whether obtaining legally or by customary practice of the authority, company or person under whom he held his office or employment.
- (4) If any question arises as to whether the provisions of the last preceding subsection have been complied with, that question shall be referred to the standing arbitrator, and if the arbitrator is of opinion that those provisions have not been complied with and that the officer or servant in question has thereby suffered any loss or injury, not being a direct pecuniary loss in respect of which he is entitled to compensation under the provisions hereafter in this section contained, the arbitrator shall award to him such sum to be paid by the Board as he considers sufficient to compensate him for that loss or injury.
- (5) If the Board are of opinion—
- (a) that any appointment to any office or employment in connection with any undertaking, or any part of an undertaking, transferred to the Board by this Act, or any alteration in the rate of remuneration of any existing officer or servant, made after the third day of December, nineteen hundred and thirty,

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was not reasonably necessary in the ordinary course of the business of that undertaking ; or

- (b) that any right to the grant, or any alteration of a right to the grant, of a pension or superannuation allowance or other benefit or allowance conferred or made after that date by any authority, company or person whose undertaking is wholly or in part transferred to the Board by this Act was not in accordance with the usual practice of that authority, company or person with respect to the grant or alteration of pensions, benefits or allowances,

the Board may, within six months after the appointed day, give notice in writing to that effect to the authority, company or person concerned, and if in any case where such a notice has been given a dispute arises, it shall be referred to the standing arbitrator, who shall consider whether or not the appointment or alteration in the rate of remuneration was reasonably necessary in the ordinary course of the business, or whether or not the conferring or alteration of the right to the grant was in accordance with the usual practice of that authority, company or person and shall determine whether, and to what extent, as between the Board and that authority, company or person any liability arising in respect thereof is to be transferred to the Board or is to continue as a liability of the authority, company or person.

- (6) The Board may abolish the office or post of any existing officer or servant, and any existing officer or servant required to perform duties which are not analogous to, or are an unreasonable addition to, those which as an officer or servant of the authority, company, or person from whom he is transferred he was required to perform, may relinquish his office or post; and every existing officer or servant who suffers any direct pecuniary loss in consequence of this Act by reason of such abolition or relinquishment of his office or post or otherwise and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from the Board in respect of that loss compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act.

- (7) If within five years after the appointed day—

- (a) any existing officer or servant relinquishes his office or post under the last preceding subsection; or
- (b) the services of any existing officer or servant are dispensed with by the Board because his services are not required and not on account of misconduct or incapacity to perform such duties as immediately before the appointed day he was performing, or might reasonably have been required to perform; or
- (c) the emoluments of any existing officer or servant are reduced on the ground that his duties have been diminished,

or if at any time the services of any existing officer or servant are dispensed with by the Board upon the abandonment, in whole or in part, of a tramway on or in connection with which he was employed by the Board, that officer or servant shall, unless the contrary is proved, be deemed for the purposes of the last preceding subsection to have suffered a direct pecuniary loss in consequence of this Act.

- (8) Where, for the purposes of agreeing or determining by arbitration under this Act the amount and nature of the consideration to be paid by the Board for the transfer of an undertaking or part of an undertaking, any sum paid or payable to an existing officer or servant by reason of any financial interest held by him in the undertaking or part of the undertaking (whether as a partner, shareholder, or otherwise) has been treated as part of the profits of the undertaking or part of the undertaking, the sum so treated as part of the profits shall for the purposes of assessing the compensation, if any, payable to that officer or servant under this Part of this Act or the Fourteenth Schedule to this Act be



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deemed not to have formed or to form part of the remuneration or emoluments which the officer or servant was enjoying before the transfer to the Board of the undertaking or part of the undertaking, or would have enjoyed if that transfer had not taken place.

- (9) No existing officer or servant who is transferred to the Board shall be prejudiced in regard to the office or post to be assigned to him by the Board by reason of the appointed day in relation to the undertaking from which he was transferred being later than the appointed day in relation to any other transferred undertaking.
- (10) The retention after the appointed day of the service of any officer or servant by any authority or company in accordance with the provisions of this Act shall not prejudicially affect the rights of that officer or servant under this section.
- (11) In this part of this Act the expression " officer " includes a managing director.
- (12) It shall be lawful for the Board and any existing officer or servant and the local authority, company or person employing him, to agree that, notwithstanding anything in this section, he shall not be transferred to the Board, and if any such agreement is so made, none of the provisions contained in subsections (2) to (10) of this section shall apply in relation to him.
- (13) Notwithstanding anything in subsection (1) of this section any person who—
- (a) was on the twelfth day of March, nineteen hundred and thirty-one, occupied as an officer or servant in, or in connection with, an undertaking or, as the case may be, a part of an undertaking which has since that date been acquired by, or absorbed in, the undertaking of an authority, company or person specified in the Second Schedule to this Act; and
  - (b) as a consequence of such acquisition or absorption became an officer or servant of that authority, company or person occupied in, or in connection with, the undertaking or, as the case may be, the part of the undertaking transferred by this Act from that authority, company or person to the Board; and
  - (c) was immediately before the appointed day an officer or servant of that authority, company or person and solely or mainly so occupied as aforesaid;
- shall be deemed to be an existing officer or servant and accordingly the provisions of this section shall apply in relation to him as they apply in relation to such a person as is mentioned in subsection (1) of this section.

#### **74 Transfer and compensation rights of officers and servants occupied, in certain other undertakings.**

For the purposes of subsections (2) to (8) and (12) of the last preceding section any person who—

- (a) was on the twelfth day of March, nineteen hundred and thirty-one, an officer or servant of an employer whose undertaking is in whole or in part taken over by the Board under subsection (4) of section sixteen of this Act; and
- (b) either—(i) was on the said date occupied in, or in connection with the undertaking or, as the case may be, the part of the undertaking so taken over, or (ii) between the said date and the date of such taking over became so occupied on being transferred by his employer from other duties, such transfer being reasonably necessary in the ordinary course of the management of his business; and

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- (c) was on the date of the taking over by the Board an officer or servant of that employer and solely or mainly so occupied as aforesaid,

and any person who—

- (a) was on the said twelfth day of March an officer or servant of a company specified in subsection (1) of section seventeen of this Act; and
- (b) either—(i) was on the said date occupied in, or in connection with any premises transferred from that company to the Board or the running of any service which the company is required to discontinue, or (ii) between the said date and the date of such transfer to the Board or discontinuance, as the case may be, became so occupied on being transferred by the company from other duties, such transfer being reasonably necessary in the ordinary course of the management of its business; and
- (c) was on the date of such transfer to the Board or discontinuance, as the case may be, an officer or servant of that company, and solely or mainly so occupied as aforesaid,

and any person who—

- (a) was on the said twelfth day of March occupied as an officer or servant in, or in connection with an undertaking or, as the case may be, a part of an undertaking which has since that date been acquired by, or absorbed in an undertaking which is in whole or in part taken over by the Board under subsection (4) of section sixteen of this Act, or by or in the undertaking of a company specified in subsection (1) of section seventeen of this Act; and
- (b) as a consequence of such acquisition or absorption became an officer or servant of the person or company owning the undertaking either (i) occupied in, or in connection with the undertaking or, as the case may be, the part of the undertaking so taken over by the Board, or (ii) occupied in, or in connection with any premises transferred from any such company to the Board or the running of any service which any such company is required to discontinue; and
- (c) was on the date of the taking over by, or of the transfer to, the Board or of the discontinuance, as the case may be, an officer or servant of that person or that company and solely or mainly so occupied as aforesaid,

shall be deemed to be an existing officer or servant, and accordingly the provisions of the said subsections shall apply in relation to him as they apply in relation to such a person as is mentioned in subsection (1) of that section, subject, however, to this modification that any reference to the appointed day shall in relation to him be construed as a reference to the date of the taking over or the transfer of the undertaking, or part of the undertaking, or premises or, as the case may be, of the discontinuance of the service.

## **75 Compensation rights of certain officers and servants not transferred to the Board.**

- (1) Any officer or servant of a local authority specified in Part III of the Second Schedule to this Act who would by virtue of section seventy-three of this Act have been transferred to the Board on the appointed day if he had on that date been solely or mainly occupied in or in connection with the transferred undertaking of the authority but was on that date only partly so occupied, and who as a consequence of this Act or of something done by virtue thereof, and not as a result of any misconduct or incapacity to perform such duties as immediately before the appointed day he was performing, or might reasonably have been required to perform, suffers any direct pecuniary loss, and

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for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from the local authority in respect of that pecuniary loss, compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act as modified by the next succeeding subsection.

- (2) The provisions of the said Fourteenth Schedule shall in their application to any such officer or servant as aforesaid have effect as if for any reference therein to the Board as the authority to receive and determine claims for compensation and to pay compensation there were substituted a reference to the local authority.
- (3) Any compensation payable under this section shall be paid in the first instance by the local authority, but the ultimate incidence thereof shall be such as may be agreed between that authority and the Board or, in default of agreement, determined by the standing arbitrator.
- (4) Upon any reference to him under the last preceding subsection, the arbitrator shall have regard to all the circumstances of the case, including the number of vacancies in the staff of the local authority resulting from the transfer to the Board of officers and servants not solely employed in or in connection with the transferred undertaking and the opportunity afforded by those vacancies for avoiding, by means of a re-allocation of duties, any hardship to such officers or servants as are mentioned in this section, and shall determine whether the cost of any such compensation as aforesaid is to be borne by the local authority or by the Board, or is to be apportioned between them and, if so, in what shares.

## **76 Compensation rights of officers and servants of Railway Clearing House.**

- (1) Any officer or servant of the Railway Clearing House who as a consequence of this Act or of anything done by virtue thereof, and not as a result of misconduct or incapacity to perform such duties as he previously was performing, or might reasonably have been required to perform, suffers any direct pecuniary loss, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from the Railway Clearing House in respect of that pecuniary loss, compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act as modified by the next succeeding subsection.
- (2) The provisions of the said Fourteenth Schedule shall, in their application to any such officer or servant as aforesaid, have effect as if for any reference therein to the Board as the authority to receive and determine claims for compensation and to pay compensation there were substituted a reference to the Railway Clearing House.
- (3) Any compensation payable under this section shall be paid in the first instance by the Railway Clearing House, but the ultimate incidence thereof shall be such as may be agreed between the Railway Clearing House and the Board or, in default of agreement, determined by the standing arbitrator.
- (4) Upon any reference to him under the last preceding subsection, the arbitrator shall have regard to all the circumstances of the case and, in particular, to whether the pecuniary loss to the officer or servant was primarily due to the transfer by this Act of railway undertakings to the Board, or to any arrangement made under this Act for the pooling of traffic receipts, and shall determine whether the cost of any compensation payable to the officer or servant is to be borne by the Railway Clearing House, or by the Board, or is to be apportioned between them and, if so, in what shares.

**77 Compensation rights of officers and servants of joint railway undertakings.**

- (1) Any officer or servant employed on or about a joint railway undertaking, any right or interest in which is transferred to the Board, who as a consequence of this Act or of anything done by virtue thereof and not as a result of misconduct or incapacity to perform such duties as immediately before the appointed day he was performing, or might reasonably have been required to perform, suffers any direct pecuniary loss, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from his employers for the time being in respect of that pecuniary loss compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act, as modified by the next succeeding subsection.
- (2) The provisions of the said Fourteenth Schedule shall in their application to any such officer or servant as aforesaid, have effect as if for any reference therein to the Board as the authority to receive and determine claims for compensation and to pay compensation, there were substituted a reference to the employers of that officer or servant.
- (3) Any compensation payable under this section shall be paid in the first instance by the Board, but the ultimate incidence thereof as between the Board and any railway company concerned shall be such as may be agreed between them or, in default of agreement, determined by the standing arbitrator.

**78 Continuance of compassionate allowances.**

Subject to the provisions of this section, where on the appointed day—

- (a) a person who was formerly an officer or servant of any local authority or company specified in Part I, Part II or Part III of the Second Schedule to this Act; or
- (b) the widow or a dependent of a deceased person who was formerly such an officer or servant as aforesaid,

is in receipt of a pension, or a superannuation or other allowance from that authority or company, granted in pursuance of their customary practice and not as a matter of legal right, then, if that person or that deceased person would on the appointed day, had his employment under that authority or company continued until that date, have been transferred by this Act to and become an officer or servant of the Board, he or, as the case may be, his widow or dependent shall be entitled to receive from the Board the same pension or allowance and on the same conditions as previously obtaining :

Provided that, if the Board are of opinion that any grant or alteration of any such pension or allowance made after the third day of December, nineteen hundred and thirty, was not in accordance with the customary practice of that authority or company, the Board may within six months after the appointed day give notice in writing to that effect to the authority or company concerned; and, if in any case where such a notice has been given any dispute arises, it shall be referred to the standing arbitrator, who shall consider whether or not the grant or alteration was in accordance with the customary practice of that authority or company, and shall determine whether, and to what extent as between the Board and the authority or company, any liability arising in respect thereto is to be transferred to the Board or is to continue as a liability of the authority or company.

## **79 Provisions as to standing arbitrator.**

- (1) For the purposes of the six last preceding sections and of the Fourteenth Schedule to this Act, the Lord Chancellor shall appoint a standing arbitrator, and any question which under any of those provisions or under the said Schedule is directed to be determined by a standing arbitrator shall, in case of dispute, be referred to and determined by that arbitrator.
- (2) The fee payable to the standing arbitrator in respect of any such arbitration as aforesaid shall be such as the Lord Chancellor may fix and shall be paid by the Board, unless, in a case arising under section seventy-five, section seventy-six, or section seventy-seven of this Act, the arbitrator directs that it shall be paid in whole or in part by the local authority, or the Railway Clearing House, or a railway company concerned, as the case may be.

## **80 Superannuation funds, and &c.**

- (1) Subject to the provisions of this section, all superannuation, pension, and other benefit funds or schemes (other than the Railway Clearing System Superannuation Fund and the British Electrical Endowment Fund), which funds or schemes are in this section referred to as "existing benefit funds," and all savings banks or institutions of a like nature (other than the British Electrical Provident Fund), which banks or institutions are in this section referred to as "existing banks" of, or established by, or in connection with, any of the companies specified in Part I, Part II, Part IV, Part V or Part VI of the Second Schedule to this Act (in this section referred to as "transferred companies") and the managers of those funds and banks shall continue as if the undertakings carried on by the transferred companies had not been transferred to the Board.
- (2) For the purposes of any statutory enactments and rules or regulations relating to the existing benefit funds or banks, any power of a transferred company or any officer or director of a transferred company in relation to any such fund or bank may, as from the appointed day, be exercised by the Board or by any member or officer of the Board appointed by the Board for the purpose; and service or employment or dismissal under or by the Board of any officer or servant of a transferred company who by virtue of this Act is transferred to, and becomes an officer or servant of, the Board shall be deemed to be service or employment or dismissal under or by that one of the transferred companies in whose employment that officer or servant was immediately before the appointed day.
- (3) The obligations, whether obtaining legally or by customary practice, of each of the transferred companies in respect of the existing benefit funds and banks, and in respect of every member of an existing benefit fund and depositor in an existing bank who is transferred to and becomes, or, if he had been immediately before the appointed day an officer or servant of the transferred company, would have been transferred to and become, an officer or servant of the Board, shall be binding upon the Board.
- (4) All persons who are or have been members of any of the existing benefit funds or depositors in any of the existing banks and who are, or, if they had been immediately before the appointed day officers or servants of a transferred company, would have been, transferred to and become officers or servants of the Board and all persons claiming in right of any such person as aforesaid shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as those persons would have been or might have become

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entitled or subject to, if the undertakings carried on by the transferred companies had not been transferred to the Board.

- (5) Any member of any of the existing benefit funds and any depositor in any of the existing banks who is not transferred to the Board shall, unless within one year from the appointed day he gives notice in writing to the managers of that fund or bank of his desire to terminate his membership thereof or his interest therein, continue as a member of or depositor in that fund or bank; and any person so continuing as a member or depositor shall be entitled to the same benefits, rights and privileges, whether obtaining legally or by customary practice, as he would have been or might have become entitled to if the undertakings carried on by the transferred companies had not been transferred to the Board; and so long as he continues to be a member or depositor, he and any person under whom he holds his office or employment, shall be subject to the same obligations towards the fund or bank, whether obtaining legally or by customary practice, as they would have been, or might have become subject to, if the undertakings carried on by the transferred companies had not been transferred to the Board :

Provided that the managers of the said fund or bank may at any time, at the joint request of the member or depositor and of his employer for the time being, transfer to any other fund, scheme or bank such sum, to be determined if necessary by an actuary appointed by the managers, as represents the interest of the member or depositor in their fund or bank, and thereupon the liability of their fund or bank towards that member or depositor shall cease and determine.

- (6) Any person, who, being an officer or servant of a transferred company, is transferred to and becomes an officer or servant of the Board and who immediately before the appointed day was a member of the Railway Clearing System Superannuation Fund Corporation (in this subsection referred to as " the corporation "), may, for the period during which he remains an officer or servant of the Board, including any period of superannuation after retirement from the service of the Board, continue to be a member of the corporation; and any person who, if he had been immediately before the appointed day an officer or servant of a transferred company, would have been transferred to and become an officer or servant of the Board and who at the appointed day is in receipt of a superannuation allowance or annuity from the corporation, may, for the period during which he would, if this Act had not been passed, have been entitled so to receive a superannuation allowance or annuity, continue to be a member of the corporation; and while any such person as aforesaid so remains a member, he shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would have been entitled or subject to, if the undertaking carried on by the company under which he held his office or employment had not been transferred to the Board, and while he so remains a member, the obligations of the transferred company under which he held his office or employment, in respect of the corporation so far as relates to that member, whether obtaining legally or by customary practice, shall be binding upon the Board.
- (7) Any person who, being an officer or servant of a transferred company, is transferred to and becomes an officer or servant of the Board and who immediately before the appointed day was a member of the British Electrical Endowment Fund (in this subsection referred to as " the Endowment Fund ") shall (subject to the provisions of the trust deeds and rules for the time being applicable to the Endowment fund) continue for the period during which he remains an officer or servant of the Board to be a member of the Endowment Fund; and while he so remains a member he shall be entitled to the same benefits, rights, and privileges and subject to the same obligations,

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whether obtaining legally or by customary practice, as he would have been or might have become entitled to or subject to if the undertaking carried on by the company under which he held his office or employment had not been transferred to the Board, or if the Board had been a company within the meaning of the said trust deeds and rules, and the Board shall, in respect of that person, have the same rights and be subject to the same obligations as the Board would have been subject to under the provisions of the said trust deeds and rules if the Board had been a company within the meaning of the said trust deeds and rules, and as from the appointed day, in construing the provisions of the said trust deeds and rules, the Board in respect of that person shall be deemed to be, and always to have been, such a company.

- (8) Any person who, being an officer or servant of a transferred company, is transferred to and becomes an officer or servant of the Board, and who immediately before the appointed day was a depositor in the British Electrical Provident Fund (in this subsection referred to as " the Provident Fund ") through the company under which he held his office or employment, and any person being the wife or child of an officer or servant so transferred and being immediately before the appointed day a depositor in the Provident Fund may, for the period during which such officer or servant remains an officer or servant of the Board, remain a depositor through the Board in the Provident Fund and shall be entitled to the same benefits, rights, and privileges, and be subject to the same obligations, whether obtaining legally or by customary practice, as he or she would have been entitled or subject to, and the Board shall in respect of that person have the same rights and be subject to the same obligations as the Board would have been subject to under the provisions of the trust deeds and rules for the time being applicable to the Provident Fund if the Board had been a company within the meaning of the said trust deeds and rules and as from the appointed day in construing the said trust deeds and rules the Board shall in respect of that person be deemed to be, and always to have been, a company within the meaning of the said trust deeds and rules.
- (9) Any person who, being an officer or servant of any of the local authorities specified in Part III of the Second Schedule to this Act, is transferred to and becomes an officer or servant of the Board, and who immediately before the appointed day was a member of any pension, superannuation or other benefit fund set up by that authority (in this section referred to as " a local authority's fund ") may so long as he remains an officer or servant of the Board continue to be a member of that fund and, subject to the provisions of the three next succeeding subsections, while he so continues to be a member, the provisions of any enactment or scheme or any rule or regulation by which that fund is regulated shall, so far as respects him, continue to apply to the local authority, and he shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would have been entitled or subject to if he had remained an officer or servant of the authority.
- (10) Where any person who continues to be a member of a local authority's fund ceases to be an officer or servant of the Board, the provisions of any such enactment, scheme, rule or regulation as aforesaid which would have been applicable upon his ceasing to be an officer or servant of the authority shall apply as if he had remained an officer or servant of the authority, and had ceased to be such an officer or servant at the time at which, and in circumstances similar to those in which he ceased to be an officer or servant of the Board.
- (11) Where any officer or servant of the Board continues after the appointed day to be a member of a local authority's fund—

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- (a) the authority may in respect of him grant benefits, and make payments into and out of the fund, as if his employment by the Board were employment by the authority; and
  - (b) the Board shall deduct from his remuneration such amounts as he is liable to contribute to the fund, and shall from time to time pay to the authority the amounts so deducted to be carried by the authority to the credit of the fund.
- (12) Where a local authority becomes liable to pay and pays into a local authority's fund any sums, whether ascertained upon an actuarial valuation or otherwise, being sums which, if the undertaking of the authority had not been transferred to the Board, would have been payable by the authority out of the revenues of the undertaking, the Board shall on demand repay to the authority so much of the said sums as relates to officers or servants of the Board who continue, or at any time since the appointed day have continued, to be members of the local authority's fund.
- (13) The Board and the local authority may enter into agreements for the purpose of giving effect to the provisions of the last two preceding subsections and, except in so far as any such agreement provides to the contrary, any dispute arising under those provisions shall be referred to and determined by an arbitrator to be agreed upon between the parties, or, failing agreement, to be appointed on the application of either party by the President of the Institute of Actuaries.
- (14) If upon an actuarial valuation of any local authority's fund a deficiency is found to exist, the Board shall (without prejudice to any other liability of the Board under the preceding provisions of this section) on demand make good to the authority for the credit of the fund so much, if any, of that deficiency as may be certified by the person making the valuation or as, in the case of a dispute, may be determined by an arbitrator, to be appointed in default of agreement upon the application of either party by the President of the Institute of Actuaries, to be due to the action of the Board in increasing the remuneration, or accelerating the retirement of officers or servants of the Board continuing to be members of the fund.
- (15) The Board may at any time prepare a scheme or schemes for establishing such pension, superannuation, or other benefit funds as they may think fit for the benefit of persons employed by the Board, but no such scheme shall come into operation until it has been approved by Parliament.
- (16) Notwithstanding anything contained in this section any officer or servant of the Board may, subject to the consent of the Board and of the managers of the fund or bank in question, become a member of any of the existing benefit funds or a depositor in any of the existing banks.
- (17) Any member of the Board who is at the date of his appointment a member of any such pension, superannuation, or other benefit fund as is mentioned in, or authorised by, any of the foregoing provisions of this section may continue to be a member of that fund while he remains a member of the Board and, while he so continues to be a member of the fund, he shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would be entitled or subject to if he were an officer or servant of the Board, and during the said period the Board shall from time to time make to the fund, or to the persons responsible for the management thereof, such payments in respect of him as they would be liable to make if he were such an officer or servant.



- (18) In this section the expression " managers " in relation to any fund, scheme or bank, means the board, trustees, committee, or other persons entrusted with the management thereof.

## PART VIII

### TRANSITIONAL AND SUPPLEMENTAL PROVISIONS.

#### 81 Exemption from stamp duties.

- (1) Stamp duty shall not be chargeable—
- (a) on any agreement as to the consideration to be given by the Board for the transfer of any undertaking which is in whole or in part transferred to the Board by this Act, and as to the distribution of that consideration, or on any conveyance, assignment or other instrument of transfer made in pursuance of any such agreement; or
  - (b) in respect of the issue of any transport stock by the Board in consideration for any such transfer as aforesaid; or
  - (c) in respect of the distribution of any such stock by or on behalf of any company whose undertaking is transferred to the Board by this Act to the persons entitled to receive that stock by virtue of the provisions of the Fifth Schedule to this Act; or
  - (d) in respect of the issue of any transport stock by the Board under subsection (1) of section eighty-eight of this Act; or
  - (e) in respect of the distribution under any scheme made, or deemed to be made, under section eighty-eight of this Act of any assets of the Underground Electric Railways Company of London, Limited (in this section referred to as " the Underground Company "), or of the London and Suburban Traction Company, Limited, amongst the holders of stocks (which expression in this section includes debenture stocks) or shares of those companies, or on any instrument made for the purposes of, or in connection with, the transfer of the whole or any part of the assets of the Underground Company to any company formed under any such scheme as aforesaid with a view to the acquisition of those assets, or in respect of so much of the nominal share and loan capital of such last-mentioned company as constitutes the consideration for, and as is equivalent to, the value of the assets so transferred, or on any instrument securing such loan capital.
  - (f) in respect of the distribution of transport stock amongst the holders of stocks or shares of the Underground Company and the London and Suburban Traction Company Limited, respectively; or
  - (g) in respect of the distribution amongst the holders of Metropolitan District Railway Assented First Preference Stock of transport stock taken by the trustees for that stock in exchange for First Preference Stock of the Metropolitan District Railway Company held by such trustees; or
  - (h) in respect of the creation of, and the guarantee by the Board of interest or dividend on the new Assented stock to be issued in exchange for Central London Railway Guaranteed Assented ordinary, preferred ordinary, and deferred ordinary stocks, or the surrender to the trustees for such new Assented stock of new Assented stock by, or the transfer by such trustees of transport ' C ' stock to, those holders of such new Assented stock who exercise

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the option of exchanging their new Assented stock for transport ' C ' stock, or in respect of the trust deed constituting and securing such new Assented stock; or

- (i) in respect of the creation, division, or vesting of Metropolitan Railway Assented Stock (in this paragraph referred to as " Assented Stock "), or in respect of the transfer to the trustees mentioned in section eighty-nine of this Act of Metropolitan Consolidated Stock, or in respect of the transfer by such trustees of transport ' C ' Stock to those holders of Assented Stock who exercise the option of exchanging their Assented Stock for transport ' C ' Stock, or in respect of the transfer by such trustees of transport ' C ' Stock to holders of Assented Stock pursuant to subsection (16) of the said section, or in respect of the trust deed mentioned in the said section;

nor shall any such duty be chargeable under section twelve of the Finance Act, 1895, on any copy of this Act or on any instrument relating to the vesting in the Board of any undertaking in whole or in part transferred to the Board by this Act.

- (2) Nothing in this section shall be taken to relieve from stamp duty any stock certificates to bearer within the meaning of the Stamp Act, 1891, as extended by the Finance Act, 1899.

## **82 Maintenance of transferred undertakings until appointed day.**

- (1) Each of the undertakings or parts of the undertakings which are to be transferred to the Board by this Act shall, until the appointed day, be maintained and carried on as heretofore in the ordinary course of business in as efficient a condition as usual.
- (2) As soon as may be after the appointed day each of the local authorities specified in Part III of the Second Schedule to this Act shall cause to be prepared and audited in accordance with the statutory or other provisions relating to the audit of its accounts an account in respect of its tramway undertaking for the period commencing on the first day of April, nineteen hundred and thirty-three, and ending on the day preceding the appointed day, and upon the completion of the account adjustments shall be made between the local authority and the Board on the following basis, that is to say:—
  - (a) the surplus revenue, if any, of the tramway undertaking, in respect of the period covered by the audit (after meeting all charges properly chargeable to revenue) shall enure to the benefit of the authority; and
  - (b) the deficiency of revenue, if any, of the tram way undertaking, in respect of that period (after meeting all charges properly chargeable to revenue) shall be borne by the authority; and
  - (c) any dispute which may arise between the Board and the authority as to any payment to be made in respect of any adjustment under this subsection shall in default of agreement be determined by an arbitrator to be agreed, or to be appointed by the Minister of Health.

For the purposes of this subsection the charges properly chargeable to revenue shall include the whole or, as the case may be, a proportionate part of any payments made or to be made by the authority on or after the appointed day into any fund established for the redemption of, or in respect of any instalments for the redemption of, or in respect of any interest on, any loan raised by the authority for the purposes of a transferred undertaking according as those payments, if treated as accruing due from day to day, would relate in whole or in part to the period covered by the account.

- (3) If the Board are of opinion that any contract with respect to any matter connected with an undertaking specified in Part I or Part II of the Second Schedule to this Act (in this section referred to as "transferred undertaking"), being a contract made by the undertakers after the third day of December, nineteen hundred and thirty, was not reasonably necessary in the ordinary course of their business and that liabilities arising thereunder ought not to be transferred to the Board, they may give notice in writing to the undertakers to that effect at any time within six months after the appointed day.
- (4) If the Board give any such notice as aforesaid and the matters raised by the notice are not disposed of by agreement between the Board and the undertakers, the matter shall be referred to the arbitration tribunal who shall consider whether or not the contract was reasonably necessary in the ordinary course of the business of the undertakers, and determine whether, and to what, extent, as between the Board and the undertakers, any liability arising thereunder is to be transferred to the Board, or is to continue as a liability of the undertakers.
- (5) Until the appointed day a company carrying on any transferred undertaking shall not so far as concerns that undertaking without the previous consent in writing of the Minister—
  - (a) sell, dispose of, or let for a longer period than one year, any of its lands or buildings;
  - (b) apply any of its depreciation or renewal funds otherwise than for the purposes for which those funds have hitherto been used, or make any distribution out of any such fund among its stockholders or shareholders or any class thereof, unless legally compelled to do so for the purpose of paying interest on any debenture stock;
  - (c) enter into any contract of any kind extending in date beyond a period of one year;
  - (d) raise any fresh capital;
  - (e) undertake any new works the estimated cost of which exceeds the sum of fifty thousand pounds.
- (6) For the purpose of securing a proper adjustment as between the Board and each of the companies specified in Part I or Part II of the Second Schedule to this Act (other than the South Metropolitan Electric Tramways and Lighting Company, Limited) (which companies are in this section referred to as "transferred companies") in respect of the earnings of those companies during the period commencing on the first day of January, nineteen hundred and thirty-one, and ending on the day preceding the appointed day (which period is in this section referred to as "the final period") the provisions of the next seven succeeding subsections shall have effect.
- (7) Between the passing of this Act and the appointed day no sums shall be distributed by any transferred company by way of dividend or otherwise amongst the holders of the stocks or shares of the company so, however, that nothing in this subsection shall prevent the payment of interest on any debenture stock of the company as and when it falls due.
- (8) As soon as may be after the appointed day there shall be ascertained and certified by an auditor approved by the Minister (in this section referred to as "the auditor") the sums which have been earned (after charging interest on any debenture stock) by each of the transferred companies (other than the Metropolitan Electric Tramways, Limited, and the London United Tramways, Limited) during the final period so as to be

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properly available for distribution, and have not been distributed before the appointed day (which sums are in this section referred to as " the undistributed earnings ").

- (9) The auditor, in certifying any sum under this section, shall—
- (a) in the case of an Underground company, have regard to any agreement as to the payment of revenues into a common fund made in pursuance of the London Electric Railway Companies' Facilities Act, 1915;
  - (b) in the case of any of the transferred companies, exclude all sums received by the company during the final period by way of interest or dividend on the stocks or shares of any other company in respect of any period before the final period, and shall include all sums payable by way of such interest or dividend in respect of any part of the final period; and
  - (c) in the case of the London General Omnibus Company, Limited, and in the case of the Tramways (M.E.T.) Omnibus Company, Limited, shall add back any sums set aside by the company out of the revenues of the final period for the purpose of the redemption of any debenture stock of the company.
- (10) Each of the transferred companies shall be entitled to retain out of the assets of its undertaking transferred to the Board by this Act a sum sufficient to pay the net amount of any interest accrued up to the appointed day and unpaid on any debenture stock of the company after deduction of income tax at the standard rate of tax for the year in which the payment of that interest becomes due, and the sum so retained shall be applied by the company in the payment of that interest accordingly.
- (11) So soon as the undistributed earnings have been ascertained and certified the Board shall repay to each of the transferred companies (other than the Metropolitan Electric Tramways, Limited, and the London United Tramways, Limited) the amount of its undistributed earnings reduced by an amount equivalent to the sum which the company would be entitled to deduct in respect of income tax if the whole of the undistributed earnings were forthwith distributed by way of dividend then due for payment amongst the holders of the stocks or shares of the company:
- Provided that, if the auditor is satisfied at any time before the final ascertainment of the undistributed earnings that there will be a sum representing those earnings to be repaid to any company and certifies that a payment on account may properly be made to that company, the Board, on receipt of the auditor's certificate, shall repay to the company the amount so certified as a payment on account of the undistributed earnings to which that company will ultimately become entitled.
- (12) The Board shall, if so required by any of the transferred companies, pay to the company from time to time sums sufficient to enable the company to discharge its liabilities in respect of income tax for any period before the appointed day and shall, if so required by any of the transferred companies, indemnify the company against any costs or expenses incurred by the company after the appointed day with the approval of the Board in connection with any proceedings in relation to the ascertainment of the liabilities of the company in respect of income tax for any period before the appointed day.
- (13) In this section the expression " an Underground company " means a company specified in Part I of the Second Schedule to this Act.
- (14) For the purpose of securing a proper adjustment as at the appointed day as between the Board and the South Metropolitan Electric Tramways and Lighting Company Limited (hereinafter in this section referred to as " the company ") of current receipts and expenditure on revenue account in respect of the company's tramway and light

railway undertaking (hereinafter in this section referred to as " the undertaking ") there shall as soon as may be after the appointed day be prepared by the company and certified by an auditor to be appointed by the company and approved by the Minister an apportionment account (which shall be binding and conclusive for all purposes as between the Board and the company) apportioning as between the Board and the company as at the appointed day:—

- (a) any payments or receipts by the company in respect of the undertaking which relate in whole or in part to any period after the appointed day (not being payments made for the purpose of maintaining the undertaking in accordance with subsection (1) of this section); and
  - (b) any payments or receipts by the Board in respect of the undertaking which relate in whole or in part to any period before the appointed day.
- (15) Within fourteen days after the receipt by the Board of the apportionment account, the balance appearing in the said account, if in favour of the company, shall be paid by the Board to the company, or if in favour of the Board, shall be paid by the company, to the Board.

### **83 Documents of transferred undertakings to be surrendered.**

Subject to the provisions of this Act, any person, who at the appointed day has in his possession or under his control any books, documents or papers, not being books, documents or papers relating partly to the Surplus Lands, (in this section referred to as " the said documents ") which relate to any of the undertakings specified in Part I or Part II or Part VI of the Second Schedule to this Act, and which belong to the owners of that undertaking, or which would have belonged to those owners if the transfer had not taken place, shall be liable to account for the said documents to the Board and shall, at the request of the Board, deliver them up to the Board or to such person as the Board may appoint.

### **84 Inspection of works, and &c.**

It shall be lawful for the Board, or any person authorised in that behalf by the Board, to enter upon and inspect any lands, works or property forming part of any undertaking which, or any part of which, is transferred to the Board by this Act, and to examine all books, accounts and documents in the possession of any person carrying on any such undertaking which relate to that undertaking other than documents prepared for the purposes of negotiating or settling the terms of transfer or otherwise or for the purpose of any arbitration under this Act, and to take copies thereof or make extracts therefrom.

### **85 Pending proceedings and existing contracts.**

- (1) No proceeding or cause of action pending or existing immediately before the appointed day by or against the undertakers of any undertaking which is specified in paragraph (1) of Part I, or in Parts II, III or VI of the Second Schedule to this Act shall abate, be discontinued, or be in any way prejudicially affected by reason of anything in this Act, but the proceeding or cause of action may, in so far as it relates to that undertaking, be continued and enforced by or against the Board as it might have been by or against the undertakers if this Act had not been passed, but not further or otherwise.
- (2) Subject to the provisions of this Act, all contracts, deeds, bonds, agreements, and other instruments, and all working arrangements subsisting immediately before the

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appointed day, and affecting the undertakers of any undertaking specified in Parts I, II, III or VI of the Second Schedule to this Act shall, in so far as they relate to that undertaking, be of as full force and effect against or in favour of the Board, and may be enforced as fully and effectually as if, instead of the undertakers, the Board had been a party thereto:

Provided that nothing in this section—

- (a) shall apply to any contract the liability under which is by virtue of Part VII or section eighty-two of this Act to remain a liability of the undertakers; or
- (b) shall affect any proceeding, cause of action, contract, deed, bond, agreement or other instrument relating solely to any part of an undertaking which is not transferred to the Board by this Act.

## **86 Provisions as to substituted stock.**

- (1) Any transport stock issued in substitution for any existing stock shall be held in the same rights and on the same trusts and subject to the same powers, privileges, provisions, charges and liabilities as those in, on or subject to which the stock was held immediately before the substitution, and so as to give effect to and not revoke any deed, will or other instrument or testamentary or other disposition disposing of or affecting the stock, and every such deed, will, instrument or disposition shall take effect with reference to the whole or a proportionate part, as the case may be, of the substituted transport stock.
- (2) Trustees, executors and all other holders in any representative or fiduciary capacity of any existing stock for which transport stock is substituted may hold, dispose of or otherwise deal with the substituted stock in all respects as they might have held, disposed of or otherwise dealt with the stock for which it was substituted.
- (3) In this section the expression " existing stock " includes existing shares or securities, and references to that stock shall be construed accordingly.

## **87 Dissolution of transferred companies.**

- (1) The companies specified in Part I or Part II of the Second Schedule to this Act (other than the South Metropolitan Electric Tramways and Lighting Company, Limited), which companies are in this section referred to as " the transferred companies," shall, in the case of a transferred company being a statutory company, as soon as the transport stock to be issued as consideration for the transfer to the Board has been issued and distributed in accordance with this Act and, in the case of a transferred company not being a statutory company, as from the appointed day, enter upon the liquidation of its affairs and upon the conclusion thereof be dissolved in manner provided in the Fifth Schedule to this Act:

Provided that the provisions of this subsection shall not apply to the Metropolitan Railway Company unless and until the undertaking of the Surplus Lands Committee shall have been transferred to and, vested in the limited company referred to in section ninety-eight of this Act in accordance with the provisions of that section.

- (2) The several provisions and powers contained in the several special Acts of the transferred companies being statutory companies shall remain and be of full force as regards the statutory companies respectively, so far as the same are necessary or required for the purposes of the company, up to and until the dissolution thereof:

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Provided that it shall not be obligatory to fill up any vacancy in the office of director occurring after the passing of this Act, but the continuing directors for the time being of each company may continue in office and exercise all powers of directors up to and until the dissolution of the company.

- (3) For the purpose of distributing such transport stock as aforesaid and winding up its affairs and for any other purposes necessary for enabling a transferred company to give effect to the provisions of this Act any transferred company may, after the appointed day, temporarily retain for its own use such offices, books, accounts, and documents, and the service of such officers and servants, on such terms and conditions as may be agreed upon between the Board and the company or, failing agreement, as may be determined by the Minister.
- (4) Any costs, charges, and expenses (including all rents, rates, taxes, and other outgoings in respect of any offices and all salaries, wages, or pay of any officers or servants temporarily retained by a company for its own use under the last preceding subsection) certified by an auditor approved by the Minister to have been properly incurred by the company for the purposes aforesaid shall be paid to the company by the Board.

## **88 Dissolution of the Underground Electric Railways Company of London Limited and the London and Suburban Traction Company Limited.**

- (1) Before or as soon as may be after the issue of the transport stock to which the Underground Electric Railways Company of London Limited (hereinafter referred to as " the Underground Company ") and the London and Suburban Traction Company Limited (hereinafter referred to as " the ' London and Suburban Company ") respectively, or the trustees under deeds securing the debenture stocks of those companies (in this subsection referred to as " the said trustees ") may be entitled by virtue of their interests in the undertakings specified in Part I of the Second Schedule to this Act—
  - (a) the Underground Company shall apply to the Board to issue to the company or to the said trustees—
    - (i) in exchange for the " A " stock to which the company or the said trustees may become so entitled, an amount of " B " stock, bearing interest at the rate of five per cent. per annum, of the equivalent nominal value; and
    - (ii) in exchange for an amount of " C " stock of the nominal value of four million, one hundred and three thousand, seven hundred and fifty-two pounds, an amount of " B " stock, bearing interest at the rate of five per cent. per annum, of the nominal value of three million, eight hundred and fifty-three thousand, seven hundred and fifty-two poundsand upon receipt of that application or, in the event of any interest having been previously paid on the " A " or the " C " stock to be exchanged, upon receipt of that application together with a refund of any moneys actually received by the Underground Company or by the said trustees in respect of that interest, the Board shall issue to the company, or to the said trustees, as the case may be, the amounts of " B " stock so applied for, and the " A " stock and " C " stock in exchange for which the " B " stock is to be issued shall be surrendered by the company or the said trustees to the Board and shall be cancelled by the Board;
  - (b) the Board shall transfer as from the appointed day to the Underground Company all the shares of the North Metropolitan Electric Power Supply Company, which become vested in the Board by virtue of the transfer to the

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Board of the undertaking of the Metropolitan Electric Tramways Limited, so, however, that, in the case of shares acquired by the Metropolitan Electric Tramways Limited before the first day of January, nineteen hundred and thirty-one, any dividend paid on those shares after the appointed day to the Board or to the Underground Company as holders of those shares shall be apportioned between the Board and the Underground Company so as to secure that there shall enure to the Board such portion of the dividend as relates to the period before the appointed day, and upon the transfer being effected the Underground Company as consideration therefor (i) shall pay to the Board a sum equal to the amount at which the shares acquired by the Metropolitan Electric Tramways Limited before the first day of January, nineteen hundred and thirty-one, were valued for the purpose of fixing the consideration to be given by the Board for the transfer of that undertaking, together with interest on that sum at the rate of five per cent. per annum from the appointed day to the date of payment; and (ii) shall release and discharge the Board from each and every liability to which the Board may or may have become subject by virtue of the transfer to the Board of the undertaking of the Metropolitan Electric Tramways Limited in respect of any loan made to that company by the Underground Company for the purpose of, or any other indebtedness of that company towards the Underground Company incurred by reason of, acquiring any of those shares after the first day of January, nineteen hundred and thirty-one;

- (c) the Underground Company and the London and Suburban Company shall respectively prepare schemes for the liquidation of those companies, and for the distribution, subject to the provisions of this section, amongst the stockholders and shareholders of the respective companies of any transport stock (other than fractional parts of transport stock which cannot conveniently be distributed) to which those companies or the said trustees become entitled under this Act, or under any exchange of, or subscription for transport stock effected pursuant to this section, and of the other assets of those companies, or the proceeds of sale of those assets or such fractional parts of transport stock as aforesaid, remaining after payment or discharge of the debts and liabilities of those companies respectively, and of any sums which those companies respectively may in general meeting authorise to be paid to any persons as compensation for loss of office or employment, or in recognition of any services rendered to those respective companies and the expenses of carrying the schemes into effect.
- (2) The scheme so to be prepared by the Underground Company may further provide—
- (a) for the formation by the Underground Company of a company (in this section referred to as "the new company") to be incorporated under the Companies Act, 1929, as a company limited by shares and registered with a memorandum and articles of association in such form as may be prescribed by the scheme;
- (b) for the transfer to the new company, in lieu of distribution amongst the stockholders and shareholders of the Underground Company of such part of the assets of the Underground Company remaining as aforesaid (other than transport stock distributed or to be distributed among the stockholders and shareholders of the Underground Company) as may be prescribed by the scheme in exchange for fully paid shares or stock or both of the new company;
- (c) for the distribution amongst the stockholders and shareholders of the Underground Company of the shares and stock so taken in exchange by the Underground Company; and



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- (d) for the conversion of the existing Central London Railway Guaranteed Assented ordinary, preferred ordinary, and deferred ordinary stocks constituted by trust deed dated the thirteenth day of December, nineteen hundred and twelve, made between the Underground Company of the one part and Glyn, Mills and Co. (then and therein called Glyn, Mills, Currie and Co. and in this subsection referred to as " the said trustees ") of the other part into equal nominal amounts of a single new guaranteed assented stock (to be known as Central London (New) Guaranteed Assented Stock, in this section referred to as " new assented stock") to be constituted in accordance with the provisions of Part III of the Third Schedule to this Act,

and in the event of the scheme so prepared becoming binding and operative, it shall be lawful for the Board, and if so required by the Underground Company, the Board shall—

- (i) guarantee the payment by the said trustees of interest on the new assented stock at the fixed rate of interest of four per cent. per annum; and
- (ii) execute and do, or concur with any other necessary parties in executing or doing, all trust deeds, documents and things necessary for constituting the new assented stock in accordance with the provisions of the said Part of the said Schedule.

- (3) For the purpose of any scheme so prepared—

- (a) the Underground Company may subscribe for, and in that event the Board shall issue to the company at a price of ninety-five pounds for every one hundred pounds nominal value of stock, such amount of transport " B " stock, bearing interest at the rate of five per cent. per annum, not exceeding one million pounds in nominal value, as may be required for the purpose of the scheme of that company; and
- (b) the London and Suburban Company may subscribe for, and in that event the Board, shall issue to the company at a price of ninety-five pounds for every one hundred pounds nominal value of stock, such amount of transport " B " stock bearing interest at the rate of five per cent. per annum, not exceeding eight hundred and fifty thousand pounds in nominal value, as may be required for the scheme of that company.

Where in respect of any stock issued under this subsection the purchase price is paid to the Board at any time after the appointed day, the company to which the stock is issued shall pay to the Board an additional sum by way of interest calculated on the nominal value of the stock subscribed for at the rate of five per cent. per annum from the appointed day until the date of payment of the purchase price.

- (4) Any arrangements made by the Underground Company with any class of its stockholders or shareholders, or with the holders of Metropolitan District Railway Assented First Preference Stock, or with the holders of Central London Railway Guaranteed Assented ordinary, preferred ordinary, or deferred ordinary Stocks, or by the London and Suburban Company with any class of its stockholders or shareholders, in anticipation of and with a view to carrying out any of the provisions of this section and which have been conditionally assented to by such holders respectively before the passing of this Act shall, subject to such adjustment of dates as may be certified by the Secretary of the Underground Company, or of the London and Suburban Company, as the case may be, to be necessary by reason of the appointed day under this Act being on a day later than the first day of January nineteen hundred and thirty-two, be treated for all purposes of this Act as if they were, or formed part of, schemes prepared by those companies respectively under this section.

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- (5) As soon as may be after the schemes prepared under this section have become binding upon the stockholders and shareholders of the Underground Company and the London and Suburban Company respectively, the winding up of those companies shall be proceeded with in accordance with the provisions of the Companies Act, 1929.
- (6) Where in pursuance of a scheme made or deemed to be made under this section any transport stock is taken by holders of stocks or shares of the Underground Company or of the London and Suburban Company in exchange or part exchange for those stocks or shares respectively, or by holders of Metropolitan District Assented First Preference Stock in exchange for that stock, or any new assented stock is taken by the holders of Central London Railway Guaranteed Assented ordinary, preferred ordinary or deferred ordinary stock in exchange for that stock, or any transport stock is taken by the holders of new assented stock in exchange for that stock, or any stocks or shares in the new company (whether in the course of the liquidation of the Underground Company or otherwise) are distributed amongst the holders of shares or stocks of the Underground Company, the provisions of section eighty-six of this Act shall apply to the stock so taken in exchange and to the stocks and shares of the new company so distributed and to the trustees, executors, and all other holders in any representative or fiduciary capacity of any stock or shares for which that stock is exchanged, and to the trustees, executors, and all other holders in any representative or fiduciary capacity of stocks or shares of the Underground Company who receive stocks or shares of the new company upon any such distribution thereof as aforesaid as fully and effectually as if in that section the expression " existing stock" included the stock and shares so exchanged and the stocks and shares of the Underground Company, and as if the expression " transport stock issued in substitution " included transport stock and new assented stock so taken in exchange and stocks and shares in the new company so distributed.
- (7) Trustees, executors, and other holders in any representative or fiduciary capacity of stocks or shares of the Underground Company, or of the London and Suburban Company, or of the Metropolitan District Railway Assented First Preference Stock, or of Central London Railway Guaranteed Assented ordinary, preferred ordinary, or deferred ordinary stock may concur and shall be deemed always to have had power to concur in any scheme made or deemed to be made by the Underground Company or by the London and Suburban Company under this section.
- (8) Where the Underground Company or the London and Suburban Company is unable after diligent inquiry to find the person to whom any transport stock or money representing the proceeds of sale of any other assets of those companies, or any share or security of the new company, or any new assented stock is issuable or payable in pursuance of a scheme made under this section, or where any transport stock or any such money, share or security or new assented stock as aforesaid is so issuable or payable to a person who, or whose committee, cannot give an effectual receipt for the same, the company may transfer the stock, share, or security, or pay the money as nearly as may be, in manner provided for the payment of securities or money into court by trustees under section sixty-three of the Trustee Act, 1925, and that section shall apply with all necessary modifications to such stock, share, security, and money.
- (9) For the purposes of this section, unless the context otherwise requires, the expression " stockholders " includes holders of debenture stock, and the expression " stock" shall be construed accordingly and the expression " the appointed day " means the first day of July, nineteen hundred and thirty-three.

## **89 Provisions as to certain stocks of the Metropolitan Railway Company.**

- (1) For the purpose of conferring upon the holders of the following stocks of the Metropolitan Railway Company (in this section referred to as the "Metropolitan Company") that is to say, the Three and one-half per cent. Convertible Preference Stock (in this section referred to as "Metropolitan Convertible Stock"), and the Consolidated Stock (in this section referred to as "Metropolitan Ordinary Stock") the conversion or exchange rights hereinafter specified, and of making provision for the creation of the new stock hereinafter mentioned, the following provisions shall have effect.
- (2) Any registered holder of Metropolitan Convertible Stock may, by notice in writing (in this section referred to as "a conversion notice") given to and received by the Metropolitan Company not later than three months from the passing of this Act, and accompanied by the certificate of the stock to which the notice relates, require that the whole, or any portion, of the stock held by him shall be converted into Metropolitan Ordinary Stock of the same nominal amount; and, upon any such requisition being so made, the Metropolitan Convertible Stock specified in the notice shall, by virtue of this section, be converted into Metropolitan Ordinary Stock of the like nominal amount, and the Metropolitan Company shall register the holder of the stock in respect of which the notice was given as the holder of such Metropolitan Ordinary Stock; but save as aforesaid the conversion rights attached to the Metropolitan Convertible Stock shall cease to have effect.
- (3) The Metropolitan Ordinary Stock resulting from any such conversion as aforesaid shall rank for dividend as from the commencement of the half-year in which the conversion notice is received, and the Metropolitan Convertible Stock so converted shall cease to rank for dividend as from the end of the half-year immediately preceding that half-year.
- (4) Where the whole of the Metropolitan Convertible Stock comprised in any certificate is so converted the certificate of the stock and the conversion notice relating thereto shall (until a new certificate, if any, is issued) together be deemed to be a certificate of the amount of Metropolitan Ordinary Stock resulting from such conversion as aforesaid.
- (5) As on the appointed day there shall by virtue of this section be created a new stock to be known as Metropolitan Assented Stock (in this section referred to as "Assented Stock") of such nominal amount as is necessary for the purpose of giving effect to the exercise by the holders, or persons entitled to be registered as holders, of Metropolitan Ordinary Stock of the right of exchange conferred by the next succeeding subsection.
- (6) Any registered holder of Metropolitan Ordinary Stock, whether resulting from the conversion of Metropolitan Convertible Stock or not, and any person entitled to be registered as a holder of Metropolitan Ordinary Stock under subsection (2) of this section, may by notice in writing (in this section referred to as "a notice to exchange") given to and received by the Metropolitan Company not later than three months from the passing of this Act, and, unless the certificate of the Metropolitan Ordinary Stock to which the notice relates has already been received by the Metropolitan Company, accompanied by such certificate, require that as from the appointed day the whole, or any portion, of the Metropolitan Ordinary Stock held by him shall be exchanged for Assented Stock of the same nominal amount; and, upon any such requisition being so made, the Metropolitan Company shall note the receipt thereof in its books and shall forthwith transmit the certificate of stock to the trustees of the trust deed hereinafter mentioned endorsed with a statement that notice of exchange in respect of that stock has been received, and such receipt by the Metropolitan Company shall, by virtue of

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this section, have effect as a transfer to the trustees as on the appointed day of the amount of Metropolitan Ordinary Stock specified in the notice to exchange and shall be registered in the books of the Metropolitan Company accordingly.

- (7) A conversion notice or notice to exchange shall, after receipt by the Metropolitan Company, be irrevocable.
- (8) As from the appointed day the Assented Stock shall confer upon the holders thereof according to the extent of their holdings the rights in this section mentioned and shall be divided among and vested without payment in the several persons who have given notices of exchange, according to the extent of their respective holdings, at the rate of one hundred pounds of Assented Stock for every one hundred pounds of Metropolitan Ordinary Stock so exchanged, and shall as soon as practicable be registered in the books of the trustees in the respective names of the persons entitled thereto, and the trustees shall forthwith issue to those persons, free of charge, the stock certificates relating thereto.
- (9) The holders of Assented Stock shall be entitled to be paid, out of the moneys in the hands of the trustees available for the purpose, interest on the nominal amount of their holdings at the fixed rate of three and one-quarter per cent per annum for a period of fifteen years from the appointed day, and at the fixed rate of three per cent per annum for a period of ten years thereafter:

Provided that, if in any year the trustees are satisfied that the moneys in their hands applicable to the payment of interest on Assented Stock are sufficient to justify a payment being made at the end of the first six months of the year on account of the interest for that year such a payment shall be made, but no such payment shall be at a higher rate than one-half of the fixed rate for that year.

- (10) The Metropolitan Company shall distribute or cause to be distributed to the trustees the amount of 'C' transport stock to which the trustees are, by virtue of their holdings of the Metropolitan Ordinary Stock transferred to them as aforesaid, entitled under the Fifth Schedule to this Act, and the trustees shall hold the said 'C' transport stock and the interest thereon and all other moneys coming into their hands in the execution of the said trusts in trust to give effect to the provisions of this section.
- (11) Subject to the provisions of this section, the interest received by the trustees in respect of any year on the 'C' transport stock for the time being subject to the said trusts, and any other moneys paid to or received by them as trustees of the said trusts, shall be applied year by year by the trustees as follows :—
- (a) first, in payment of the costs of the administration of the said trusts;
  - (b) secondly and subject thereto, in payment of interest on the Assented Stock; and
  - (c) as to the balance, in distributing the same among the amalgamated railway companies in the proportions in which those companies are entitled to share in the pooled receipts of the amalgamated railway companies in respect of that year.

For the purpose of this section the costs of the administration of the said trusts shall be deemed to include the remuneration payable to the trustees under the provisions of the trust deed and to include in the final year of the trust the cost of dissolution thereof.

- (12) If the moneys in the hands of the trustees available for the payment of interest on the Assented Stock in respect of any year are insufficient to pay the interest on the stock at the full rate fixed in respect of that year, the amalgamated railway companies, at

the request of the trustees, shall, subject to the provisions of this subsection, forthwith pay to the trustees such sum as will, when added to the moneys in the hands of the trustees and available for the purpose, be sufficient to enable payment to be thereby made by the trustees of interest on the Assented Stock at the full rate of interest fixed in respect of that year:

Provided that (a) the payments to be made by the amalgamated railway companies under this subsection shall not in any event exceed the pooled receipts of the amalgamated railway companies; and (b) the liability of the amalgamated railway companies under this subsection shall cease whenever after the expiration of fifteen years from the appointed day the following condition is fulfilled (that is to say) that interest on 'C' transport stock has been paid by the Board at the rate of six per cent. per annum in respect of two out of three consecutive years of which the first year shall not be earlier than the thirteenth year after the year in which the appointed day occurs.

- (13) The payments which the amalgamated railway companies are liable to make under the last preceding subsection shall by virtue of this subsection be charged in priority to all other charges and liabilities upon the pooled receipts of the amalgamated railway companies and no charge or liability shall at any time be created ranking in priority to or *pari passu* with the charge created by this subsection.
- (14) If the moneys in the hands of the trustees available for the payment of the costs of the administration of the said trusts shall at any time be insufficient to pay the said costs, the amalgamated railway companies, at the request of the trustees, shall forthwith pay to the trustees such sum as will, when added to the moneys in the hands of the trustees and available for the purpose be sufficient to enable thereby payment or retention of such costs by the trustees, and. the moneys shall be applied by the trustees accordingly.
- (15) Any registered holder of Assented Stock may, at his option to be exercised by six months' notice to the trustees, surrender to the trustees the whole, or any part, of that stock for the time being held by him, and shall thereafter be entitled, subject to the provisions of this section, to receive in exchange from the said trustees 'C' transport stock, out of the transport stock for the time being subject to the said trusts, at the rate of sixty-seven pounds ten shillings of transport stock for every one hundred pounds of Assented Stock so surrendered by him; and, upon such surrender and exchange being effected, the Assented Stock so surrendered shall be cancelled.
- (16) At the expiration of twenty-five years from the appointed day or upon the cessation of the liability of the amalgamated railway companies under subsection (12) of this section (whichever shall first occur) there shall, subject to the provisions of this section, be transferred by the trustees to the registered holders of Assented Stock 'C' transport stock, out of the transport stock for the time being subject to the said trusts, at the rate of sixty-seven pounds ten shillings of transport stock for every one hundred pounds of Assented Stock and in satisfaction thereof or, in the event of the 'C' transport stock for the time being subject to the said trusts being redeemed by the Board before the expiration of twenty-five years from the appointed day or such cessation as aforesaid, the trustees shall distribute the redemption moneys received by them amongst the registered holders of Assented Stock on the date when the redemption takes place according to the amounts of their respective holdings at the rate of sixty-seven pounds ten shillings for every one hundred pounds of Assented Stock, and upon such transfer or distribution the Assented Stock shall be cancelled.
- (17) Upon the fulfilment of all other purposes of the said trusts, the balance of any moneys remaining in the hands of the trustees subject to the said trusts shall be distributed amongst the amalgamated railway companies in the proportion specified

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- in subsection (11) of this section, and upon the completion of such transfer and distribution as aforesaid the said trusts by virtue of this section shall be dissolved.
- (18) Subject to the provisions of this section Assented Stock shall be held, transferred, and dealt with in accordance with the provisions of the trust deed.
- (19) In the event of the amalgamated railway companies making default for a period of not less than three months in the payment of any sum payable by them to the trustees under this section the trustees may and, if so required by the holders of Assented Stock of an aggregate nominal value of not less than ten thousand pounds, shall apply to the High Court for the appointment of a receiver of the pooled receipts of the amalgamated railway companies.
- (20) Where the amount of transport stock to which any registered holder of assented stock would be entitled under subsection (15) or subsection (16) of this section comprises a fractional part of a pound, the trustees shall, in lieu of transferring that amount, transfer to that holder transport stock to the amount of the next even pound below the amount to which he would be so entitled and shall from time to time as convenient sell the amount of transport stock representing the fractional parts of transport stock not so transferred and shall distribute the net proceeds thereof in due proportions amongst the several holders who, but for this provision, would have been entitled to the fractional parts.
- (21) Where by virtue of this section or in pursuance of any option conferred by this section any Metropolitan Convertible Stock is converted into Metropolitan Ordinary Stock, or any Assented Stock is taken in exchange for Metropolitan Ordinary Stock by a holder of that stock, or any transport stock is taken by a holder of Assented Stock in exchange for or in satisfaction of that stock, or any redemption moneys are received by a holder of Assented Stock in satisfaction thereof, the provisions of section eighty-six of this Act shall apply to the stock resulting from such conversion or so taken in exchange or satisfaction and the redemption moneys so received in satisfaction of Assented Stock and to the trustees, executors, and all other holders in any representative or fiduciary capacity of any stock so converted or for which the stock taken in exchange is exchanged or of any stock in satisfaction whereof such transport stock or moneys are taken or received, as fully and effectually as if in that section the expression " existing stock " included the stock so converted, exchanged, or satisfied, and as if in that section the expression " transport stock issued in substitution " included Metropolitan Ordinary Stock resulting from such- conversion and transport stock or Assented Stock so taken in exchange or satisfaction or moneys so received in satisfaction.
- (22) The trust deed hereinbefore referred to shall be executed between the Metropolitan Company of the first part and such other persons as may be agreed between the Metropolitan Company and the amalgamated railway companies, or, in default of agreement, as may be appointed by the Minister, as trustees of the second part, and each of the amalgamated railway companies of the other parts, and shall contain such trusts, terms, and conditions as may be necessary or expedient having regard to the provisions of this section and such other terms and conditions of a like nature to the terms and conditions relating to the administration of the trust which are contained in the trust deed which is referred to as the old trust deed in Part III of the Third Schedule to this Act as are not inconsistent with the provisions of this section.
- (23) In the event of any dispute between the parties to the trust deed as to the trusts, terms, and conditions to be inserted therein the question in dispute shall be referred to the arbitration tribunal, whose decision shall be final and conclusive.

(24) In this section, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively :—

" The appointed day " means the first day of July, nineteen hundred and thirty-three;

" The said trusts " means the trusts to give effect to the provisions of this section;

" The pooled receipts of the Amalgamated Railway Companies " means so much of the pooled receipts as those companies are entitled to retain or receive under the pooling scheme;

" The trustees " means the persons for the time being acting as trustees for the purposes of this section and of the trust deed.

**90 Protection for holders of debenture stock of London United Tramways Limited.**

As and when the transport stock to which the holders of the four per cent. First Mortgage Debenture Stock (in this section referred to as " existing debenture stock") of the London United Tramways Limited become entitled by virtue of the provisions of Part II of the Third Schedule to this Act is issued, the Board shall pay to such persons as may be certified by the company to be holders of existing debenture stock at the appointed day the sum of fifteen shillings in respect of each one hundred pounds of existing debenture stock surrendered.

**91 Costs of Act.**

All costs, charges and expenses preliminary to, and of, and incidental to, the preparing, applying for, obtaining, and passing of this Act (in this Act referred to as " the costs of this Act ") incurred by the Minister, shall, together with interest thereon at such rate, and as from such date, as the Treasury may determine, be repaid to the Minister by the Board.

**92 Valuation for rating purposes of hereditaments occupied by the Board.**

(1) The provisions of the next following subsection of this section shall apply in relation to the valuation for rating purposes of any hereditament which—

(a) is occupied by the Board for the purposes of that part of their undertaking which represents so much of the undertaking transferred to them by this Act from the Metropolitan Railway Company as would, if the Board were a railway company to which the Railways (Valuation for Rating) Act, 1930 (in this section referred to as " the Act of 1930 ") for the time being applies, be their undertaking within the meaning of that Act; and

(b) would, if the Board were such a railway company, be a railway hereditament within the meaning of that Act.

(2) Between the date on which the undertaking of the Metropolitan Railway Company is transferred by this Act to the Board and the first, or in the case of hereditaments in the administrative county of London the sixth, day of April, nineteen hundred and thirty-six, the values for rating purposes of hereditaments in relation to the valuation of which this subsection applies shall be the values of those hereditaments as ascertained in accordance with the provisions of the Act of 1930, and the provisions of that Act shall have effect as if the reference in subsection (2) of section one thereof to the Metropolitan Railway Company included a reference to the Board as successors to

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that company and as if the Board were a railway company to which the Act for the time being applies, and any reference in the said Act to the undertaking of a railway company shall, in relation to the Board, be construed as a reference to that part of their undertaking which represents so much of the undertaking so transferred to them as aforesaid as would, if they were such a railway company as aforesaid, be their undertaking for the purposes of the said Act.

- (3) The Minister of Health may, by a scheme made and approved in accordance with the provisions of the Fifteenth Schedule to this Act, apply the provisions of the Act of 1930, with such adaptations and modifications as may appear to be necessary, to the Board in respect of so much of their undertaking as would be their undertaking for the purposes of the Act of 1930 if they were a railway company within the meaning of that Act with the addition of so much of their undertaking as consists in a tramway undertaking, or in respect of any less part of their undertaking as so limited.
- (4) Subject to the provisions of any scheme made under the last preceding subsection, and subject as hereinafter provided, the values for rating purposes of the hereditaments with respect to the valuation of which temporary provision is made by subsections (1) and (2) of this section shall, on and after the first, or in the case of hereditaments in the administrative county of London the sixth, day of April, nineteen hundred and thirty-six, be the values of those hereditaments as ascertained in accordance with the provisions of the Rating and Valuation Acts, 1925 to 1929, or the Rating and Valuation (Metropolis) Acts, 1869 to 1929, as the case may be :

Provided that the value of any such hereditament as appearing in the valuation list immediately before the said first or sixth day of April, as the case may be, shall continue to be the value of that hereditament until that value is altered in accordance with the provisions of the said Acts relating to the making of new valuation lists, or the making of supplemental or provisional lists, or the amendment of current valuation lists.

- (5) Nothing in this section shall be construed as requiring the Railway Assessment Authority to take any steps towards ascertaining for the purposes of the second railway valuation roll the values of any hereditament occupied by the Board until a scheme which requires that hereditament to be valued by them has been approved under subsection (3) of this section, and nothing in subsection (1) of section one of the Act of 1930 shall be construed as precluding a rating authority or assessment committee from taking at any time before the said first or sixth day of April, nineteen hundred and thirty-six, such steps as they may consider necessary for determining the value of any hereditament to take effect for rating purposes upon the said date.

### **93 Protection for statutory gas and water undertakers.**

- (1) The following provisions shall, unless otherwise agreed between the Board and the undertakers, have effect in relation to the abandonment of any tramway, or any part of any such tramway, under or by virtue of section twenty-three of this Act.
- (2) Any enactment or agreement which at the date of the passing of this Act enures for the protection of the undertakers in relation to any such tramway as aforesaid, or any part thereof, or to any rails, paving setts, posts, poles, wires or other works (in this section referred to as "equipment") used or provided in connection therewith shall, subject to the provisions of this section, continue in force and enure for the protection of the undertakers until the date when the taking up and removal of that equipment is commenced but as from that date shall cease to have effect.



- (3) Section thirty of the Tramways Act, 1870, shall extend and apply to—
- (a) the taking up and removal of any such equipment as aforesaid; and
  - (b) the filling in of the ground and the making good and restoration of the portion of any road disturbed by such taking up and removal

in all respects as if those works or operations were the laying down of a tramway within the meaning of that section:

Provided that paragraph (1) of the said section (which relates to the giving of notices and the rights of persons to object to the proposed works) shall have effect as if for the seven days' notice therein mentioned there were substituted a fourteen days' notice and as if the requirement of delivering a plan and section of the proposed works were omitted therefrom.

- (4) Where, in pursuance of the said section thirty as applied by this section, any such notice as aforesaid is given to the undertakers, the undertakers may at any time within fourteen days after the receipt by them of that notice give notice to the Board that they desire themselves to carry out any lowering or other alteration of the position of any main, pipe, work or apparatus belonging to or controlled by the undertakers which may be agreed between the Board and the undertakers, or in default of agreement determined by arbitration in manner provided by the Tramways Act, 1870, to be necessary in view of the taking up or removal of any such equipment as aforesaid; and where any such notice is given the undertakers shall forthwith commence, execute and complete that lowering or alteration and any works necessary in connection therewith in such manner as may be agreed between the undertakers and the Board or in default of agreement as may be determined as aforesaid.
- (5) Upon completion by the undertakers of any such lowering or alteration or works as aforesaid the Board shall pay to the undertakers the cost and expenses reasonably incurred by them in connection therewith.
- (6) In this section the expression " the undertakers " means the several local authorities, companies and bodies carrying on gas or water undertakings under statutory powers within the London Traffic Area.

#### **94 Protection for Great Western Railway Company.**

- (1) The following provisions, unless otherwise agreed between the Board and the Great Western Railway Company (in this section referred to as " the Great Western Company ") shall apply and have effect as from the date of the transfer to the Board of the undertaking of the Metropolitan Railway Company.
- (2) Notwithstanding anything contained in the memorandum of agreement made the twenty-fourth day of December, nineteen hundred and two, between the general managers of the Great Western Company and the Metropolitan Railway Company on behalf of their respective companies the Board shall not be entitled to require the Great Western Company to withdraw the services of goods trains or the running facilities in connection therewith which that company was during the twelve months last preceding the twelfth day of March, nineteen hundred and thirty-one, operating under the provisions of that agreement between Bishops Road Station and the Smithfield Goods Depot of the Great Western Company.
- (3) If the traffic of the Great Western Company necessitates the running of additional services of goods trains between its system of railways and the said depot, the Great

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Western Company shall be entitled from time to time to run such additional goods trains as may be necessary for that traffic and as can be accommodated having due regard to the requirements of the Board in relation to their passenger services at such times as may be agreed between the Board and the Great Western Company.

- (4) Any difference arising between the Board and the Great Western Company under the last preceding subsection shall be referred to a single arbitrator to be agreed, or in default of agreement to be appointed by the Minister.

**95 Protection for London, Midland and Scottish Railway Company.**

- (1) The following provisions unless otherwise agreed between the Board and the London, Midland and Scottish Railway Company (in this section referred to as " the Midland Company ") shall apply and have effect as from the date of the transfer to the Board of the undertaking of the Metropolitan Railway Company.
- (2) Notwithstanding anything contained in the Articles of agreement dated respectively the second day of September, eighteen hundred and sixty-seven, and the ninth day of September, eighteen hundred and seventy-four, and made between the Metropolitan Railway Company and the Midland Railway Company, the Midland Company (as successors of the Midland Railway Company) may continue to run such services of goods and mineral trains as were being operated by that company during the twelve months last preceding the twelfth day of March, nineteen hundred and thirty-one, over that part of the railway of the Metropolitan Railway Company which is referred to in the said Articles of agreement, and if the traffic of the Midland Company necessitates the running of additional services of goods or mineral trains over that part of the said railway the Midland Company may run such additional services as may be agreed or in default of agreement as may be determined by arbitration.
- (3) Any question which under this section is to be determined by arbitration shall be referred to an arbitrator to be agreed between the Board and the Midland Company, or in default of agreement to be appointed by the Minister, and the arbitrator in determining any question so referred shall have due regard to the relative amount and importance of the respective traffic and general convenience of the Board and the Midland Company and of any other railway company entitled to use that part of the said railway.

**96 Protection for London and North Eastern Railway Company.**

- (1) The following provisions, unless otherwise agreed between the Board and the London and North Eastern Railway Company (in this section referred to as " the North Eastern Company ") shall apply and have effect as from the date of the transfer to the Board of the undertaking of the Metropolitan Railway Company.
- (2) Notwithstanding anything contained in the Articles of agreement dated the twenty-fifth day of May, eighteen hundred and sixty-nine, and made between the Metropolitan Railway Company and the Great Northern Railway Company, the North Eastern Company (as successors of the Great Northern Railway Company) may continue to run such services of goods and mineral trains as were being operated by that company during the twelve months last preceding the twelfth day of March, nineteen hundred and thirty-one, over the railway described and referred to in the said Articles of agreement as " the new lines," and if the traffic of the North Eastern Company necessitates the running of additional services of goods or mineral trains over the said

new lines, the North Eastern Company may run such additional services as may be agreed or in default of agreement as may be determined by arbitration.

- (3) Any question which under this section is to be determined by arbitration shall be referred to an arbitrator to be agreed between the Board and the North Eastern Company, or in default of agreement to be appointed by the Minister, and the arbitrator in determining any question so referred shall have due regard to the relative amount and importance of the respective traffic and general convenience of the Board and the North Eastern Company and of any other railway company entitled to use the said new lines.

#### **97 Saving for London County Council.**

- (1) On and after the date of the transfer to the Board of the tramway undertaking of the London County Council (in this section referred to as "the council") the council shall in relation to any road vested in or repairable by them have all the rights, powers and jurisdiction of a road authority under the Tramways Act, 1870.
- (2) The Board shall not except with the consent of the council (which consent shall not be unreasonably withheld) carry out upon, or over any road or bridge vested in, or repairable by the council any of the works which the council were immediately before the appointed day empowered to carry out by section twelve of the London County Council (Tramways and Improvements) Act, 1901, or by section fourteen of the London County Council (Tramways and Improvements) Act, 1907, or by any section to the like effect contained in any other Act.
- (3) If any question arises under the last preceding subsection as to whether the consent of the council has been unreasonably withheld, that question shall be determined by the Minister.

#### **98 Provisions as to undertaking of Surplus Lands Committee.**

- (1) The Metropolitan Railway Company shall, as soon as practicable after the passing of this Act, cause a company (in this section referred to as "the limited company") to be formed and incorporated under the Companies Act, 1929, as a company limited by shares and registered with a memorandum and articles of association in such form as may be approved by a resolution passed by the holders of surplus lands stock of the Metropolitan Railway Company (in this section referred to as "surplus lands stock") in general meeting.
- (2) The initial capital of the limited company shall be two million, six hundred and forty thousand, nine hundred and fifteen pounds, divided into five million, two hundred and eighty-one thousand; eight hundred and thirty shares of ten shillings each.
- (3) Upon the prescribed date the undertaking of the Surplus Lands Committee shall by virtue of this Act be transferred to and vested in the limited company but not including such a sum of money as may be required for the distribution and payment of interest under subsection (15) of this section.
- (4) As soon as practicable after the prescribed date the limited company shall allot and issue to every person who on that date was the registered holder of surplus lands stock shares in the capital of the limited company according to his holding as follows, namely: For every ten shillings of surplus lands stock one share of ten shillings (which shall be deemed to be fully paid up) in the capital of the limited company:

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Provided that—

- (a) no holder of surplus lands stock shall be entitled to have issued to him shares in the capital of the limited company until he shall have delivered up to the limited company the certificate for the surplus lands stock for which such shares are to be substituted or shall have proved to the reasonable satisfaction of the directors of the limited company the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the said directors may require; and
  - (b) where the limited company is unable after diligent inquiry to find the person to whom any shares in the capital of the limited company are issuable, or where any such shares as aforesaid are issuable to a person who, or whose committee, cannot give an effectual receipt for the same, the company may transfer the shares, as nearly as may be, in manner provided for the payment of securities into court by trustees under section sixty-three of the Trustee Act, 1925, and that section shall apply with all necessary modifications to those shares.
- (5) Stamp duty shall not be chargeable in respect of the statement of the amount which is to form the nominal capital of the limited company delivered upon the registration of the limited company or otherwise in respect of the initial capital or registration of the limited company, nor shall any such duty be chargeable under section twelve of the Finance Act, 1895, on any copy of this Act, or on any instrument relating to the vesting in the limited company of the undertaking of the Surplus Lands Committee.
  - (6) The undertaking of the Surplus Lands Committee shall as from the prescribed date be absolutely released and discharged from any debenture stock of the Metropolitan Railway Company which is a charge thereon, and from all interest on such debenture stock, and from any charge or liability in respect of interest upon any preference stock of the Metropolitan Railway Company.
  - (7) All shares in the capital of the limited company issued to the holders of surplus lands stock pursuant to the foregoing provisions of this section shall be held in the same rights, upon the same trusts and subject (so far as is consistent with those provisions) to the same powers, provisions, charges and liabilities as those in, upon or subject to which the surplus lands stock for which the shares are substituted were held immediately before the prescribed date, and shall be dealt with, applied and disposed of accordingly, and so as to give effect to and not to revoke any deed, will or other instrument disposing of, or affecting any surplus lands stock; and trustees, executors, administrators and all other holders in any representative or fiduciary capacity may accept the shares issued to them pursuant to the foregoing provisions of this section in substitution for the surplus lands stock held by them, and may, subject to the provisions of this section, retain, dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained, disposed of or otherwise dealt with such surplus lands stock.
  - (8) All transfers or other dispositions of any surplus lands stock shall after the prescribed date be valid and have effect given to them respectively as transfers or dispositions of the number of shares which represent the surplus lands stock thereby expressed to be transferred or disposed of and are substituted for the same under the provisions of this section, notwithstanding that the instrument transferring or disposing thereof describes the same as surplus lands stock, and the bequest of, or any covenant or provision of any deed or agreement relating to any specific amount of surplus lands stock shall be held to apply to a number of shares equal to that which is substituted for such specific amount of surplus lands stock under the provisions of this section.

- (9) All sales, conveyances, grants, assurances, deeds, contracts, bonds and agreements affecting the undertaking of the Surplus Lands Committee and in force at the prescribed date shall (save so far as the same relate to any matter or thing not transferred to and vested in the limited company under this section) as from that date be read and construed and be as binding and of as full force and effect in every respect against, or in favour of the limited company, and may be enforced as fully and effectually as if instead of the Metropolitan Railway Company, or the Surplus Lands Committee, the limited company had been a party thereto, or bound thereby, or entitled to the benefit thereof.
- (10) Nothing in this section shall release, discharge or suspend any action or other proceeding which was pending by, or against the Surplus Lands Committee, or to which the Surplus Lands Committee were parties immediately before the prescribed date, and any such action or other proceeding may be maintained, prosecuted or continued by, or in favour of, or against the limited company (as the case may be) in the same manner and as effectively as it might have been maintained, prosecuted or continued by, or in favour of, or against the Surplus Lands Committee, if this Act had not been passed, but not further or otherwise.
- (11) All books and documents which, if this Act had not been passed, would have been evidence in respect of any matter for or against the Surplus Lands Committee shall be admitted in evidence in respect of the same or the like matter for or against the limited company.
- (12) All sums of money at the prescribed date due and payable, or accruing due and payable, to the Surplus Lands Committee shall be payable to and may be collected, recovered and enforced by the limited company in the same manner and with and by the same benefits and processes as those with and by which the Surplus Lands Committee might have enforced the same.
- (13) The limited company, shall, upon reasonable notice in writing given by the Board, produce at the registered office of the limited company for inspection by the Board or by any person authorised by the Board in that behalf, all deeds, contracts, bonds, agreements and other instruments and all books, documents or papers which relate partly to the Metropolitan Undertaking and partly to the undertaking of the Surplus Lands Committee and the Board shall be entitled to take copies of or make extracts therefrom.
- (14) As from the prescribed date so much of any special Act relating to the Metropolitan Railway Company as relates to the Surplus Lands Committee or the undertaking of the Surplus Lands Committee shall cease to have effect, except so far as may be necessary for giving effect to the provisions of subsection (15) of this section.
- (15) Notwithstanding anything in any special Act relating to the Surplus Lands Committee regulating the accounts of the Committee or prescribing the date at which and the period in respect of which interest on Surplus Lands Stock shall be paid :—
- (a) the accounts of the Surplus Lands Committee shall be made out for the period ending on the day immediately preceding the prescribed date and shall be duly audited;
  - (b) the Surplus Lands Committee shall be at liberty to distribute by way of payment of interest on the Surplus Lands Stock amongst the persons who were immediately before the prescribed date the registered holders of that stock a sum not exceeding the balance of the net income which has arisen from the Surplus Lands as shown in the accounts so made up and audited; and

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- (c) the residue (if any) of such balance of net income after such distribution and payment together with all interest earned after the prescribed date by the sum required for such distribution and payment shall be carried to the credit of the profit and loss account of the limited company.
- (16) The amount standing at the prescribed date to the credit of the reserve for repairs and contingencies of the Surplus Lands Committee shall be carried to the credit of a reserve for repairs and contingencies of the limited company.
- (17) The limited company shall if so required by the Surplus Lands Committee repay to that committee such sum as may be sufficient to enable the committee to discharge any liability of the committee in respect of income tax.
- (18) The Board shall, on giving notice in writing to the limited company, be entitled to acquire such of the surplus lands as may—
- (a) be required by the Board for any purposes connected with the part of the undertaking of the Board which was immediately before the appointed day the property of the Metropolitan Railway Company; and
  - (b) be at the date of such notice the property of the limited company
- at a price to be agreed, or in default of agreement to be determined by arbitration in manner provided by the Lands Clauses Acts, but in such case the Board shall not be required to pay to the limited company any additional sum beyond the ordinary value by reason of compulsory purchase.
- (19) In this Act—
- " The prescribed date " means the date of incorporation mentioned in the certificate of incorporation of the limited company;
- " The Surplus Lands Committee " means the Metropolitan Railway Surplus Lands Committee ;
- " The surplus lands " means the surplus lands of the Metropolitan Railway Company separated from the railway stations and works of the said company in accordance with, and pursuant to the provisions of section thirty-nine of the Metropolitan Railway Act, 1885, and the scheme confirmed by section eleven of the Metropolitan Railway Act, 1887, and also all lands subsequently acquired pursuant to paragraph (e) of subsection (6) of the said section thirty-nine and the said scheme or to section seventeen of the Metropolitan Railway Act, 1889, or to section thirty-seven of the Metropolitan Railway Act, 1898, or to section fifty-six of the Metropolitan Railway Act, 1926, or otherwise and which immediately before the prescribed date are under the control and management of the Surplus Lands Committee.
- " The undertaking of the Surplus Lands Committee " means—
- (a) the surplus lands ;
  - (b) all the rights, powers, duties and liabilities which immediately before the prescribed date were vested in or imposed upon the Metropolitan Railway Company or the Surplus Lands Committee in respect of the surplus lands or any part thereof;
  - (c) all other property belonging to or under the control and management of the Surplus Lands Committee immediately before the prescribed date; and
  - (d) all deeds, contracts, bonds, agreements and other instruments and all books, accounts or documents relating solely, or partly to the surplus lands.

**99 Sale of part of undertaking to Southern Railway Company.**

As from the first day of July, nineteen hundred and thirty-three, the Board shall sell and the Southern Railway Company shall purchase so much of the undertaking of the London General Country Services Limited which is transferred to the Board by this Act as consists in the operation of public service vehicles outside the London Passenger Transport Area otherwise than on roads specified in Parts II and III of the Seventh Schedule to this Act at a price calculated on the same basis as that which is prescribed by the Eighth Schedule to this Act for the calculation of the price and compensation payable to the Maidstone and District Motor Services, Limited, in respect of the part of the undertaking of that company which is taken over by the Board under this Act.

**100 Application to Board of 33 and 34 Vict. c. 78.**

The Tramways Act, 1870, in its application to the Board or their undertaking shall have effect as if the following provisions thereof were omitted therefrom, that is to say, so much of section twenty-eight as relates to the abandonment of undertakings, the taking up of tramways or parts of tramways and the restoration of roads, and sections thirty-five to forty, both inclusive, forty-two, forty-three, forty-four and sixty-three, and any provision of any Light Railway Order made under the Light Railways Acts, 1896 to 1912, or any local Act which immediately before the appointed day had effect in relation to any of the undertakings which are transferred to the Board by this Act, and which incorporated or enacted provisions to the like effect as the provisions of the Tramways Act, 1870, which by this section are not to apply to the Board or their undertaking, shall in the like manner in its application to the Board or their undertaking cease to have effect.

**101 Powers of Board as to Bills in Parliament and provisional orders.**

The Board may promote or oppose Bills in Parliament and shall, as respects any undertaking transferred to them by this Act, have the like power of applying for, and opposing applications for, provisional orders or other orders as the company or local authority from whom the undertaking was transferred would have had if this Act had not been passed.

**102 Inquiries by Minister.**

- (1) The Minister may hold inquiries for the purposes of his powers and duties under this Act as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.
- (2) Where an inquiry is held under this Act, the Minister may make such order as to the security for the payment of, and as to the payment of the costs incurred by him in connection with the inquiry as he may think just.
- (3) Any costs directed by the Minister to be paid under this section may be recovered in any court of competent jurisdiction as a debt to the Minister.

**103 Protection for Postmaster-General.**

Every electrically propelled public service vehicle provided by the Board shall be so equipped and worked as to prevent any interference with telegraphic communication

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by means of any telegraphic line within the meaning of the Telegraph Act, 1878, belonging to or used by the Postmaster-General.

**104 Proof of signed map.**

The signed map referred to in Part I of the Seventh Schedule to this Act shall be for all purposes conclusive evidence of the extent of the London Passenger Transport Area and of the roads referred to in the said Schedule, and shall for the purposes of the Documentary Evidence Acts, 1868 to 1895, be deemed to be a document issued by the Minister.

**105 Saving for existing byelaws, and &c.**

All bye-laws, rules, regulations, fares, rates and charges made or enforceable by any undertakers whose undertaking or part of whose undertaking is transferred to the Board by this Act, being bye-laws, rules, regulations, fares, rates, or charges in force immediately before the appointed day, shall, so far as they are consistent with the provisions of this Act, continue in force with respect to the undertaking or part of the undertaking to which they relate until repealed, altered, or superseded.

**106 Custody of lost property.**

The Minister may by regulations make provision for the safe custody and redelivery or disposal of any property accidentally left on or in any premises or vehicles belonging to the Board and for fixing the charges to be made by the Board in respect thereof.

**107 Interpretation.**

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively—

" Advisory Committee " means the London and Home Counties Traffic Advisory Committee as constituted from time to time under the London Traffic Act, 1924, as amended by this Act;

" Amalgamated Railway Companies " means the four amalgamated railway companies constituted under the Railways Act, 1921;

" Appointed day " means—

- (a) in relation to the local authorities' undertakings, the first day of July, nineteen hundred and thirty-three, or such later date in the case of any particular undertaking as the Minister may with the concurrence of the local authority concerned by order fix;
- (b) in relation to the Underground undertakings and the Metropolitan undertaking, the first day of July, nineteen hundred and thirty-three;
- (c) in relation to a Tilling undertaking, or an independent undertaking, or the Lewis undertaking, such date as the Minister may by order fix not being earlier than the later of the two following dates, that is to say, the first day of July, nineteen hundred and thirty-three, or the date on which the extent of the transfer effected by this Act in respect of that undertaking is agreed between the owners of the undertaking and the Board or in default of agreement is determined by the arbitration tribunal; and



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(d) for the purposes of subsection (7) of section thirty-nine, and of subsection (2) of section forty-six of this Act, the thirtieth day of June, nineteen hundred and thirty-three;

" Arbitration Tribunal " means the London Passenger Transport Arbitration Tribunal constituted under this Act;

" Chief Officer of Police " means a commissioner of police or a chief constable of a county or a borough;

" Commissioner of Police " means, in relation to the City of London, the Commissioner of Police of the City of London, and, in relation to the metropolitan police district, the Commissioner of Police of the metropolis;

" Company " where used in relation to companies specified in Part I of the Second Schedule to this Act, includes Lots Road Power House Joint Committee;

" Debenture Stock " includes debentures, bonds, rentcharge stock and other like securities and obligations;

" Fares " means fares and other charges in connection with the conveyance of passengers and their luggage;

" London Passenger Transport Area " means the area defined in Part I of the Seventh Schedule to this Act;

" London Traffic Area " has the same meaning as in the London Traffic Act, 1924;

" Minister " means the Minister of Transport;

" Pooling Scheme " means the scheme confirmed or settled in accordance with the provisions of section thirty-one of this Act;

" Public service vehicle, " " express carriage, " " contract carriage " and " stage carriage " have the same meanings as in the Road Traffic Act, 1930;

" Rates Tribunal " means the Railway Rates Tribunal established under the Railways Act, 1921;

" Revenues of the Board " means all receipts of the Board on revenue account from whatever source after the deduction therefrom of any sums paid or due and payable to any of the amalgamated railway companies under or by virtue of the pooling scheme;

" Special Area " means so much of the London Passenger Transport Area as lies within the London Traffic Area;

" Statutory Company " means a company incorporated by special Act;

" Statutory security " does not include any security of the Board, but save as aforesaid, means any security in which trustees are for the time being authorised by or under any statute to invest trust money, and any mortgage or stock granted or issued under statutory authority by any local authority within the meaning of the Local Loans Act, 1875;

" Suburban passenger services " means the passenger services worked by any of the amalgamated railway companies the receipts from which are or would be covered by the pooling scheme;

" Traffic commissioner " means a traffic commissioner appointed under the Road Traffic Act, 1930;

" Tramway " includes a light railway or trolley vehicle system and the expression " tramway undertaking " shall be construed accordingly;

" Undertaking of the Board " means the whole of the undertaking administered by the Board comprising the undertakings, and those parts of

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the undertakings which are transferred to the Board by this Act, and any undertakings or parts of undertakings which under this Act are from time to time acquired, taken on lease or established by the Board.

- (2) For the purposes of the provisions of this Act relating to the interest on transport stock, or to the application of the revenues of the Board, or to the reserve fund, or to the tramway debt liquidation fund, or to the accounts of the Board and their audit, or to the new assented stock referred to in subsection (2) of section eighty-eight of this Act, and for the purposes of section eighty-nine of this Act, unless the context otherwise requires, the expression " year " means the period commencing on the first day of July and ending on the succeeding thirtieth day of June and the expressions " annually," " annual," " per annum," " half-yearly " and " yearly " shall be construed accordingly.
- (3) For the purposes of sections twenty-seven to thirty-five of this Act, both inclusive, the expression " local authority" means the Common Council of the City of London, the council of a metropolitan borough or the council of any county, county borough or county district whose area or any part of whose area is comprised in the London Passenger Transport Area or is served by the railway which was immediately before the appointed day the railway of the Metropolitan Railway Company or by any of the suburban passenger services.
- (4) For the purposes of section five of this Act any rights, powers or privileges and any liabilities or obligations which were immediately before the appointed day vested in or attached to the Metropolitan and District Joint Committee shall be deemed to be rights, powers and privileges and liabilities and obligations of the Metropolitan Railway Company and of the Metropolitan District Railway Company jointly, and for the purposes of Part VII and of sections eighty-two, eighty-three, eighty-five, and eighty-seven of this Act the said Joint Committee shall be deemed to be a company owning an undertaking specified in Part I or Part II of the Second Schedule to this Act.

#### **108 Repeals.**

The enactments specified in the Sixteenth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, but this repeal shall not, as respects enactments for which other provisions are substituted by this Act, take effect until the respective dates upon which the provisions so substituted come into operation.

#### **109 Short title.**

This Act may be cited as the London Passenger Transport Act, 1933.

## SCHEDULES.

### FIRST SCHEDULE

Section 1.

#### CONSTITUTION AND PROCEEDINGS OF APPOINTING TRUSTEES.

- 1 Subject to the provisions of this Schedule, the representative of the Advisory Committee shall be selected by that committee from amongst the members of the committee appointed by local authorities or groups of local authorities and shall hold office as such representative for a term of three years. Notice of the appointment of such representative shall be given by the committee to the Minister.
- 2 The Minister shall take such steps as may be necessary as soon as may be after the passing of this Act for summoning the first meeting of the Appointing Trustees and shall thereafter summon meetings of the Appointing Trustees whenever it is in his opinion expedient that meetings should be held.
- 3 The Appointing Trustees shall appoint from amongst their number a chairman.
- 4 Every question at a meeting of the Appointing Trustees shall be decided by a majority of votes of the members present and voting on that question, and in the case of equality of votes the person presiding at the meeting shall have a second or casting vote. Three Appointing Trustees shall constitute a quorum.
- 5 A minute of the proceedings of the Appointing Trustees signed at the same or the next meeting by a member of the Trustees describing himself as, or appearing to be, the person presiding at the meeting at which the minute is signed shall be received in evidence without further proof.
- 6 Until the contrary is proved every meeting of the Trustees in respect of the proceedings whereof a minute has been so made shall be deemed to have been duly convened and held.
- 7 Subject to the provisions of this Schedule the Appointing Trustees may regulate their own procedure.
- 8 No act or proceeding of the Appointing Trustees shall be questioned on account of the appointment of any member having been defective.
- 9 The representative of the Advisory Committee first appointed under this Act as such representative shall be selected by that committee as constituted on the passing of this Act from amongst the members of the committee then in office appointed by local authorities or groups of local authorities and shall hold office until his successor is appointed by the Advisory Committee as reconstituted under this Act. Notice of the appointment of such representative shall be given by the committee to the Minister.

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*Status: This is the original version (as it was originally enacted).*

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SECOND SCHEDULE      Sections 5, 6, 8, 16, 45, 49, 73, 75, 78, 80,  
82, 83, 85, 87, 88 and 107.

**PART I**

*The Underground undertakings.*

- (1) The undertakings owned by the following undertakers :—
- The London Electric Railway Company.
  - The Metropolitan District Railway Company.
  - The Central London Railway Company.
  - The City and South London Railway Company.
  - The Lots Road Power House Joint Committee.
  - The London General Omnibus Company, Limited.
  - London General Country Services, Limited.
  - Overground, Limited.
  - The Tramways (M.E.T.) Omnibus Company, limited.
  - The Metropolitan Electric Tramways, Limited.
  - The London United Tramways, Limited.
  - The Union Surplus Lands Company, Limited.
  - The Union Construction and Finance Company, Limited.
  - Morden Station Garage, Limited.
  - Acme Pullman Services, Limited.
  - Bucks Expresses (Watford), Limited.
  - Green Line Coaches, Limited.
  - Skylark Motor Coach Company, Limited.
- (2) That part of the undertaking owned by the South Metropolitan Electric Tramways and Lighting Company, Limited, which consists of a tramway and light railway undertaking (which part shall for the purposes of this Act be deemed to be a separate undertaking owned by the said company).

**PART II**

*The Metropolitan undertaking.*

The undertaking owned by the following undertakers:—

The Metropolitan Railway Company, excluding the undertaking of the Surplus Lands Committee.

**PART III**

*The local authorities' undertakings.*

Any tramway, light railway or trolley vehicle undertaking owned or worked by the following undertakers, being local authorities:—

The mayor, aldermen and burgesses of the borough of Barking.  
The Bexley Urban District Council.  
The mayor, aldermen and burgesses of the county borough of Croydon.  
The mayor and commonalty and citizens of the City of London.  
The Dartford Urban District Council.  
The mayor, aldermen and burgesses of the county borough of East Ham.  
The Erith Urban District Council.  
The Hertfordshire County Council.  
The mayor, aldermen and burgesses of the borough of Ilford.  
The mayor, aldermen and burgesses of the borough of  
The London County Council.  
The Middlesex County Council.  
The mayor, aldermen and burgesses of the borough of Walthamstow.  
The mayor, aldermen and burgesses of the county borough of West Ham.

#### **PART IV**

##### *The Tilling undertakings.*

The undertakings owned by the following undertakers :—  
Thomas Tilling, Limited.  
Tilling and British Automobile Traction, Limited.

#### **PART V**

##### *The Independent undertakings.*

The undertakings owned by the following undertakers:—  
G. H. Allitt and Sons, Limited.  
Ambassador Bus Company, Limited.  
Amersham and District Motor Bus and Haulage Company, Limited.  
B.B.P. Omnibus Company, Limited.  
Birch Brothers, Limited.  
E. Brickwood, Limited.  
Cardinal Omnibus Company, Limited.  
Chariot Omnibus Services, Limited.  
Chocolate Express Omnibus Company, Limited.  
City Motor Omnibus Company, Limited.  
Cleveland Omnibus Company, Limited.  
Convey & Clayton of 88, Brantwood Road, Tottenham, N.17.  
Eagle Omnibus Company, Limited.  
Earl Motor Omnibus Company, Limited.  
Empress Motors, Limited.  
Enterprise Transport Company, Limited.  
Essex Omnibus Company, Limited.

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*Status: This is the original version (as it was originally enacted).*

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Filkins & Ainsworth, Limited.  
Glen Omnibus Company (London), Limited.  
Gordon Omnibus Company, Limited.  
Robert Hawkins & Company, Limited.  
F. W. Hayes, of 355, Bensham Lane, Thornton Heath, Surrey.  
Holliday & Bangs, of 9, Branksome Road, Acre Lane, Brixton, S.W.2.  
E. G. Hope, of 13, Effra Parade, Brixton, S.W.2.  
F. J. C. Kirk, of 1, Larkswood Road, South Chingford, E.4.  
Miller Traction Company, Limited.  
A. Mills, of 10, Linver Road, S.W.6.  
Nelson Omnibus Company, Limited.  
Paterson Omnibus Company, Limited.  
Peraeque Transport Company, Limited.  
Perkins Omnibus Company, Limited.  
C. H. Pickup, of 25, Dulwich Village,  
Pioneer Omnibus Company.  
Powell & Whybrow, of 21, Percy Road, Goodmayes, Essex.  
Premier Omnibus Company, Limited.  
Prince Omnibus Company, Limited.  
Pro Bono Publico, Limited.  
E. Puttergill, Limited.  
A. H. Raper, of Newton's Garage, Verney Road, Bermondsey, S.E.16.  
F. A. Rasey, of 10, Mafeking Road, Tottenham, N.17.  
Red Rover Omnibus, Limited.  
Reliance Omnibus Company, Limited.  
Renown Traction Company, Limited.  
Charles Russett and Son, of 20, St. Peter Street, St. Albans, Herts.  
Ryan Omnibus Company.  
St. George Omnibus Company, Limited.  
Sphere Omnibus Company, Limited.  
F. Steer, of Colne Cottage, London Cohiey, St. Albans, Herts.  
A. G. Summerskill, Limited.  
Supreme Motor Omnibus Company, Limited.  
Triumph Motor Omnibus Company.  
United Omnibus Company, Limited.  
Victory Omnibus Company, Limited.  
Westminster Omnibus Company, Limited.  
Woolvett & Carswell, of 32, Rye Hill Park, Peckham Rye, S.E.15.

## PART VI

### *The Lewis undertaking.*

The undertaking owned by the Lewis Omnibus Company, Limited.

## THIRD SCHEDULE

Sections 7, 39, 88, 89 and 90.

ISSUE OF TRANSPORT STOCK TO COMPANIES OWNING THE  
UNDERGROUND UNDERTAKINGS AND DISTRIBUTION OF THAT STOCK.

## PART I

The amount of stock to be issued to the several companies owning the underground undertakings shall, subject to the reduction for which provision is made by the proviso to subsection (1) of section seven of this Act, be as follows and of the following classes—.

| Name of Company.                            | Amount and class of<br>Transport Stock to be issued.   |
|---|--|
|   | £  |
| The London Electric Railway Company.        | 4,707,482 4 ½ % " A " Stock.<br>8,450,000 5% " A " Stock.<br>5,606,000 4 ½ % " T.F.A." Stock.<br>2,538,936 5% " B " Stock.<br>8,628,345 " C " Stock. |
| The Metropolitan District Railway Company.  | 3,827,772 4 ½ % " A " Stock.<br>4,753,950 5% " A " Stock.<br>3,968,598 5% " B " Stock.<br>2,992,375 " C " Stock.                                     |
| The Central London Railway Company.         | 823,098 4 ½ % " A " Stock.<br>1,060,000 5% " A "<br>458,000 4 ½ % " T.F.A." Stock.<br>432,000 5% " B " Stock.<br>2,775,000 " C " Stock.              |
| The City and South London Railway Company.  | 993,762 4 ½ % " A " Stock.<br>6,519,000 4 ½ % " T.F.A." Stock.<br>850,000 5% " B " Stock.<br>1,369,000 " C " Stock.                                  |
| The Lots Road Power House Joint Committee.  | 3,422,169 4 ½ % " A " Stock.   |
| The London General Omnibus Company Limited. | 2,240,479 4 ½ % " A " Stock.<br>4,000,000 5% " B " Stock.<br>5,087,500 " C " Stock.  |
| London General Country Services Limited.    | Nil (Consideration included in consideration given to the London General Omnibus Company Limited).   |

*Status: This is the original version (as it was originally enacted).*

| Name of Company.   | Amount and class of<br>Transport Stock to be issued.   |
|--|--|
| Overground Limited   | Nil (Consideration included in the consideration given to the London General Omnibus Company Limited and the Tramways (M.E.T.) Omnibus Company Limited). |
| The Tramways (M.E.T.) Omnibus Company Limited.                         | 182,635 4 ½ % " A " Stock.<br>101,545 5% " B " Stock.<br>348,014 " C " Stock.  |
| The Metropolitan Electric Tramways Limited.                            | 297,282 4 ½ % " A " Stock.<br>179,866 5%, " B " Stock.<br>517,301 " C " Stock.   |
| The London United Tramways Limited.                                    | 428,920 5% " B " Stock.<br>585,343 " C " Stock.  |
| The Union Surplus Lands Company Limited.                               | 88,889 4 ½ % " A " Stock.<br>238,936 " C " Stock.  |
| The Union Construction and Finance Company Limited.                    | 365 " C " Stock.   |
| Morden Station Garage Limited  | Nil (Consideration included in consideration given to the London General Omnibus Company Limited).   |
| The South Metropolitan Electric Tramways and Lighting Company Limited. | 75,000 " C " Stock.  |
| Acme Pullman Services Limited  |  |
| Bucks Expresses (Watford) Limited;                                     | } Nil (Consideration included in consideration given to London General Omnibus Company Limited.)   |
| Green Line Coaches Limited   |  |
| Skylark Motor Coach Company Limited.                                   |  |

## PART II

THE TRANSPORT STOCK ISSUED TO THE FOLLOWING COMPANIES SHALL BE DISTRIBUTED AMONGST THE HOLDERS OF THE VARIOUS CLASSES OF STOCKS AND SHARES OF THOSE COMPANIES AT THE RATES OF SUBSTITUTION SPECIFIED IN THE FOLLOWING SCALES :—.

| Existing<br>Stock.                  | Substituted Stock. |    |    |  |  |  |
|-------------------------------------|--------------------|----|----|--|--|--|
| (a) In the<br>case of the<br>London | £                  | s. | d. |  |  |  |
|                                     |                    |    |    |  |  |  |



| Existing Stock.   | Substituted Stock. |    |   |       |            |                  |
|---|--------------------|----|---|-------|------------|------------------|
| Electric Railway Company :<br>—                                     |                    |    |   |       |            |                  |
| For £100 4% Debenture Stock   | 88                 | 17 | 9 | 4 ½ % | " A "      | Transport Stock. |
| For £100 5% Redeemable Debenture Stock (1985-95)                    | 100                | 0  | 0 | 5%    | " A "      | Transport Stock. |
| For £100 4 ½ % Redeemable Second Debenture Stock (1942-72)          | 100                | 0  | 0 | 4 ½ % | " T.F.A. " | Transport Stock. |
| For £100 4% Preference Stock  | 80                 | 0  | 0 | 5%    | " B "      | Transport Stock. |
| For £100 Consolidated Ordinary Stock                                | 92                 | 10 | 0 |       | " C "      | Transport Stock. |
| (b) In the case of the Metropolitan District Railway Company :<br>— |                    |    |   |       |            |                  |
| For £100 4% Prior Lien Debenture Stock                              | 88                 | 17 | 9 | 4 ½ % | " A "      | Transport Stock. |
| For £100 6% Perpetual Debenture Stock                               | 120                | 0  | 0 | 5%    | " A "      | Transport Stock. |

*Status: This is the original version (as it was originally enacted).*

| Existing Stock.                                  | Substituted Stock. |    |   |       |       |                  |
|--|--------------------|----|---|-------|-------|------------------|
| For £100 4% Perpetual Debenture Stock            | 88                 | 17 | 9 | 4 ½ % | " A " | Transport Stock. |
| For £100 4% Perpetual Debenture Stock (1903-5)   | 88                 | 17 | 9 | 4 ½ % | " A " | Transport Stock. |
| For £100 5% Redeemable Debenture Stock (1933-43) | 100                | 0  | 0 | 5%    | " A " | Transport Stock. |
| For £100 5% Redeemable Debenture Stock (1985-95) | 100                | 0  | 0 | 5%    | " A " | Transport Stock. |
| For £100 3% Consolidated Rent Charge Stock       | 66                 | 13 | 4 | 4 ½ % | " A " | Transport Stock. |
| For £100 4% Midland Rent Charge Stock            | 88                 | 17 | 9 | 4 ½ % | " A " | Transport Stock. |
| For £100 4% Guaranteed Stock                     | 80                 | 0  | 0 | 5%    | " B " | Transport Stock. |
| For £100 4 ½ % First Preference Stock.           | 90                 | 0  | 0 | 5%    | " B " | Transport Stock. |
| For £100 5% Second                               | 100                | 0  | 0 | 5%    | " B " | Transport Stock. |

| Existing Stock.  | Substituted Stock. |    |   |       |            |                  |
|--|--------------------|----|---|-------|------------|------------------|
| Preference Stock   |                    |    |   |       |            |                  |
| For £100 Ordinary Stock.                                     | 92                 | 10 | 0 |       | " C "      | Transport Stock. |
| (c) In the case of the Central London Railway Company :<br>— |                    |    |   |       |            |                  |
| For £100 4% Debenture Stock                                  | 88                 | 17 | 9 | 4 ½ % | " A "      | Transport Stock. |
| For £100 4 ½ % Redeemable Debenture Stock (1942-72)          | 100                | 0  | 0 | 4 ½ % | " T.F.A. " | Transport Stock. |
| For £100 5% Redeemable Debenture Stock (1935)                | 100                | 0  | 0 | 5%    | " A "      | Transport Stock. |
| For £100 5% Redeemable Debenture Stock (1985-95)             | 100                | 0  | 0 | 5%    | " A "      | Transport Stock. |
| For £100 4 ½ % Preference Stock                              | 90                 | 0  | 0 | 5%    | " B "      | Transport Stock. |
| For £100 Ordinary Stock.                                     | 92                 | 10 | 0 |       | " C "      | Transport Stock. |
| For £100 Preferred Ordinary Stock.                           | 85                 | 0  | 0 |       | " C "      | Transport Stock. |

*Status: This is the original version (as it was originally enacted).*

| Existing Stock.   | Substituted Stock. |    |   |       |            |                  |
|---|--------------------|----|---|-------|------------|------------------|
| For £100 Deferred Ordinary Stock.                                   | 100                | 0  | 0 |       | " C "      | Transport Stock. |
| (d) In the case of the City and South London Railway Company :<br>— |                    |    |   |       |            |                  |
| For £100 4% Perpetual Debenture Stock.                              | 88                 | 17 | 9 | 4 ½ % | " A "      | Transport Stock. |
| For £100 4½ % Redeemable Second Debenture Stock (1942-72)-          | 100                | 0  | 0 | 4 ½ % | " T.F.A. " | Transport Stock. |
| For £100 5% Preference Stock (1891)                                 | 100                | 0  | 0 | 5%    | " B "      | Transport Stock. |
| For £100 5% Preference Stock (1896)                                 | 100                | 0  | 0 | 5%    | " B "      | Transport Stock. |
| For £100 5% Preference Stock (1901)                                 | 100                | 0  | 0 | 5%    | " B "      | Transport Stock. |
| For £100 5% Preference Stock (1903)                                 | 100                | 0  | 0 | 5%    | " B "      | Transport Stock. |
| For £100 Consolidated   | 92                 | 10 | 0 |       | " C "      | Transport Stock. |

| Existing Stock.   | Substituted Stock. |    |   |       |       |                  |
|---|--------------------|----|---|-------|-------|------------------|
| Ordinary Stock  |                    |    |   |       |       |                  |
| (e) In the case of the Lots Road Power House Joint Committee :<br>— |                    |    |   |       |       |                  |
| For £100 4% Metropolitan District and London Electric Railways      |                    |    |   |       |       |                  |
| Joint Power House Rent Charge Stock                                 | 88                 | 17 | 9 | 4 ½ % | " A " | Transport Stock. |
| (f) In the case of the London General Omnibus Co., Ltd. :<br>—      |                    |    |   |       |       |                  |
| For £100 4 ½ % First Debenture Stock                                | 100                | 0  | 0 | 4 ½ % | " A " | Transport Stock. |
| For £100 5% Cumulative Income Debenture Stock                       | 100                | 0  | 0 | 5%    | " B " | Transport Stock. |
| For each Ordinary Share (£10)                                       | 18                 | 10 | 0 |       | " C " | Transport Stock. |
| (g) In the case of the Metropolitan Electric Tramways Ltd. :—       |                    |    |   |       |       |                  |

*Status: This is the original version (as it was originally enacted).*

| Existing Stock.  | Substituted Stock. |    |     |       |       |  |
|--|--------------------|----|-----|-------|-------|--|
| For £100<br>4 ½ %<br>Debenture<br>Stock                              | 100                | 0  | 0   | 4 ½ % | " A " | Transport<br>Stock.  |
| For<br>£100 5%<br>Debenture<br>Stock                                 | 100                | 0  | 0   | 5%    | " B " | Transport<br>Stock.  |
| For<br>each 5%<br>Cumulative<br>Preference<br>Share (£1)             | 0                  | 15 | 0   |       | " C " | Transport<br>Stock.  |
| For each<br>Ordinary<br>Share (£1)                                   | 0                  | 6  | 0   |       | " C " | Transport<br>Stock.  |
| (h) In the<br>case of the<br>London<br>United<br>Tramways<br>Ltd. :— |                    |    |     |       |       |  |
| For £100<br>4% First<br>Mortgage<br>Debenture<br>Stock               | 50                 | 0  | 0   | 5%    | " B " | Transport<br>Stock and<br>£25 " C "<br>Transport<br>Stock. |
| For<br>each 5%<br>Cumulative<br>Preference<br>Share (£1)             | 0                  | 6  | 0   |       | " C " | Transport<br>Stock.  |
| For<br>each 5%<br>Ordinary<br>Share (5/-)                            | 0                  | 0  | 7 ½ |       | " C " | Transport<br>Stock.  |

### PART III

#### CONSTITUTION OF THE CENTRAL LONDON (NEW) GUARANTEED ASSENTED STOCK.

- 1 For the purposes of constituting the Central London (New) Guaranteed Assented Stock (in this Schedule referred to as the new assented stock) a new trust deed shall be executed between the Underground Company of the first part, and Glyn, Mills and Co. (in this Schedule referred to as the said trustees) of the second part, and the Board of the third part, containing such terms and conditions as may be

necessary to give' effect to the provisions of subsection (2) of section eighty-eight of this Act and of this Schedule and such other terms and conditions of a like nature to the terms and conditions of the trust deed dated the thirteenth day of December, nineteen hundred and twelve (in this Schedule referred to as the old trust deed) and made between the Underground Company of the one part and Glyn, Mills and Co. (then and therein called Glyn, Mills, Currie and Co.) of the other part as are not inconsistent with those provisions.

2 The new assented stock shall be issued by the said trustees as trustees against and secured by the ' C ' transport stock to which the said trustees become entitled under Part II of this Schedule as holders of Central London Railway ordinary, preferred ordinary and deferred ordinary stocks held by the said trustees upon the trusts of the old trust deed.

3 The new assented stock shall be of a similar character to the Guaranteed Assented Stocks constituted by the old trust deed but having its fixed rate of interest of four per cent. per annum guaranteed by the Board and not by the Underground Company.

4 The interest received by the said trustees in respect of any year on the ' C ' transport stock to which they become so entitled shall be applied by the said trustees as follows :—

- (a) to the payment of interest for that year at the fixed rate of four per cent. per annum on the new assented stock;
- (b) as to forty per cent. of the balance, to the payment of additional interest for that year on the new assented stock; and
- (c) as to sixty per cent. of the balance, in repayment to the Board.

5 The holders of the new assented stock may at their option, to be exercised within six months from the date of the issue of that stock, surrender to the said trustees the whole or any part of the stock so issued to them and shall thereupon, subject as hereinafter provided, be entitled to receive in exchange from the said trustees £92 10s. of ' C ' transport stock held by the said trustees for every £100 of new assented stock so surrendered:

Provided that, where the amount of transport stock to which a person would be so entitled comprises a fractional part of a pound, the said trustees shall, in lieu of transferring the amount, transfer to that person transport stock to the amount of the next even pound below the amount to which he would be so entitled and shall, as soon as may be after the expiration of the said six months, sell the amount of transport stock representing the fractional parts of transport stock not so transferred and shall distribute the net proceeds thereof in due proportions amongst the several holders who, but for this provision, would have been entitled to the fractional parts.

6 If and so soon as the ' C ' transport stock held by the said trustees is redeemed by the Board, the redemption moneys received by the said trustees in respect of that stock shall be distributed amongst the holders of the new assented stock when the redemption takes place pro rata to their holdings of that stock and the new assented stock shall thereupon be satisfied and extinguished.

*Status: This is the original version (as it was originally enacted).*

## FOURTH SCHEDULE

Sections 7 and 39.

### ISSUE OF TRANSPORT STOCK TO THE METROPOLITAN RAILWAY COMPANY AND DISTRIBUTION OF THAT STOCK.

#### PART I

The amount of stock to be issued to the Metropolitan Railway Company shall be as follows and of the following classes :—.

| Amount.    | Class of Transport Stock to be issued. |
|------------|--|
| £7,288,676 | 4 ½ per cent. " A " Stock.             |
| £2,000,000 | 5 per cent. " A " Stock.               |
| £4,489,797 | 5 per cent. " B " Stock.               |
| £5,115,600 | " C " Stock.                           |

With the addition of £70 " B " transport stock for each £100 of Metropolitan 3 ½ per cent. Convertible Preference Stock not converted into Metropolitan Consolidated Stock by virtue of section eighty-nine of this Act and £67 10s. 0d. " C " transport stock for each £100 of Metropolitan 3 ½ per cent. Convertible Preference Stock so converted.

#### PART II

The transport stock issued to the Metropolitan Railway Company shall be distributed amongst the holders of the various classes of stocks of that company at the rates of substitution, specified in the following scales :—.

| Existing Stock.   | Substituted Stock.                                |
|---|---|
| For £100 5 per cent. Redeemable Debenture Stock (1957-62).                                      | £100 5 per cent. ' A ' Transport Stock.           |
| For £100 3 ½ per cent. Debenture Stock.   | £77 15s. Id. 4 ½ per cent. ' A ' Transport Stock. |
| For £100 3 ½ per cent. ' A ' Debenture Stock.   | £77 15s. Id. 4 ½ per cent. ' A ' Transport Stock. |
| For £100 3 ½ per cent. Preference Stock.  | £70 5 per cent. ' B ' Transport. Stock.           |
| For £100 3 ½ per cent. ' A ' Preference Stock.  | £70 5 per cent. ' B ' Transport Stock.            |
| For £100 3 ½ per cent. Convertible Preference Stock (not so converted into Consolidated Stock). | £70 5 per cent. ' B ' Transport. Stock.           |
| For £100 5 per cent. Preference Stock.  | £100 5 per cent. ' B ' Transport Stock.           |
| For £100 Consolidated Stock   | £67 10s. ' C ' Transport Stock.                   |



FIFTH SCHEDULE

Sections 7, 81, 87 and 89.

DISTRIBUTION OF TRANSPORT STOCK ISSUED AS CONSIDERATION FOR  
TRANSFER OF UNDERTAKINGS TO THE BOARD AND THE WINDING UP  
OF CERTAIN COMPANIES WHOSE UNDERTAKINGS ARE TRANSFERRED.

- (1) The provisions of this Schedule shall have effect with relation to the distribution of stock issued under this Act to the companies specified in Part II of the Third Schedule (which companies are in this Schedule referred to as " the Underground principal companies") and to the company owning the Metropolitan Undertaking (which company is, in this Schedule referred to as " the Metropolitan Company ") amongst the holders of the various classes of stock (which expression in this Schedule includes debenture stock and shares and other securities) of those companies, and with relation to the distribution of the remaining assets of, and the winding up and dissolution of the companies specified in Part I of the Second Schedule to this Act other than the South Metropolitan Electric Tramways and Lighting Company Limited (which companies are in this schedule referred to as " the Underground Companies ") and of the Metropolitan Company.
- (2) Each of the Underground Companies, not being a statutory company, shall be wound up voluntarily in accordance with the provisions of the Companies Act, 1929, relating to members' voluntary winding-up, save in so far as such provisions are varied by, or are inconsistent with the provisions of this Schedule.
- (3) The winding up of each company which is directed to be wound up by the last preceding paragraph shall—
  - (a) commence on the appointed day without the passing of any special or other resolution by that company for winding up;
  - (b) be conducted by the directors of that company in office at the appointed day who shall, be deemed joint liquidators for the purposes of the winding up with power to act by a majority of their number.
- (4) In the winding up of the Tramways (M.E.T.) Omnibus Company, Limited, the London General Omnibus Company, Limited, shall not be entitled in respect of its holding of the preference shares of that company to participate in the distribution of the transport stock to be issued to the Tramways (M.E.T.) Omnibus Company, Limited, under this Act or other the properties or assets of that company distributable amongst its members on the winding up thereof, neither shall the Board be entitled to participate in such distribution in respect of those preference shares.
- (5) (a) On a date as soon as may be after the appointed day, such date to be fixed by the directors of each of the Underground principal companies and of the Metropolitan Company (in this Schedule called " the distribution date ") every holder of stock (other than the Four per cent. Terminable Debenture Stock of the Metropolitan Company) in any of those companies shall deliver up to that company the certificates (which expression in this Schedule includes debentures, bonds or other documents of title) of the stock held by him, and on such delivery the directors of the company shall, subject as hereinafter provided, distribute or cause to be distributed to each such stockholder, in substitution for the stock of the company so held by him, transport stock of the amount and class to which he is entitled, in the case of stock of an Underground principal company, by virtue of Part II of the Third Schedule to this Act, and in the case of stock of the Metropolitan Company, by virtue of Part II of the Fourth Schedule to this Act, and pay to each such

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stockholder (being a holder of debenture stock) any interest accrued to the appointed day and unpaid on such debenture stock :

Provided that—

- (i) where the amount of transport stock to which a person would be so entitled comprises a fractional part of a pound the company distributing or causing to be distributed the transport stock shall, in lieu of distributing or causing to be distributed that amount, distribute or cause to be distributed to that person transport stock to the amount of the next even pound below the amount to which he would be so entitled, and the company shall sell, or cause to be sold, the amount of stock representing the fractional parts not so distributed and shall distribute, or cause to be distributed, the net proceeds thereof in due proportion amongst the several stockholders who, but for this provision, would have been entitled to the fractional parts; and
  - (ii) the directors may dispense with the delivery of the certificate if the loss or destruction thereof is proved to their reasonable satisfaction.
- (b) The issue to any debenture stockholder of the transport stock to which he is so entitled and the payment to him of the interest, if any, accrued to the appointed day and unpaid on his debenture stock shall operate as a satisfaction and discharge of that debenture stock and of all the rights and claims of the holder in respect thereof.
- (6) Subject to the provisions of this Act the registers of members and transfer books of each of the Underground principal companies and of the Metropolitan Company shall be finally closed on such date previous to the distribution date as the directors of the company may determine, and notice of such closing shall be given by the company to the secretary of the London Stock Exchange, and also by advertisement in two London daily newspapers thirty days before the date on which such registers or books are to be closed, and after the date of closing such registers or books the company may refuse to register any transfer of any of the company's stocks.
- (7) The Board shall, if so required by any of the Underground principal companies or by the Metropolitan Company before the transport stock to be issued as consideration for the transfer to the Board of the undertaking of the company is issued to the company, instead of issuing to the company the whole of the transport stock to be so issued to it, issue the transport stock to such amounts and to such persons as the company may require, and the issue of transport stock in accordance with such requirements shall, to that extent, discharge the Board of its liability to issue transport stock to the company.
- (8) In the case of each of the Underground companies and of the Metropolitan Company any sums (in cash or liquid assets) retained by the company or repaid to the company by the Board under section eighty-two of this Act (not being sums which by that section are to be applied to the payment of interest on the debenture stocks of the company) shall (subject to the payment and discharge of any liability which under this Act is to continue as a liability of the company or is not otherwise provided for) be deemed to be profits of the company available for immediate distribution as dividend and shall be distributed accordingly in one or more distributions amongst the stockholders of the company (other than debenture stockholders) in accordance with their respective rights and (in the case of a company being a statutory company), notwithstanding anything in any special Act relating to the company prescribing the

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date at which and the period in respect of which dividends on any particular classes of stock of the company may be distributed:

Provided that, if authorised so to do by a resolution of the company at a meeting convened for that purpose, whether held before or after the passing of this Act, the directors may out of any moneys so available for distribution amongst the stockholders of the company retain or pay any sums to any persons as compensation for loss of office or employment or in recognition of past services rendered to the company.

- (9) Where any of the companies to which this Schedule relates is unable after diligent inquiry to find the person to whom any transport stock is issuable or money is payable, or where any stock is issuable or money is payable to a person who, or whose committee cannot give an effectual receipt for the same, the company may transfer the stock or pay the money, as nearly as may be, in manner provided for payment of securities or money into court by trustees under section sixty-three of the Trustee Act, 1925, and that section shall apply with all necessary modifications to such stock and money.
- (10) When in the case of any company (being a statutory company) to which this Schedule relates the distribution of stock or money has been completed in accordance with the provisions of this Schedule, the company may apply to the Board of Trade, and the Board of Trade, if satisfied that the said conditions have been complied with, shall give a certificate to that effect, and upon publication of such certificate in the London Gazette the company shall be dissolved.
- (11) Any expenses incurred by the Board of Trade under the last preceding paragraph shall on demand be paid to the Board of Trade by the Board.
- (12) The rights conferred by this Act on the holders of the various classes of stocks of any of the said companies, being a statutory company, shall be in substitution for the rights conferred on them in the event of the winding-up of the company under the enactments relating to the company.

## SIXTH SCHEDULE

Sections 9, 10, 11, 14 and 39.

### ISSUE OF TRANSPORT STOCK TO CERTAIN LOCAL AUTHORITIES.

The amount and class of transport stock to be issued to the local authorities specified in this Schedule shall be as follows :—

| <i>Name of Local Authority.</i>                                     | <i>Amount and class of Stock to be issued.</i> |
|---|--|
| Hertfordshire County Council  | £19,000 L.A. stock.                            |
| London County Council   | £8,500,000 L.A. stock.                         |
| Middlesex County Council  | £1,035,000 L.A. stock.                         |
| The mayor, aldermen and burgesses of the County Borough of West Ham | £281,036 L.A. Stock.                           |

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SEVENTH SCHEDULE Sections 15, 16, 17, 99, 104 and 107.

LONDON PASSENGER TRANSPORT AREA.

**PART I**

The London Passenger Transport Area shall consist of the area comprised within the continuous purple line shown on the signed map (which expression in this Schedule means the map signed in triplicate by the Pvt. Honourable the Earl of Lytton, the Chairman of the Joint Committee of the House of Lords and the House of Commons to which the Bill for this Act was referred and which has been deposited, as to one copy, in the Parliament Office of the House of Lords, as to another copy, in the Committee and Private Bill Office of the House of Commons, and, as to a third copy, at the Ministry of Transport)

**PART II**

The roads outside the London Passenger Transport Area which are available for use by the public service vehicles of the Board without restriction under this Act are the roads marked by broken blue lines on the signed map

**PART III**

The roads outside the London Passenger Transport Area which are available for use by the public service vehicles of the Board subject to the restriction imposed by proviso (h) to subsection (1) of section fifteen of this Act are the roads marked by broken yellow lines on the signed map

**PART IV**

The roads within the London Passenger Transport Area to which the restrictions imposed by subsection (1) of section sixteen and subsection (2) of section seventeen of this Act are not to apply are the roads marked by broken red lines on the signed map

EIGHTH SCHEDULE Sections 17 and 99.

PROVISIONS RELATING TO PURCHASE OF PROPERTY  
OF PROVINCIAL OPERATING COMPANIES, &C.

**PART I**

PROPERTY TO BE TRANSFERRED.

*1 Buildings*

- 1 There shall be transferred to the Board the buildings or premises specified in the first column of the following table belonging to the companies specified in the second column, being buildings situated within and used for the purposes of services operated within the London Passenger Transport Area.

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| Description of building or premises.  | Name of Company.                                 |
|---|--|
| The freehold premises, comprising a garage, situate at The Street, Ewhurst, Surrey.             | Aldershot and District Traction Company Limited. |
| The freehold premises, comprising a garage and offices, situate at Priory Road, Dartford, Kent. | Maidstone and District Motor Services Limited.   |
| The freehold premises, comprising a garage and depot, situate at Dover Road, Northfleet, Kent.  | Maidstone and District Motor Services Limited.   |

## 2 Plant and Equipment

- 2 There shall be transferred to the Board the whole of the plant, equipment and stores which is on the appointed day installed or situated in or upon the buildings or premises specified in paragraph 1 hereof, being plant, equipment and stores so installed or situated in the ordinary course of the business of the company.

## 3 Vehicles

- 3 There shall be transferred to the Board from the companies specified in the first column of the following table the number of public service vehicles specified in the second column of that table, or such other number as may before the first day of July, nineteen hundred and thirty-three, be agreed between the Board and the company concerned, being vehicles in good running order and condition, suitable for use on the respective services which the company will require to discontinue by virtue of the restrictions imposed by section seventeen of this Act.

| Name of Company.                                 | Number of Public Service Vehicles. |
|--|------------------------------------|
| Aldershot and District Traction Company Limited. | Six.                               |
| Eastern National Omnibus Company Limited.        | Eight.                             |
| Maidstone and District Motor Services Limited.   | Seventy-six.                       |
| Redcar Services Limited                          | Three.                             |
| Thames Valley Traction Company Limited           | Two.                               |

- 4 Any dispute under this Part of this Schedule shall be determined by the arbitration tribunal.

## PART II

### RULES FOR DETERMINING THE PRICE TO BE PAID.

- 1 The price shall be determined upon a valuation of the buildings, premises, vehicles, plant, stores and equipment with an allowance for goodwill.
- 2 The valuation in the case of vehicles shall proceed upon the basis of first cost with a deduction in respect of depreciation calculated at the rate of twelve and one half per cent. per annum on the first cost in respect of the period between the date upon which the vehicle was first brought into use and the date of the transfer to the Board.
- 3 Except in the case of the Eastern National Omnibus Company Limited, the allowance to be made in respect of goodwill shall be ascertained by multiplying by five the average net profits of the part of the undertaking taken over ascertained in the following manner :—
  - (a) there shall be ascertained in the case of each company the average net profits per car mile from the operation of stage and express carriages, or in the case of the Maidstone and District Motor Services Limited, of public service vehicles for the three financial years last preceding the date of the passing of this Act, (after meeting all proper charges including adequate provision for the replacement or renewal of all assets subject to depreciation or obsolescence, which provision shall in the case of vehicles be calculated at the rate of twelve and one half per cent. per annum on the first cost);
  - (b) there shall be ascertained the total car mileage run by the stage carriages, or in the case of the Maidstone and District Motor Services Limited, by the public service vehicles operated by that company during the last completed financial year preceding the date of the passing of this Act in the provision of services within the London Passenger Transport Area which the company will require to discontinue by reason of the restrictions imposed by section seventeen of this Act;
  - (c) the average net profit per car mile ascertained under (a) multiplied by the total car mileage ascertained under (b) shall be deemed to be the average net profits of the part of the undertaking taken over.
- 4 In the case of the Eastern National Omnibus Company Limited the allowance for goodwill shall be ascertained by allowing two pence and one half penny per car mile for each car mile run by stage carriages owned by that company during the last completed financial year preceding the date of the passing of this Act in the provision of services within the London Passenger Transport Area which the company will require to discontinue by reason of the restrictions imposed by section seventeen of this Act.

## PART III

### RULES FOR DETERMINING COMPENSATION FOR SEVERANCE.

- 1 An estimate shall be made of the additional cost per car mile which would have been incurred by the company during the last completed financial year preceding the date of the passing of this Act in operating public service vehicles on the following assumptions :—
  - (a) that the transfer to the Board had taken place immediately before the beginning of that financial year; and

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- (b) that such reduction of overhead or other expenses had been effected during that year as might reasonably have been effected in view of that transfer.
- 2 The compensation for severance shall be calculated by multiplying the additional cost per car mile so estimated by five times the number of car miles run during that year in the provision of services of public service vehicles to which the restrictions imposed by section seventeen of this Act do not apply.

## NINTH SCHEDULE

Section 36.

### PROVISIONS WITH RESPECT TO THE RAILWAY RATES TRIBUNAL.

- 1 For the purpose of the exercise of the functions of the tribunal under this Act, two additional members shall be added to the tribunal, of whom one shall be a person having experience in matters relating to local government in London, to be appointed by the Minister after consultation with the Advisory Committee, and one shall be a person having experience in financial affairs to be appointed by the Minister, but neither of whom need be a member of either of the panels constituted under section twenty-four of the Railways Act, 1921.
- 2 An additional member of the tribunal shall hold office for such term not less than three years nor longer than seven years as the Minister may determine at the time of his appointment but on vacating his office after expiration of the term thereof he shall be eligible for re-appointment. ,
- 3 If an additional member becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, or if the office of an additional member is vacated before the expiration of his term of office, the Minister may appoint some other fit person with the like qualifications and, in the case of the additional member appointed after consultation with the Advisory Committee, after the like consultation, to discharge his duties during such incapacity or pending the filling up of such vacancy for any period not exceeding six months at one time and the person so appointed shall during that period have the same powers as the additional member in whose place he is appointed.
- 4 Section twenty-one, subsections (1) and (2) of section twenty-two, section twenty-four except subsection (4) thereof, and section twenty-five of the Railways Act, 1921, shall apply with respect to the functions of the tribunal under this Act as they apply for the purposes of that Act, subject, however, to the following modifications, namely, that—
- (a) in subsection (2) of the said section twenty-one, for the words " the amalgamated companies " there shall be substituted the words " the Board and the amalgamated railway companies " ; and
  - (b) in subsection (1) of the said section twenty-two the words " the Lord President of the Court of Session " and the words " other than disputes between two or more railway companies " shall be omitted; and
  - (c) no appeal shall lie from any decision of the tribunal under this Act.
- 5 The annual report of their proceedings under the Railways Act, 1921, made by the tribunal to the Minister under subsection (3) of section twenty-two of that Act, and laid before Parliament, shall include a report of their proceedings under this Act.

TENTH SCHEDULE

Section 31.

PROVISIONS WHICH ARE TO FORM THE BASIS OF THE POOLING SCHEME.

- 1 The scheme shall provide for the pooling in accordance with the provisions of this Schedule of the whole of the passenger receipts to which the scheme is to apply after the deduction therefrom of the operating and additional allowances hereinafter specified (which receipts so reduced are in this Schedule referred to as " the pooled receipts") and for the distribution of the pooled receipts between the Board and each of the amalgamated railway companies (hereinafter referred to as " the parties to the scheme") in such proportions as may be determined under the scheme.
- 2 The scheme shall apply to the following passenger receipts :—
- (a) the whole of the passenger receipts of the Board, including passenger receipts arising from any joint line and receipts from the operation of contract carriages; and
  - (b) the whole of the passenger receipts of each of the amalgamated railway companies attributable to the conveyance of passengers on journeys between any two stations on any suburban line or lines.
- For the purposes of this paragraph, the expression " suburban line " means so much of any railway owned or worked over by any of the amalgamated railway companies or of any joint line, as lies within the London Passenger Transport Area, or as lies outside that area and provides an alternative route to a route on which a passenger service provided by the Board (otherwise than under a working agreement made in pursuance of section eighteen of this Act) is being or might lawfully be operated.
- 3 (1) For the purpose of ascertaining the proportions in which the parties to the scheme are to be entitled to participate in the pooled receipts, an account shall be prepared for a standard year.
- (2) The account shall be based on the results of a previous year or previous years ascertained by reference to the passenger receipts for the year or years selected corresponding to the passenger receipts to which the scheme will apply, with the deduction therefrom of so much of the operating expenditure incurred in earning those receipts as represents factors of cost which vary with the mileage of the trains or cars or other vehicles run, so however that such adjustments may be made in preparing the account as may be fair and equitable in respect of capital which had not become fully remunerative or which was in course of expenditure during the year or years selected or any other factor the effect of which was not fully reflected in those results.
- (3) The account shall show the proportions in which the Board on the one hand and the amalgamated railway companies as a group on the other hand would be entitled to participate in the net receipts so ascertained on the basis of a fair and equitable distribution and shall show in addition the proportions in which each of the amalgamated railway companies respectively would be so entitled to participate in the portion of those receipts applicable to the amalgamated railway companies as a group.
- (4) The proportions so ascertained are in this Schedule referred to as " the standard proportions."
- 4 The scheme shall provide for the rendering and keeping of all such returns and accounts as may be necessary or desirable in order to secure the pooling of the pooled receipts or otherwise for the purposes of the scheme.



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- 5 (1) There shall be fixed by the Joint Committee from time to time in relation to each form of transport in accordance with a formula to be specified in the scheme the allowances (in this Schedule referred to as " operating allowances ") which are to be made to the parties to the scheme in respect of the expenses incurred by them in operating their respective services.
- (2) The formula to be specified in the scheme for the fixing of the operating allowances shall give effect to those factors of cost which vary with the mileage of the trains or cars or other vehicles run.
- (3) The operating allowances so fixed shall, subject to the provisions of this Schedule, have effect throughout the accounting period for which they are fixed :
- Provided that, if after the fixing of the operating allowances there is any substantial change in any factor of cost covered by the formula, not being a change within the control of the party affected, the party affected may apply to the Joint Committee for the variation of the said allowances for the accounting period or the remainder of that period.
- 6 (1) Where by reason of an order of the rates tribunal made under sections thirty, thirty-one or thirty-five of this Act, or by virtue of any decision of the Joint Committee, any party to the scheme provides any new service or facility or undertakes any development or extension necessitating additional capital expenditure, the party incurring the expenditure shall be entitled to an additional allowance of such amount and for such period as may be fixed by the Joint Committee.
- (2) The additional allowances under this paragraph shall be such as may be estimated to be sufficient, when added to the operating allowances specified in paragraph 5 of this Schedule, to cover the additional cost of operation and maintenance involved in the provision of that service or facility or in that development or extension, including the whole or part, as may be determined, of the interest on the capital expended in connection therewith.
- 7 (1) There shall be determined by the person responsible for the accounts of the pool (in this Schedule referred to as " the accountant ") in respect of each accounting period the differences between the pooled receipts accounted for by each party to the scheme and the share of the aggregate pooled receipts to which each party would be entitled on the basis of its standard proportion.
- (2) The, differences so determined shall be certified by the accountant and shall be adjusted between the parties to the scheme by means of payments in accordance with the accountant's certificates.
- (3) The determination and payment of differences directed by this paragraph shall be made by means of provisional monthly settlements and payments which shall be adjusted by final settlements and payments within forty days from the end of each accounting period.
- 8 (1) Subject to the provisions of this paragraph, any party to the scheme may apply to the Joint Committee for a revision of the standard proportions on any of the following grounds :—
- (a) the failure of any party to the scheme to maintain efficient services resulting in a diminution of the passenger receipts from those services;
- (b) the provision of any new service or facility or the undertaking of any development or extension agreed to by the Joint Committee, or required by the rates tribunal under sections thirty, thirty-one or thirty-five of this Act; or

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- (c) any other material alteration of circumstances (not being an alteration caused by the operation of the scheme) which would make or would be likely to make the , continuance of those proportions inequitable to any party.
- (2) If the Joint Committee is satisfied that any application so made is well-founded, it shall revise the standard proportions to the extent requisite to meet the change of circumstances upon which the application is based but to no further extent:
- Provided that no revision made under this paragraph on an application based on the provision of any new service or facility or the undertaking of any development or extension shall have effect in relation to any period during which any additional allowance in respect of the provision of that new service or facihty or the undertaking of that development or extension is in operation.
- 9 (1) There shall be an auditor for the purposes of the scheme who shall be appointed by the Joint Committee or, in default of agreement, by the President of the Institute of Chartered Accountants.
- (2) The auditor shall hold office for a term of three years but shall be eligible for reappointment.
- (3) It shall be the duty of the parties to the scheme and of the accountant to furnish all such information and give all such facilities as may be required by the auditor for the purposes of the scheme.
- 10 The accounting period shall be such period not exceeding twelve months commencing in each year on such date as may be specified in the scheme.
- 11 Any question arising in relation to the fixing or variation of the operating or additional allowances or the revision of the standard proportions upon which the Joint Committee is unable to agree, or any dispute between any parties to the scheme arising out of the operation of the scheme which is not settled by the Joint Committee (to whom it shall be referred in the first place) shall be determined as follows :—
- (a) where the Joint Committee resolves that the matters in question are wholly or mainly matters of accountancy or of a statistical nature, by the auditor;
- (b) in any other case by an arbitrator to be appointed by the Joint Committee or, in the event of the Joint Committee failing to agree upon an arbitrator, by the High Court;
- and the auditor or arbitrator, as the case may be, in determining any question so referred in relation to the fixing or variation of the operating or additional allowances or to the revision of the standard proportions shall have regard to the same considerations, and be subject to the same limitations, as the Joint Committee would have had regard to, or been subject to in determining that question, and any operating or additional allowances fixed or varied, or revision of the standard proportions made, by the auditor or arbitrator, shall have effect as if fixed or varied or made by the Joint Committee.
- 12 After the scheme has come into operation, each party to the scheme shall, subject to the provisions of this Schedule, retain its traffic takings, in so far as they are receipts to which the scheme applies, and all clearances of traffic receipts, in so far as those receipts are receipts to which the scheme applies, shall cease.
- 13 The scheme may contain such other incidental or supplemental provisions as may be requisite for giving effect to the scheme and may provide for the modification or variation of any agreement between any of the parties to the scheme or any Joint

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Committee owning or managing any joint line relating to the receipts to which the scheme applies, or any statutory provisions relating to the collection, apportionment or distribution of those receipts, or relating to the joint lines or any of them, in so far as that modification or variation is requisite or desirable to give effect to the provisions of the scheme.

- 14 For the purpose of this Schedule the expression " joint line " means any railway jointly owned or worked by any of the parties to the scheme or owned or worked by any joint committee in which any of the parties to the scheme are financially interested.

## ELEVENTH SCHEDULE

Section 53.

### CONSEQUENTIAL AND MINOR AMENDMENTS TO BE MADE IN THE ROAD TRAFFIC ACT, 1930.

#### Section 98.

In subsection (1) the words " with respect to " the City of London and the Metropolitan " Police District," shall be omitted.

In subsection (2) the words " sections seventy-" two and seventy-four of this Act in their " application " shall be substituted for the words and section seventy-two of this Act in its application."

In subsection (5) for the words " three years " there shall be substituted the words " seven years. "

#### Schedule III. Part I.

In paragraph (5) (which defines the East Midland Traffic Area) the word "Bedford" shall be omitted; after the word " Peterborough " there shall be added the words " The administrative " county of Bedford (except the portion in-" eluded in the Metropolitan Traffic Area)"; for the words " (except the portion included in the Southern Traffic Area)" there shall be substituted the words " (except the portions " included in the Metropolitan Traffic Area and " the Southern Traffic Area)."

In paragraph (b) (which defines the Eastern Traffic Area) for the words " So much of the " administrative county of Essex as lies outside " the Metropolitan Police District," there shall be substituted the words " So much of the administrative county of Essex as lies outside " the Metropolitan Traffic Area," and the words " So much of the administrative county of " Hertford as lies outside the Metropolitan " Police District " shall be omitted.

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In paragraph (9) (which defines the Southern Traffic Area) for the words " the borough " of Chepping Wycombe, the urban districts " of Beaconsfield, Marlow and Slough and " the rural districts of Eton, Wycombe " and Hambleden " there shall be substituted the words " the urban district of Marlow, " the rural district of Hambleden, the parish of Towersey and the portion of the rural " district of Wycombe not included in the " Metropolitan Traffic Area."

In paragraph (10) (which defines the South Eastern Traffic Area) for the words "The " administrative counties of East Sussex and " West Sussex. So much of the administrative counties of Surrey and Kent as lies " outside the Metropolitan Police District" there shall be substituted the words " So " much of the administrative counties of East " Sussex, West Sussex, Surrey and Kent as " lies outside the Metropolitan Traffic Area."

TWELFTH SCHEDULE

Section 58.

CONSTITUTION OF THE LONDON AND HOME COUNTIES TRAFFIC ADVISORY COMMITTEE.

1 The Advisory Committee shall be constituted as follows :

| Number of Members. | By whom appointed.  |
|--------------------|---|
| One                | By the Secretary of State :                               |
| One                | By the Minister:  |
| Six                | By the London County Council:                             |
| One                | By the Corporation of the City of London :                |
| One                | By the Council of the City of Westminster:                |
| Six                | By the councils of the remaining metropolitan boroughs :  |
| Two                | By the Middlesex County Council:                          |
| One                | By the Essex County Council:                              |
| One                | By the Kent County Council:                               |
| One                | By the Surrey County Council:                             |
| One                | By the Buckinghamshire and Hertfordshire County Councils: |

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| Number of Members. | By whom appointed.   |
|--------------------|--|
| One                | By the Council of the County Borough of Croydon:   |
| One                | By the Council of the County Borough of East Ham:  |
| One                | By the Council of the County Borough of West Ham:  |
| One                | By the Secretary of State to represent the Metropolitan Police :   |
| One                | By the Secretary of State to represent county and borough police forces in the London Traffic Area:  |
| One                | By the Corporation of the City of London to represent the City Police :  |
| Two                | By the Board:  |
| Two                | By the amalgamated railway companies:  |
| Five               | By the Minister of Labour after consultation with such bodies representative of those interests as he may think fit to represent the interests of labour engaged in the transport industry within the London Traffic Area :  |
| One                | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the Board and the amalgamated railway companies) providing or using mechanically-propelled road vehicles within the London Traffic Area. |
| One                | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the Board and the amalgamated railway companies) providing or using horse-drawn road vehicles within the London Traffic Area.            |
| One                | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of the taxi-cab industry within the London Traffic Area.  |

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- 2       Where one or more members are to be appointed by a group of local authorities, the appointment shall be made by a joint committee consisting of one representative chosen by each of the local authorities in accordance with rules of procedure made by the Minister.
- 3       Every member appointed by a local authority or group of local authorities (other than the representative of the City police) shall be a member of the local authority or of one of the grouped authorities, as the case may be, and, if he cease to hold such qualification, shall cease to be a member of the Committee.

### THIRTEENTH SCHEDULE

Section 64.

#### CONSEQUENTIAL AND MINOR AMENDMENTS TO BE MADE IN THE LONDON TRAFFIC ACT, 1924.

|                |   |
|----------------|---|
| Section 1 (1)  | The words from " consisting of " to the end of the subsection shall be omitted.   |
| Section 1 (8). | For the words " an ordinary member or an additional member " there shall be substituted the words " a member. "   |
| Section 1 (10) | The words from " and the additional members " to the end of the subsection shall be omitted.  |
| Section 3(1)   | For the words " of this Act " there shall be substituted the words " of this or any other Act. "  |
| Section 16     | The definitions of " licensing authority " and " proprietor " shall be omitted.   |
| Schedule II    | The words " Part I. Matters in respect of which " the additional members are to form part " of the Advisory Committee "; the words " Part II. Matters in respect of which the " additional members are, if the Minister so " directs, to form part of the Advisory " Committee, " and the words " Part III. " Matters in respect of which the additional " members are not to form part of the " Advisory Committee " shall be omitted. |

### FOURTEENTH SCHEDULE

Sections 73, 75, 76, 77 and 79.

#### PROVISIONS AS TO DETERMINATION OF COMPENSATION PAYABLE TO OFFICERS AND SERVANTS.

- 1       Every person who claims to be entitled to be paid compensation under Part VII of this Act in respect of any direct pecuniary loss shall deliver to the Board a claim in writing, stating the direct pecuniary loss in respect of which he claims

compensation, and setting out particulars as to the emoluments received by him from the Board or from the authority, company or person by whom he was or is employed in each year during the period of five years immediately preceding the date on which his office or post was abolished or was relinquished by him, or the date on which his direct pecuniary loss commenced. Every such claim shall be accompanied by a statutory declaration that the claim so submitted is, according to the best of his knowledge, information and belief, a true statement.

- 2 On receipt of any such claim the Board shall forthwith take it into consideration and determine whether any and, if so, what compensation ought, in their opinion, to be granted to the claimant and shall inform him of their decision; and, if they fail to inform him of their decision within six months after his claim has been so delivered to them, the Minister may, on application made to him in that behalf by the claimant, direct them to do so within such time, not being less than one month, as may be specified in the direction.
- 3 If the claimant is aggrieved by the failure of the Board to inform him of their decision upon his claim within the time specified in any direction of the Minister, or by their refusal to grant compensation, or by the amount of the compensation granted, he may require the matter to be referred forthwith to the standing arbitrator, and the arbitrator shall consider the case and determine whether any, and if so what, compensation ought to be granted to the claimant.
- 4 For the purpose of determining whether compensation should be granted to any person under the provisions of this Schedule, and if so, the amount of that compensation, regard shall be had to—
  - (a) the nature of his office or employment;
  - (b) the conditions upon which his appointment was made;
  - (c) the duration of his service;
  - (d) any additional emoluments which he acquires by virtue of this Act, or of anything done in pursuance or in consequence of this Act;
  - (e) the emoluments which he has, or might have, acquired by accepting other employment offered him by the Board, or by the authority, company or person from whose service he was transferred to the Board; and
  - (f) all the other circumstances of his case :

Provided that in no case shall the compensation payable exceed the amount which under the Acts and Rules relating to Her Majesty's Civil Service and in force on the thirteenth day of August, eighteen hundred and eighty-eight, would have been payable to a person on abolition of office.

- 5 In the case of an officer or servant of a local authority, the Board or the arbitrator in computing the length of his service for the purposes of the award of compensation shall take into account all his service after he attained the age of eighteen years, whether under any local authority as defined in section three of the Local Government and other Officers' Superannuation Act, 1922, or under any tramway company whose undertaking has, as a whole or in part, been acquired by a local authority by whom he has been or is employed.
- 6 In the case of an officer or servant of an Underground undertaking, the Board or the arbitrator in computing the length of his service for the purpose of the award of compensation, shall take into account all his service after he attained the age of eighteen years which would, in accordance with the customary practice of the undertaking, be reckoned as service with that undertaking.

- 7 In the case of an officer or servant of any other undertaking transferred in whole or in part to the Board by this Act (other than the Metropolitan undertaking) and in the case of any person who is deemed to be an existing officer or servant by virtue of section seventy-four of this Act, the Board or the arbitrator in computing the length of his service for the purposes of the award of compensation shall take into account all his service after the age of eighteen years, being continuous service whether with the undertaking or part of the undertaking, as the case may be, in whose service he was immediately before the appointed day or with any other passenger transport undertaking which has been acquired by, or absorbed in, that undertaking.
- 8 If the appointment of an officer or servant is determined by his employer otherwise than at the expiration of a complete year of his service, the portion then expired of the current year of his service shall, if it exceeds six months, be treated as a complete year, and shall, if it does not exceed six months, be ignored.
- 9 The compensation payable to—
- (a) an officer or servant of a local authority who immediately before the appointed day held two or more posts under that authority and who devoted the whole of his time to the duties of those posts; or
  - (b) an officer or servant of an Underground undertaking who immediately before the appointed day held two or more posts under any one or more of the Underground undertakings and who devoted the whole of his time to the duties of those posts,
- shall not be reduced by reason of the fact that he has devoted only part of his time to each of those posts.
- 10 If any officer or servant was temporarily absent from his employment under any authority, company or person during the late war whilst serving in His Majesty's forces, or the forces of the allied or associated powers, either compulsorily or with the sanction of his employers, such period of temporary absence shall be reckoned as service under that authority, company or person :
- Provided that if, after the armistice, he voluntarily extended his term of service in the forces, no period of service during that extension shall be reckoned.
- 11 The Board or the arbitrator may in their discretion and in consideration of the fact that any officer or servant was appointed to his office or post as a specially qualified person add any number of years, not, however, exceeding ten, to the number of years which the claimant would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and Rules referred to in paragraph 4 of this Schedule.
- 12 Any compensation granted, whether by the Board or by the arbitrator, shall be a specialty debt due to the claimant from the Board, and may be enforced accordingly in like manner as if the Board had entered into a bond to pay it.

## FIFTEENTH SCHEDULE

Section 92.

### PROVISIONS AS TO THE MAKING AND APPROVAL OF SCHEMES APPLYING THE RAILWAYS (VALUATION FOR RATING) ACT, 1930, TO THE UNDERTAKING OF THE BOARD.

- 1 A scheme for applying the Act to the Board with any adaptations and modifications which appear to be necessary may be submitted by the Board or the Railway Assessment Authority to the Minister of Health for his approval.



*Status: This is the original version (as it was originally enacted).*

- 2 The Board or, as the case may be, the Railway Assessment Authority shall within one month after submitting the scheme forward copies thereof to the Central Valuation Committee and to such local authorities and other persons as the Minister of Health may direct, together with a notice specifying the date on which the scheme was submitted to the Minister of Health and stating that he will consider any representation with respect to the scheme which may be received by him within four months from the said date.
- 3 The Minister of Health, after considering any representation received by him within the period of four months above mentioned, may make an order either rejecting the scheme or approving it, with or without modifications.
- 4 An order approving a scheme under this Schedule shall be laid before both Houses of Parliament forthwith, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it praying that the order may be annulled, it shall thenceforth be void but without prejudice to the making of a new order.

## SIXTEENTH SCHEDULE

Section 108.

### ENACTMENTS REPEALED.

| Session and Chapter.   | Short Title.                             | Extent of Repeal.  |
|------------------------|--|--|
| 16 & 17 Vict. c. 33.   | The London Hackney Carriage Act, 1853.   | Section eleven, so far as relates to vehicles of the Board.  |
| 14 & 15 Geo. 5, c. 34. | The London Traffic Act, 1924.            | Subsections (2) to (5) of section one.<br>Sections two, six, seven and eight.<br>Subsection (1) of section ten.<br>Section fourteen and subsection (2) of section seventeen. |
| 20 & 21 Geo. 5, c. 43. | The Road Traffic Act, 1930.              | Section ninety-nine.   |
| 23 Geo. 5, c. 2        | The Expiring Laws Continuance Act, 1932. | In Part I of the Schedule, the reference to the London Traffic Act, 1924.  |