



London Passenger Transport Act 1933

1933 CHAPTER 14

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

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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 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,

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Limited, including all lands, works, and other property, powers, rights, and privileges held or enjoyed in connection therewith or 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

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- apply in respect of, any part of the undertaking of the Board other than so much thereof as represents the transferred undertaking;
- (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

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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

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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 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

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be, were calculated during the last complete financial year before the appointed day; and

- (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

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

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

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:

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

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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.