



London Passenger Transport Act 1933

1933 CHAPTER 14 23 and 24 Geo 5

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 [^{F1}the Executive].
- (2) The transfer effected by this section shall . . . ^{F2} 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, case or other liquid assets or book debts and any rights or interests of the undertakers in any other undertaking); and
 - (c) in the case of the undertaking specified in Part II of the said Schedule (in this Act referred to as “the Metropolitan undertaking”) to the whole of the undertaking including all lands, works and other property, assets, powers,

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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 [F1the Executive] 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 ^{M1}London Traffic Act 1924 consequent upon the grant of a licence under the ^{M2}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 [F1the Executive] not later than three months from the passing of this Act claim that the transfer to [F1the Executive] 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 [F1the Executive] 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 [F1the Executive] of the whole or part only of the undertaking of that company would injuriously affect the undertaking of the Premier Line, Limited, [F1the Executive] shall take over the whole undertaking of the Premier Line, Limited, including all lands, works, and other property, powers, rights, and privileges held or enjoyed in

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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 right 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.

^{F3}(3)

- (4) Subject to the provisions of this Act, [^{F1}the Executive], 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 [^{F1}the Executive], and any dispute which may arise between [^{F1}the Executive] 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 [^{F1}the Executive];
- (iii) no liability or obligation to which [^{F1}the Executive] is made subject, and no right, power or privilege vested in [^{F1}the Executive], by virtue of this section by reason of the transfer to the [^{F1}the Executive] of any undertaking shall be taken to extend to, or apply in respect of, any part of the undertaking of [^{F1}the Executive] other than so much thereof as represents the transferred undertaking;

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- (iv) [F1the Executive] 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) [F1the Executive] 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 ^{M3}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) [F1the Executive] shall not by virtue of this section be entitled to exercise any rights under section twenty-seven of the ^{M4}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 [F1the Executive];
- (viii) [F1the Executive] 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 ^{M5}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 [F1the Executive] 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 ^{M6}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 [F1the Executive], shall at the expense of the council lay down, execute and

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complete to the satisfaction of the Minister the tramways and works authorised by section fifteen of the ^{M7}Middlesex County Council Act 1925 within the period limited by that Act as extended by any subsequent enactment and for that purpose may exercise all the powers conferred and shall be subject to all the obligations imposed on the council by that Act in connection therewith;

- (xiii) the powers and obligations conferred or imposed on the Middlesex County Council by any order made by the Minister under the Light Railways Acts 1896 to 1912 in pursuance of an application made to the Minister by the council on the thirtieth day of October, nineteen hundred and thirty-one, for an order authorising the making of a light railway in the urban district of Finchley, or by any agreement made in contemplation of that order, shall remain vested in the council until the railway as defined and authorised by the order is laid down and completed, and the council, if so required by [^{F1}the Executive], 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 [^{F1}the Executive]; 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 [^{F1}the Executive] by this Act to have been vested in or imposed on the undertakers immediately before the appointed day.

Textual Amendments

- F1** Words substituted by virtue of Transport Act 1962 (c. 46), **Sch. 2 Pt. I** and Transport (London) Act 1969 (c. 35), **Sch. 3 para. 1(1)(2)(g)**
- F2** Words repealed by Statute Law Revision Act 1960 (c. 56)
- F3** S. 5(3) repealed by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

Modifications etc. (not altering text)

- C1** Unreliable marginal note

Marginal Citations

- M1** 1924 c. 34.
M2 1869 c. 115.
M3 1929 c. 23.
M4 1904 c. ccxi.
M5 1924 c. xcvi.
M6 1925 c. xciv.
M7 1925 c. xciv.

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