



Ministry of Transport Act 1919

1919 CHAPTER 50

3 Power to control temporarily railways, &c

- (1) With a view to affording time for the consideration and formulation of the policy to be pursued as to the future position of undertakings to which this section applies, the following provisions shall, unless Parliament otherwise determines, have effect for a period of two years after the passing of this Act, or where as respects any particular provision a longer period is expressly provided, for such longer period :—
- (a) Where at the passing of this Act possession has been taken of any railroad undertaking or part thereof in pursuance of section sixteen of the Regulation of the Forces Act, 1871, or otherwise, possession thereof shall be retained without any renewal of the warrant granted by the Secretary of State in pursuance of that section, upon the same terms as to compensation as those heretofore in force, and the Minister may exercise over all such undertakings all such powers as have hitherto been exercised by the Board of Trade under the said Act or with the consent of the owners of the undertakings or otherwise, and such other powers as may be conferred by this section or agreed to by the railway companies concerned :
 - (b) The Minister may, after giving not less than one month's notice in writing, take possession, in the name or on behalf of His Majesty, of the whole or any part of any other statutory railway undertaking or of any light railway or tramway undertaking (other than a tramway or a light railway used as a tramway belonging to a local authority), or of any canal or inland navigation undertaking, and, subject as hereinafter mentioned, of any harbour, dock or pier undertaking, or of any plant belonging to any such undertaking as aforesaid or used thereon (exclusive of privately owned railway wagons), and of any barges, tugs, and other craft owned or held by the undertaking of which possession has been taken : Provided that such notice as aforesaid shall not, in the event of the matter being referred to an advisory committee as hereinafter provided, be given until the committee has reported :
 - (c) The directors and other persons concerned with the management, and officers and servants of any undertaking of the whole or part of which, or of the plant whereof, possession is retained or taken shall obey the directions of the Minister as to the user thereof, and any directions of the Minister in relation

to the undertaking or part or plant thereof of which possession is retained or taken—

- (i) as to the rates, fares, tolls, dues, and charges to be charged ; subject, however, to the provisions hereinafter contained respecting references to the advisory committee established for advising as to directions on the matters aforesaid ;
- (ii) as to the salaries, wages, and remuneration and conditions of employment of persons employed on or in connexion with the undertaking ;
- (iii) as to the working or discontinuance of the working of the undertaking or any part thereof including directions as to keeping open or closing of any stations ;
- (iv) for securing that the permanent way, rolling stock, plant, appliances, or equipment, whether fixed or moveable, are satisfactory in type and design ;
- (v) as to the carrying out of alterations, improvements, and additions which the Minister considers necessary for the public safety or for the more efficient and economic working of the undertaking ;
- (vi) for securing co-operation between undertakings and for securing the common user of facilities, rolling stock and equipment whether fixed or moveable ;
- (vii) for affording running powers over their system, or any part thereof, to the owners of any other undertaking;
- (viii) for securing that manufacturing and repairing facilities and auxiliary and ancillary services shall be used, and the purchase and distribution of stores shall be conducted, in such manner as may be most conducive to economy and efficiency.

Nothing in this section shall be construed as authorising the Minister to compel the owners of any such undertaking either to incur capital expenditure, or to draw upon their reserve funds, for new works or capital improvements to an extent which would seriously interfere with their finances, it being the intention that the financing of the undertakings from a capital point of view shall remain as far as possible with the owners.

- (d) For enabling any directions given by the Minister under the last foregoing paragraph as to alterations, and improvements and additions to be carried into effect, the Minister may, by order, authorise the owners of any undertaking to acquire any land (or easements) and to construct any works, and the order may incorporate the Lands Clauses Acts, subject to such modifications as may be specified in the order, being modifications of those Acts made or authorised to be made by the Development and Road Improvement Funds Act, 1909, or any other enactment, and may incorporate or apply any of the provisions of any enactment relating to the construction, maintenance, or working of railways, light railways, tramways, canals, harbours, docks, and piers, and any such order shall have effect as if enacted in this Act: Provided that nothing-herein contained shall be deemed to empower the Minister to authorise the acquisition; otherwise than by agreement, of any land belonging to the owners of another undertaking to which this section applies, or of a local authority, or of a harbour dock or pier undertaking, but the Minister may authorise the acquisition of an easement or right of using such land for the purposes of any works the construction of which he may authorise under this section.

- (e) In the case of any undertaking of which possession is retained or taken by the Minister as aforesaid any rates, fares, tolls, dues and other charges directed by the Minister- shall be deemed to be reasonable, and may, notwithstanding any agreement or statutory provisions limiting the amount of such charges or increases therein, be charged in respect of any undertaking during the period for which the Minister retains possession of such undertaking, and for a further period of eighteen months after the expiration of the said period, or until fresh provision shall be made by Parliament with regard to the amount of any such rates, fares, tolls, dues, and other charges, whichever shall first happen :
 - (f) Notwithstanding anything contained in this Act, the rights of a consignor or consignee of goods or minerals, any trader or class of traders, or any port or harbour authority or dock company to complain to the Railway and Canal Commission under the Railway and Canal Traffic Acts, 1854 to 1913, in respect of undue preference or undue disadvantage or allowances or rebates in relation to the provision of station accommodation or terminal services shall not be deemed to be affected, and it shall be no answer to any such complaint that the railway company in respect of which the complaint is made was acting under the directions of the Minister.
- (2) Subject as aforesaid, any agreement made between the owners of any undertaking, of the whole or part of which possession has been retained or taken under this section, and any other person shall continue in force in like manner as if such possession had not been so retained or taken, unless the Minister considers that such agreement is contrary to the public interest, and in that case he may suspend or modify the operation of such agreement during the period of such possession and for a period not exceeding eighteen months thereafter, and any party to the agreement who suffers loss or injury by reason of such suspension or modification, and any person who, by virtue of any special statutory provision or agreement, is entitled to the benefit of any special rate, fare, toll, due, or other charge, and whose position relatively to other persons is prejudiced by any direction of the Minister altering such special charge, shall be entitled to receive such compensation as, in default of agreement, maybe determined by the Railway and Canal Commission, regard being had to any change in circumstances.
- (3) The exercise by the Minister of any of his powers under this section as respects any tramway or light railway used as a tramway which a local authority, or two or more local authorities, have power to purchase under any Act of Parliament or order having the effect of an Act of Parliament shall not affect such right of the local authority, or authorities, and upon the purchase thereof such tramway or light railway shall cease to be in the possession of the Minister.
- (4) Nothing in this section shall be deemed to exempt from any local rate or assessment any undertaking to which this section applies.
- (5) For the purposes of this Act, possession so taken or retained as aforesaid shall confer on the Minister such rights of control and direction as may be necessary for the exercise of his powers under this Act, but shall not confer on him any rights of ownership.