



Croydon Tramlink Act 1994

1994 CHAPTER xi

PART IV

MISCELLANEOUS AND GENERAL

50 Transfer of functions

- (1) The Secretary of State may by order provide that all or any of the functions of the Corporation arising under this Act shall be transferred to and vested in any other person.
- (2) A transfer order may be made so as to transfer and vest such functions in a person for such period as may be specified in that order or for so long as the order remains in force.
- (3) Without prejudice to the power of the Secretary of State to revoke or amend a transfer order, a transfer order may specify circumstances in which that order shall cease to have effect before the expiry of any period specified in any such order.
- (4) A transfer order may include such supplementary, incidental, transitional and consequential provisions as the Secretary of State may consider to be necessary or expedient.
- (5) Upon expiry of any period specified in a transfer order in accordance with subsection (2) above or upon a transfer order being revoked or otherwise ceasing to have effect, the functions of the Corporation which were transferred by that order shall, by virtue of this subsection but subject to the effect of any further transfer order, be transferred to and vested in the Corporation but such vesting in the Corporation shall not make the Corporation subject to any of the liabilities of the person in whom those functions had previously been vested (other than liabilities which arise pursuant to any undertaking given to a Parliamentary Committee during the passage through Parliament of the Bill for this Act or any undertaking or agreement given to a person in consideration of his refraining from opposition to that Bill).
- (6) Notwithstanding the provisions of section 50 (2) of the Fair Trading Act 1973 the Director General of Fair Trading may make a monopoly reference, within the meaning

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of that Act, in respect of services consisting of the carriage of passengers or goods by rail on the authorised railways at any time during which the functions of the Corporation under this Act in respect of the provision of any of those services have been transferred to and are vested in any other person by virtue of a transfer order.

(7) Subject to subsection (8) below, while the functions of the Corporation under this Act in respect of the provision of passenger services are vested in a transferee by virtue of a transfer order, it shall be the duty of the Committee to consider and, where it appears to them to be desirable, make recommendations with respect to any matter affecting such services which is—

- (a) the subject of representations (other than representations appearing to the Committee to be frivolous) made to the Committee by or on behalf of users of those services; or
- (b) referred to the Committee by the Secretary of State or by the transferee; or
- (c) in the opinion of the Committee a matter to which consideration ought to be given;

and copies of the minutes, conclusions and recommendations of the Committee shall be sent to the Secretary of State, the transferee and to such person as may be directed by the Secretary of State.

(8) (a) Subsection (7) above shall apply only after the opening for passenger services of the railway comprised within the authorised works and nothing in that subsection shall entitle the Committee to consider the charges made for any services, or to consider any question relating to the discontinuance or reduction of railway services or, subject to paragraph (b) below, any matter which is the subject of a monopoly reference by the Director General of Fair Trading pursuant to subsection (6) above.

- (b) Nothing in subsection (8) (a) above shall affect consideration under section 81 of the Fair Trading Act 1973 of any representations made by the Committee pursuant to that section or preclude the Committee from being heard orally under that section.

(9) The power to make a transfer order shall be exercisable by statutory instrument.

(10) The Secretary of State may recover from the Corporation payment of administrative costs reasonably incurred by him in connection with an application for an order under this section and, where the order is made, in connection with the making of the order subject to a maximum payment of £5,000 in respect of the application for and making of any such order.

(11) In this section—

- “the Committee” means the London Regional Passengers' Committee;
- “functions” includes powers, duties and obligations;
- “transferee” means the person to whom the functions of the Corporation under this Act in respect of the provision of passenger services have been transferred by virtue of a transfer order; and
- “transfer order” means an order made under this section.