

[18 & 19 GEO. 5.] *London Midland and* [Ch. ci.]
Scottish Railway (Road Transport) Act, 1928.



CHAPTER ci.

An Act to empower the London Midland and
Scottish Railway Company to provide road
transport services and for other purposes.

A.D. 1928.

[3rd August 1928.]

WHEREAS it is expedient that the London Midland
and Scottish Railway Company should be em-
powered to provide transport services by road and to
apply their funds for the purposes of this Act :

And whereas the objects of this Act cannot be
attained without the authority of Parliament :

May it therefore please Your Majesty that it may be
enacted and be it enacted by the King's most Excellent
Majesty by and with the advice and consent of the Lords
Spiritual and Temporal and Commons in this present
Parliament assembled and by the authority of the same
as follows (that is to say) :—

1. This Act may be cited as the London Midland and Scottish Railway (Road Transport) Act 1928. Short title.

2. In this Act unless the context otherwise re- Interpre-
quires— tation.

the expression "the Company" means the London
Midland and Scottish Railway Company ;

the expression "merchandise" includes goods
minerals live stock and animals of all de-
scriptions ;

the expression "the Minister" means the Minister
of Transport ;

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the expression "trader" includes any person sending or receiving or desiring to send or receive merchandise by road; and

the expression "representative body of traders" includes the authorities and bodies mentioned in paragraphs (a) and (b) of subsection (1) of section 78 of the Railways Act 1921.

Provision
and use of
road
vehicles.

3. The Company may provide own work and use road vehicles to be drawn or moved by animal electrical or mechanical power in any district to which access is afforded by the system of the Company or the system of any railway committee owning or operating a railway on which committee the Company is represented and may by means of such vehicles convey by road passengers and passengers' luggage parcels and merchandise :

Provided that the Company shall not in pursuance of this Act convey by any road vehicle any passenger who on any one journey is both taken up and set down in the area consisting of the metropolitan police district and the city of London.

For protec-
tion of
transport
services of
local
authority
in own
area.

4.—(1) In this section the expression—

"local area" means a county city borough burgh or urban district;

"local authority" means the council of a local area and includes a joint board of local authorities constituted by Act of Parliament prior to the passing of this Act such joint board being deemed (a) to be the local authority of a local area consisting of the local areas of the constituent authorities of the board in respect of the tramways or omnibus services of such joint board within that area and (b) to work the tramways or provide the omnibus services of such joint board therein;

"tramway" includes "light railway" and "trolley vehicle system"; and

"tramcar" includes "trolley vehicle."

(2) If and so long as—

(a) an adequate and satisfactory service of tramcars is provided along a tramway situate in a

local area as existing at the passing of this Act which tramway is at the passing of this Act owned or worked by the local authority of such local area; or

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- (b) an adequate and satisfactory service of omnibuses is provided in pursuance of existing statutory powers in a local area as existing at the passing of this Act by the local authority of such local area

the Company shall not without the consent of the local authority of such local area run or enter into any agreement for the running of any service of road vehicles in such local area in competition with any such service of tramcars or omnibuses as the case may be except for the purpose of serving any area beyond such local area so long as no passenger conveyed by such service of road vehicles is on any one journey both taken up and set down on a route in such local area in competition with such service of tramcars or omnibuses as the case may be.

(3) Any question as to whether an adequate and satisfactory service of tramcars or omnibuses is provided as aforesaid or whether there is or would be such competition as aforesaid shall be determined by the Minister whose decision shall be final.

(4) The tramways in the county of Middlesex now belonging to the Metropolitan Electric Tramways Limited in respect of which powers relating to the future purchase thereof have been conferred upon the council of that county shall for the purposes of this section be deemed to be tramways owned by that council.

(5) Where a local area will be altered by virtue of an Act passed in the present session the alteration shall for the purposes of this section be deemed to have been made before the passing of this Act.

5. The Company shall not permit any road vehicle run in pursuance of this Act to use any bridge maintainable by the Company or any railway committee on which the Company is represented the use of which under like circumstances is prohibited by the Company or such committee to similar vehicles which are not run in pursuance of this Act.

As to use of bridges of Company.

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Services to be notified to and not to be withdrawn without consent of Minister.

6.—(1) When any regular service (including an experimental service) of road vehicles has been provided by the Company under this Act the Company shall forthwith give notice thereof to the Minister for the purposes of record.

(2) No service in respect of which such notice has been given (other than an experimental service) shall be withdrawn until the Company shall have published notice of intention to withdraw such service in the London Gazette and in such other manner as the Minister shall prescribe stating the mode in which and the time within which objection to such withdrawal may be made by any representative body of traders or any local authority (including a county council) in whose area such service is provided and if any such objection shall be made and is proceeded with the service to which such objection relates shall not be withdrawn without the consent of the Minister.

(3) A regular service of road vehicles which is provided for a particular part of every year shall not be deemed to be withdrawn so long as it is run for the same or substantially the same part of every consecutive year.

(4) If the Company withdraw any regular service of road vehicles (other than an experimental service) without the consent of the Minister they shall for each offence and in the case of a continuing offence for every day during which the offence continues after conviction be liable on summary conviction to a fine not exceeding five pounds.

(5) Any question as to whether a service is a regular service or is an experimental service shall be determined by the Minister.

Restriction on manufacture of road motor vehicles.

7. The Company shall not manufacture or apply their funds to the manufacture of any part of any road motor vehicle provided under this Act other than the body of such vehicle.

Fares rates and charges.

8.—(1) The Company may demand and take in respect of traffic conveyed in pursuance of this Act such reasonable fares rates and charges as they may think fit.

(2) In cases where a regular service of road vehicles is provided by the Company for the conveyance of

merchandise a record of the rates and charges for such conveyance for the time being demanded and taken by the Company shall be kept at the railway station or depôt of the Company at which or nearest to any place at which merchandise is accepted for conveyance by such service and such record shall during all reasonable hours be open to the inspection of any person interested without the payment of any fee :

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—

Provided that if the Company fail to comply with the provisions of this subsection they shall for each offence and in the case of a continuing offence for every day during which the offence continues after conviction be liable on summary conviction to a fine not exceeding five pounds.

(3) If any local authority (including a county council) interested in any of the passenger fares charged in connection with a road service provided by the Company shall consider any of such fares to be unreasonable or if any representative body of traders shall consider the said rates or charges as so recorded or any of them to be unreasonable or if any trader interested in any particular rate or charge as so recorded shall consider that rate or charge to be unreasonable such authority body or trader may from time to time apply to the railway rates tribunal (in this section referred to as "the tribunal") to reduce the said fares rates or charges or the particular fare rate or charge in respect of which complaint shall be made and such application shall be published in such manner as the tribunal may prescribe and the tribunal after hearing all parties whom they consider entitled to be heard may make such modifications in the said fares rates and charges or any of them as to the tribunal may seem just and shall fix a day upon which the modifications are to come into force.

(4) If after any such modifications shall have come into force circumstances shall arise which in the opinion of the Company render the said fares rates or charges or any of them as so modified unreasonable the Company may apply to the tribunal for a review thereof and such application shall be published in manner aforesaid and the tribunal after hearing all parties whom they consider entitled to be heard may review such fares rates and charges or any of them and make such modifications therein as to the tribunal may seem just.

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(5) Sections 22 and 26 of the Railways Act 1921 shall apply in relation to the carrying into effect of the duties and powers of the tribunal under this section.

List of fares to be exhibited.

9. A list of fares to be demanded and taken in respect of the conveyance of passengers in any road vehicle provided by the Company under the powers of this Act shall be exhibited in a conspicuous position inside such vehicle.

For protection of Postmaster-General.

10.—(1) The Company shall perform in respect of the road vehicles which they provide own work and use under the powers of this Act when being provided worked or used on a regular service and moved by electrical or mechanical power such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway to which that Act applies.

(2) Every road vehicle moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General.

Working agreements &c.

11.—(1) The Company on the one hand and any local authority company body or person owning or running road vehicles for hire or as public service vehicles for the carriage of passengers parcels or merchandise on the other hand may enter into and carry into effect agreements for all or any of the following purposes (that is to say):—

(a) The working user management and maintenance by any of the contracting parties of any road vehicles lands houses depôts buildings sheds and property provided in connection with any road transport services which the Company are empowered to provide;

(b) The supply by any of the contracting parties under and during the continuance of any such agreement of road vehicles and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

- (c) The interchange accommodation conveyance transmission and delivery of traffic conveyed or to be conveyed within any district in which the Company are empowered to provide road transport services and the payment collection and apportionment of the fares rates and charges and other receipts arising from any such service : A.D. 1928.
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Provided that as regards an agreement made between the Company and a local authority in pursuance of this section nothing in this section shall authorise the provision or maintenance of a road transport service under such agreement by the contracting parties or either of them except—

- (i) upon routes along which the local authority have powers under or in pursuance of an Act of Parliament to provide omnibus services; and
- (ii) subject to any statutory limitations restrictions or obligations imposed on the local authority in respect of the exercise of such powers.

(2) In order to provide or facilitate the provision of funds for the establishment or maintenance of a road transport service under an agreement made for any of the purposes specified in paragraph (a) or paragraph (b) of subsection (1) of this section and to the extent requisite therefor the Company may (i) contribute any moneys which may be necessary (ii) hold stock shares and securities of any of the contracting parties and (iii) guarantee the dividends or interest on stock shares and securities of any of such parties.

(3) Forthwith after the making of any agreement under this section the Company shall give notice thereof to the Minister specifying the names of the parties thereto and whether or not such agreement is an agreement whereby the business of any company body or person is controlled by the Company through shareholding or nomination of directors or as the result of a loan or other financial transaction or otherwise.

(4) Any road transport service provided by a company body or person whose business is for the time being controlled by the Company whether through shareholding or nomination of directors or as the result of a loan or other financial transaction or otherwise shall

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A.D. 1928. — for the purposes of the sections of this Act of which the marginal notes are “ For protection of transport services of local authority in own area ” “ Services to be notified to and not to be withdrawn without consent of Minister ” “ Fares rates and charges ” and “ List of fares to be exhibited ” be deemed to be a road transport service provided by the Company.

(5) Nothing in this section shall authorise the making of an agreement for providing working or using road vehicles for the conveyance of passengers who on any one journey are both taken up and set down in the area consisting of the metropolitan police district and the city of London.

Road transport services &c. to be ancillary business.

12. The provision owning working and use of vehicles by the Company in pursuance of this Act and the provision of funds the holding of stock shares and securities and the payment of moneys under any guarantee under or in pursuance of this Act shall be deemed to form an ancillary or subsidiary business carried on by the Company within the meaning of subsection (6) of section 59 of the Railways Act 1921.

Provision in case of exercise of powers of Act being in opinion of Minister against public interest.

13. If the Minister is at any time of opinion that the interests of the public are prejudicially affected by the exercise of the powers of this Act he may give to the Company notice in writing thereof and of the reasons upon which that opinion is founded and may direct a public inquiry to be held at which all parties whom he considers entitled to be heard shall be given an opportunity of being heard. If after such inquiry the Minister shall still be of the said opinion and the Company shall not within such period as he may direct make provision to his satisfaction for the protection of the interests of the public then the Minister shall report to both Houses of Parliament.

Accounts and statistics.

14.—(1) The accounts to be rendered by the Company under the Railway Companies (Accounts and Returns) Act 1911 shall include particulars—

(a) of receipts and expenditure of the Company in respect of the provision owning working and use of vehicles by them in pursuance of this Act;

(b) of the amount of any funds provided and stock shares and securities held by the Company under or in pursuance of the section of this Act of which the marginal note is "Working agreements &c." and of the revenue arising from any funds so provided and stock shares and securities so held; and

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(c) of moneys paid by the Company under any guarantee under the said section.

(2) The Company shall also prepare and furnish annually to the Minister in such form as he may prescribe a statement of account relating to the ancillary or subsidiary business established under this Act and shall include therein an account of the net revenue resulting from such business and of the capital employed therein.

(3) The said particulars and statement of account shall be compiled in such manner as may be determined under the provisions of section 77 of the Railways Act 1921 and that section (other than subsection (2) thereof) shall apply to such particulars and statement of account and to the Company in respect thereof.

(4) The Company shall compile and render to the Minister the statistics and returns set out in the schedule to this Act subject to such variations thereof as may from time to time be agreed between the Minister and the Company or as may be determined by the Minister after reference to and considering the report thereon by the committee referred to in subsection (1) of the said section 77 and subsection (3) of that section shall apply to such statistics and returns and to the Company in respect thereof.

15. The Company may apply their funds to the purposes of this Act and may appropriate and apply to such purposes being purposes to which capital is properly applicable any of the moneys which they have raised or are authorised to raise and which may not be required for any purpose to which they are by any existing Act made specially applicable.

Application of funds.

16. For the protection of the county council of the administrative county of the county palatine of Lancaster and the mayor aldermen and burgesses of the borough of St. Helens (each of whom is in this section referred to as "the council") the following provisions

As to proposed Liverpool and East Lancashire new road.

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— (Liverpool and East Lancashire New Road) Order 1927
and the St. Helens Corporation (Liverpool and East
Lancashire New Road) Order 1927 shall be confirmed
with or without alteration (that is to say) :—

For the purposes of the construction and mainten-
ance of the proposed Liverpool and East
Lancashire new road the Company shall grant
to the council at the expense in all things of the
council all such powers facilities and rights for
the construction and maintenance of the neces-
sary works over or under the railways of the
Company and of the approaches to such works
at the points more particularly described in the
said Orders as submitted to the Minister as shall
be consistent with the efficient carrying on of
the undertaking of such railways and on and
subject to such terms and conditions (which
shall in no case involve any expense to the
Company) as shall be agreed between the Com-
pany and the council or as failing such agree-
ment the Minister shall determine to be reason-
able and proper and shall by order direct and
the Minister is hereby empowered to make any
such order.

Saving for
existing
Acts &c.

17.—(1) Nothing in this Act (except the section
thereof of which the marginal note is “ Repeal ”) shall
exempt the Company from the provisions of any Act of
Parliament passed or to be passed or of any order bye-
law regulation or scheme made or to be made thereunder
nor shall anything in this Act limit extend or affect the
operation of section 49 of the Railways Act 1921.

(2) Without prejudice to the generality of the pro-
visions of subsection (1) of this section nothing in this
Act shall affect the powers under the London Traffic Act
1924 or any Act amending the same of the Minister or
any licensing authority or shall confer on the Company
any privilege or exemption in relation to the exercise of
those powers.

Inquiries by
Minister.

18. (1) In respect of the exercise of any powers or
duties conferred on the Minister or the giving by him of
any consents under this Act the provisions of Part I of
the Board of Trade Arbitrations &c. Act 1874 shall apply

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as if the Minister were referred to therein in lieu of the Board of Trade and as if in section 4 of that Act the words "under the seal of the Minister of Transport" were substituted for the words "by writing under the hand of the President or of one of the secretaries of the Board." A.D. 1928. —

(2) The provisions of section 20 of the Ministry of Transport Act 1919 shall apply to all inquiries held or to be held by the Minister under this Act as though such inquiries were held for the purposes of that Act.

19. The following enactments are hereby repealed:— Repeal.

The Furness Railway Act 1899—

Section 20 (Company may provide work and use coaches &c.).

The North Staffordshire Railway Act 1904—

Section 27 (Company may run motor cars &c.).

The London and North Western Railway Act 1909—

Section 16 (Power to provide road vehicles &c.);

Section 17 (Conveyance of mails by road vehicles);

Subsection (3) of section 18 (For protection of corporation of Liverpool).

The Stratford-upon-Avon and Midland Junction Railway (Various Powers) Act 1910—

Section 40 (Power to provide road vehicles &c.); and

Section 41 (Conveyance of mails by road vehicles).

20. This Act shall not extend to Northern Ireland. Extent of Act.

21. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company. Costs of Act.

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The SCHEDULE referred to in the
foregoing Act.

STATISTICS AND RETURNS.

Passenger Services :

- | | |
|---|-------------|
| (1) Number of vehicles classified according to
type and mode of traction - - - | Six monthly |
| (2) Vehicle miles - - - - - | Monthly |
| (3) Passenger journeys and receipts - - | Monthly |

Goods Services :

- | | |
|---|-------------|
| (1) Number of vehicles classified in capacity
groups and according to mode of traction | Six monthly |
| (2) Vehicle miles - - - - - | Monthly |
| (3) Tons and receipts - - - - - | Monthly |

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