



# Transport Act 1968

## 1968 CHAPTER 73

An Act to make further provision with respect to transport and related matters. [25th October 1968]

**B**E IT ENACTED by the Queen'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:—

### PART I

#### INTEGRATION OF FREIGHT TRANSPORT SERVICES

##### *The National Freight Corporation*

1.—(1) There shall be constituted in accordance with the provisions of Schedule 1 to this Act a public authority to be called the National Freight Corporation (hereafter in this Act referred to as “the Freight Corporation”), and it shall be the duty of the Corporation—

Establishment  
and general  
duty of  
Freight  
Corporation.

(a) so to exercise their powers under or by virtue of this Act as, in conjunction with the Railways Board—

(i) to provide, or secure or promote the provision of, properly integrated services for the carriage of goods within Great Britain by road and rail ; and

(ii) to secure that, in the provision of those services, goods are carried by rail whenever such carriage is efficient and economic,

and in discharging their duty under sub-paragraph (ii) of this paragraph, to have due regard to any indication of the needs of the person for whom the goods in question are to be carried and to the nature of the goods ;

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- (b) in connection with those services, to provide such other services and facilities as appear to the Corporation to be expedient; and
- (c) to have due regard, as respects all those transport and other services and facilities, to efficiency, economy and safety of operation.

(2) The railway services which it is the duty of the Railways Board under section 3(1) of the Act of 1962 to provide shall cease to include any such services as are mentioned in subsection (1)(a) of this section which the Freight Corporation have power to provide; but the foregoing provisions of this subsection shall not affect the powers of the Board to provide such services and—

- (a) it shall be the duty of the Corporation and the Board to co-operate with one another in the exercise and performance of their respective functions so as to secure the proper discharge of the Corporation's duty under the said subsection (1)(a); and
- (b) for the purposes of such co-operation, the Corporation and the Board shall have power to enter into such arrangements with one another with respect to the exercise and performance of their respective functions on such terms as may appear to them to be expedient;

and where, for the purposes of the implementation of any agreement between the Corporation or a subsidiary of theirs and any other person for the conveyance of goods wholly or partly by rail, anything is done or falls to be done by the Railways Board or a subsidiary of that Board, the Board or that subsidiary of the Board shall be deemed to be a party to the agreement and shall have the like rights and be subject to the like liabilities under the agreement as if the agreement had been made by the Corporation or that subsidiary of the Corporation and the Board or that subsidiary of the Board acting jointly.

(3) Nothing in subsection (1) or in paragraph (a) of subsection (2) of this section shall be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Freight Corporation or, as the case may be, the Railways Board would not otherwise be subject.

2.—(1) Subject and without prejudice to the provisions of, or of any enactment applied by, sections 47 to 52 of this Act, the Freight Corporation shall have power—

- (a) to carry goods by road, whether in or outside Great Britain;
- (b) to enter into arrangements with the Railways Board for the conveyance of goods by the Board, whether

General  
powers of  
Freight  
Corporation.

as agents of the Corporation or otherwise, on such terms as may be provided for in the arrangements—

- (i) by rail, whether in vehicles provided by the Corporation or by the Board or by some other person ;
  - (ii) by means of any transport services provided by the Board in pursuance of their powers under section 5 of the Act of 1962 ;
- (c) to act as agent for the Railways Board for the purposes of any services for the carriage of goods provided by the Board ;
- (d) to provide—
- (i) the like transport services by sea as immediately before the appointed day for the purposes of section 4(1) of this Act were provided by any of the bodies to whose securities that section relates ;
  - (ii) with the consent of the Minister, any other transport services by sea ;
- (e) with the consent of the Minister, to provide transport services by hovercraft ;
- (f) to consign goods on behalf of other persons from or to any place, whether in Great Britain or elsewhere ;
- (g) to store goods which have been or are to be carried by the Corporation, the Railways Board or a subsidiary of the Corporation or that Board, and—
- (i) so far as any premises provided by the Corporation for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods ;
  - (ii) with the consent of the Minister, to provide such facilities at any other premises ;
- (h) to enter into and carry out agreements with any person engaged in the provision of services for the carriage of goods, by whatever form of transport, for co-ordinating the activities of that person with those of the Corporation, and in particular for the provision of combined services for the through carriage of goods, whether by the same or partly by one and partly by another form of transport, for the quoting of through rates, and for the pooling of receipts or expenses ;
- (j) to join with any person engaged as mentioned in paragraph (h) of this subsection in forming, promoting and assisting a company for carrying on any activities

## PART I

in connection with such combined services as are so mentioned which the Corporation or that person have power to carry on ;

- (k) either alone or together with any other person, to provide, maintain and operate depots for the sorting of goods, with facilities for the reception, storage, weighing and handling of goods and for compliance with the requirements of the enactments relating to customs and excise ;
- (l) to operate harbours ;
- (m) to let for hire any vehicle, vessel or other means of transport owned by them ;
- (n) with the consent of the Minister, to carry on any activities which the Corporation would not apart from this paragraph have power to carry on but which a subsidiary of the Corporation was carrying on immediately before it became such a subsidiary.

(2) The Freight Corporation shall not be regarded as common carriers in respect of any of their activities.

Financial provisions with respect to Freight Corporation.

3.—(1) Subject and without prejudice to the provisions of section 41 of this Act, the following provisions of the Act of 1962, namely—

- (a) section 18 (financial duty of Boards) ;
- (b) section 19 (borrowing powers of Boards) ;
- (c) section 20 (loans out of National Loans Fund) ;
- (d) section 21 (Treasury guarantees) ; and
- (e) section 24 (accounts),

shall apply to the Freight Corporation as they apply to the Boards.

(2) The Freight Corporation shall assume a commencing capital debt in accordance with the provisions of Schedule 2 to this Act.

(3) The aggregate amount outstanding in respect of—

- (a) the principal of any money borrowed by the Freight Corporation under section 19 of the Act of 1962, and
- (b) the Corporation's commencing capital debt,

shall not exceed £200 million or such greater sum not exceeding £300 million as the Minister may from time to time by order specify ; but no order shall be made under this subsection unless a draft thereof has been approved by a resolution of the Commons House of Parliament.

*Transfers of assets, etc.*

## PART I

- 4.—(1) On the appointed day for the purposes of this sub-section—
- Transfer to Freight Corporation of certain securities, rights and liabilities.
- (a) the securities of the bodies listed in Part I of Schedule 3 to this Act, so far as beneficially owned on that day by the Holding Company or by any wholly-owned subsidiary of that Company, and
  - (b) the securities of the bodies listed in Part II of that Schedule, so far as beneficially owned on that day by the Railways Board, and
  - (c) any rights or liabilities on that day of that Company or subsidiary or, as the case may be, of that Board regarding the securities of any of those bodies, and
  - (d) the right to any money owed on that day to that Company or subsidiary or, as the case may be, to that Board by any of those bodies, and
  - (e) the liability represented by any money owed on that day by that Company or subsidiary or, as the case may be, by that Board to any of those bodies, and
  - (f) any rights and liabilities of that Company on that day in connection with B.R.S. Federation Limited, and
  - (g) any rights and liabilities of the Holding Company by virtue of paragraph 5(a) or (d) of Schedule 5 to the Act of 1962,

shall, subject to subsection (3) of this section, be transferred to, and by virtue of this Act vest in, the Freight Corporation.

(2) The Minister may by order made not later than the appointed day aforesaid add to Part I or Part II of the said Schedule 3 any body not for the time being listed in that Part if the Minister is satisfied—

- (a) that the activities of the body are similar to those of the bodies for the time being listed in one or other of those Parts ; and
- (b) that the Holding Company or a wholly-owned subsidiary of that Company or, as the case may be, the Railways Board are for the time being the beneficial owners of any securities of that body.

(3) Where any of the securities aforesaid are beneficially owned as mentioned in paragraph (a) or (b) of subsection (1) of this section but held by a nominee, that subsection shall operate only to transfer the beneficial interest in the securities ;

## PART I

and paragraphs (d) and (e) of that subsection shall not apply to money owed in the ordinary course of trading.

(4) The rights and liabilities of the Holding Company under such agreements for the rendering of personal services by persons who immediately before the appointed day aforesaid are employed by the Holding Company as may be determined in accordance with arrangements agreed between that Company and the Corporation before that day or, in default of such agreement, in accordance with such arrangements as the Minister may before that day direct, shall on that day be transferred to, and by virtue of this Act vest in, the Corporation.

(5) Paragraph 2(3) and (4) of Schedule 4 to this Act shall apply to any transfer under subsection (4) of this section, and paragraphs 7 to 13 of that Schedule shall apply to any transfer under that subsection or subsection (1) of this section.

Formation  
by Railways  
Board of,  
and transfer  
to Freight  
Corporation  
of shares in,  
subsidiary  
companies.

5.—(1) The Railways Board shall take steps to the satisfaction of the Minister to effect, not later than two days before the appointed day for the purposes of the transfer referred to in subsection (3)(b) of this section, the separation from the remainder of their undertaking of those parts thereof concerned respectively with—

- (a) the carriage of freightliner containers and other high capacity containers (other than container traffic consigned from private railway sidings); and
- (b) the following activities, namely—
  - (i) the carriage of the freight traffic commonly known as rail sundries traffic; and
  - (ii) the collection and delivery of goods by road otherwise than by way of such carriage as is mentioned in paragraph (a) of this subsection,

but excluding the provision of rail vehicles for, and the haulage by rail of, the containers referred to in paragraph (a) or, as the case may be, the traffic referred to in paragraph (b)(i) of this subsection; and the Board shall from time to time furnish the Minister with such information as he may require with respect to the property, rights and liabilities which the Board propose to treat as included in each respectively of those parts of their undertaking, and the Minister may give directions to the Board as to the property, rights and liabilities to be so treated.

(2) The Railways Board shall secure that, not later than two days before the appointed day aforesaid, two wholly-owned subsidiaries of the Board are formed of which—

- (a) one (hereafter in this section referred to as “the freightliner company”) shall be formed with the object of

carrying on such activities as are mentioned in subsection (1)(a) of this section; and

- (b) the other (hereafter in this section referred to as “the freight sundries company”) shall be formed with the object of carrying on such activities as are mentioned in subsection (1)(b) of this section;

and all securities of those companies shall be issued, as the Railways Board may direct (after consultation, in the case of fifty-one per cent. in nominal value of the securities of the freightliner company and in the case of all the securities of the freight sundries company, with the Freight Corporation), to the Board or to such other person or persons as the Board may nominate to hold them.

(3) Subject to subsection (4) of this section—

- (a) on the day before the appointed day aforesaid there shall be transferred to, and by virtue of this Act vest in, the freightliner company and the freight sundries company respectively all the property, rights and liabilities comprised in the part of the Railways Board's undertaking referred to in paragraph (a) or, as the case may be, paragraph (b) of subsection (1) of this section; and
- (b) on the appointed day there shall be transferred to, and by virtue of this Act vest in, the Freight Corporation the aforesaid fifty-one per cent. of the securities of the freightliner company and all the securities of the freight sundries company.

(4) Schedule 4 to this Act shall apply to any transfer under paragraph (a), and paragraphs 7 to 13 of that Schedule shall apply to any transfer under paragraph (b), of subsection (3) of this section, and the said paragraph (a) shall have effect subject to the provisions of that Schedule; and, in the case of any securities held by any person other than the Railways Board, the said paragraph (b) shall operate only to transfer the beneficial interest in those securities.

(5) For the period of five years beginning with the appointed day aforesaid the Minister may make to the Freight Corporation grants of such amount for each respectively of those years payable in such manner as the Minister may with the approval of the Treasury determine towards any loss which it is estimated will be incurred in that year by the Corporation or the freight sundries company in the carrying on of such activities as are referred to in subsection (1)(b) of this section; but the aggregate amount of those grants shall not exceed £60 million.

## PART I

*The Freight Integration Council*The Freight  
Integration  
Council.

6.—(1) There shall be established in accordance with this section a Freight Integration Council, and, without prejudice to section 162(2) of this Act, it shall be the duty of the Council to consider any matter relating to the provision and operation by the relevant transport authorities (that is to say, the Freight Corporation, the Railways Board, the Docks Board, the Waterways Board, the Scottish Group, the British Overseas Airways Corporation, the British European Airways Corporation, the British Airports Authority and the Postmaster General) and by the subsidiaries of those authorities of an integrated freight transport service, being a matter—

- (a) which is referred to the Council for their consideration by the Minister or by any of the relevant transport authorities or, being a matter relating to the Scottish Group, by the Secretary of State ; or
- (b) which appears to the Council without any such reference to be a matter which requires or may require consideration by the Minister or, being a matter relating to the Scottish Group, by the Secretary of State,

and, where it appears to the Council to be desirable, to make recommendations with respect to that matter to the Minister, and, where that matter relates to the Scottish Group, to the Secretary of State ; and—

- (i) the Minister may give to the Freight Corporation, the Railways Board, the Docks Board or the Waterways Board, and
- (ii) the Secretary of State may give to the Scottish Group, such directions as appear to him to be requisite in consequence of any recommendation of the Council. [a]

(2) The Council shall consist of—

- (a) a chairman and not more than four other members appointed by the Minister from among persons appearing to him to have had wide experience of, and to have shown capacity in, industrial, commercial, financial or economic matters, applied science, or administration ;
- (b) the chairman of the Freight Corporation ;
- (c) the chairman of the Railways Board ; and
- (d) two members who shall be appointed by the Minister—
  - (i) after consultation with such as appear to him to be appropriate of any organisations appearing to him to represent a substantial number of persons in relevant employment, that is to say, persons who

[a] S.6.(1) am - 1969 C. 48. S. 76 Sch. 4 para. 88



are, or who are due on a transfer and vesting by virtue of this Act of any property, rights or liabilities to become, employed by, or by a subsidiary of, the Railways Board or the Freight Corporation; and

(ii) from among persons appearing to him to have had wide experience of, and to have shown capacity in, the organisation of persons in such employment;

and if any matter affecting any other of the relevant transport authorities arises for consideration by the Council, the Council, ~~\* except where that authority is the Postmaster General, may invite the chairman of that authority to act as a member of the Council in considering that matter\* or, where that authority is the Postmaster General, may invite him to appoint a representative~~ ~~so to act.~~

\* Rep - 1970.  
48.5.76, Sch.  
4 para. 88.

(3) The Minister may, if he thinks fit, appoint any other person (who shall not be or act as a member of the Council) to assist the Council in their work.

(4) The persons appointed under subsection (2)(a) or (d) of this section shall hold and vacate office in accordance with their terms of appointment and shall, on ceasing to hold office, be eligible for reappointment; but any such person may at any time by notice in writing to the Minister resign his office.

(5) Any person whom the Minister proposes to appoint under subsection (2)(a) or (d) of this section shall, if requested by the Minister so to do, furnish to the Minister such information as the Minister may consider necessary for the purpose of satisfying himself that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by that person of his functions as a member of the Council.

(6) The Minister may pay to the persons appointed by him under subsection (2)(a) or (d) or subsection (3) of this section such remuneration and such travelling allowances and allowances in respect of out-of-pocket expenses as the Minister may with the approval of the Treasury determine; and the Minister shall provide the Council with such officers and servants, and such accommodation, as appear to him to be requisite for the proper discharge of the Council's functions.

(7) The Council shall make an annual report to the Minister with respect to the discharge of their functions under this section, and the Minister shall lay a copy of any such report before each House of Parliament.

(8) Section 55 of the Act of 1962 (which provides for the establishment of a Nationalised Transport Advisory Council) shall cease to have effect, and accordingly that Council shall cease to exist and any appointment of any person under that section shall terminate.

## PART I

*Redistribution of activities between Freight Corporation and Railways Board or Scottish Group*

Transfer schemes by authorities.

7.—(1) Subject to subsection (4) of this section, the Railways Board, or the Freight Corporation, or that Board and Corporation acting jointly, may as occasion seems to them to require it make schemes—

- (a) for the reorganisation, amalgamation or dissolution of any of the wholly-owned subsidiaries of the authority, or, as the case may be, of either of the authorities, by whom the scheme is made ;
- (b) for the transfer of any specified property, rights or liabilities, or of all property, rights and liabilities comprised in a specified part of their undertaking, from one to another of the following bodies, namely, the Board, the Corporation and any wholly-owned subsidiary of the Board or Corporation.

(2) Subject to subsection (4) of this section, the Freight Corporation and the Scottish Group acting jointly may as occasion seems to them to require it make schemes for the transfer of any specified property, rights or liabilities, or all property, rights and liabilities comprised in a specified part of their undertaking, from one to another of the following bodies, namely, the Freight Corporation, the Scottish Group and any wholly-owned subsidiary of that Corporation or Group ; and in relation to a scheme under this subsection any reference in subsection (4) or (5) of this section to the Minister shall be construed as a reference to the Minister and the Secretary of State acting jointly.

(3) Any scheme under subsection (1) or (2) of this section may contain such supplementary, incidental and consequential provision as may appear to the authority or authorities making it to be necessary or expedient.

(4) A scheme under this section shall not come into force unless it has been approved by the Minister or until such date as the Minister may in giving his approval specify ; and the Minister may approve a scheme either without modification or with such modifications as, after consultation with the authority or authorities by whom the scheme was prepared, he thinks fit ; but without prejudice to his powers under section 8 of this Act the Minister shall not approve any such scheme which makes provision—

- (a) for a transfer of any property, rights or liabilities which it appears to him would materially prejudice the proper discharge by the Railways Board or the Freight Corporation of their respective duties under the Act of 1962 or this Act ; or

(b) for altering the proportion of the interests to which that Board and that Corporation respectively are entitled in the company formed by virtue of section 5(2)(a) of this Act.

(5) Where in the case of a scheme made by virtue of subsection (1)(b) or subsection (2) of this section the Minister in approving the scheme under subsection (4) of this section certifies that the scheme is approved as giving effect to conclusions reported under section 45 of this Act or to a direction given under subsection (5) of that section or under section 6(1) of this Act, then, subject to subsection (7) of this section, the property, rights and liabilities in question shall on the date of the coming into force of the scheme be transferred, and by virtue of this Act vest, in accordance with the scheme.

(6) Subject to subsection (7) of this section, in the case of any scheme made by virtue of subsection (1)(b) or subsection (2) of this section to which subsection (5) thereof does not apply, the property, rights and liabilities in question shall on the date of the coming into force of the scheme be transferred, and by virtue of the scheme vest, in accordance with the scheme.

(7) Schedule 4 to this Act—

(a) shall apply to any transfer under subsection (5) of this section ; and

(b) shall apply to any transfer under subsection (6) of this section subject to any reference in that Schedule to a vesting by virtue of this Act being construed as a reference to a vesting by virtue of the scheme in question ;

and the said subsection (5) or (6) shall have effect subject to the provisions of that Schedule ; and in the application of any provision of that Schedule to a transfer affecting the Scottish Group, any reference in that provision to the Minister shall be construed as a reference to the Minister and the Secretary of State acting jointly.

8.—(1) Subject to subsection (6) of this section, the Minister may by order—

Transfer orders by Minister.

(a) transfer from one to the other any functions of the Freight Corporation or the Railways Board in connection with the carriage of goods, and for that purpose amend any of the enactments relating to those functions ;

(b) make any such provision with respect to, or to any wholly-owned subsidiary of, either of those authorities as is mentioned in paragraph (a) or (b) of subsection (1) or paragraph (b) of subsection (4) of section 7 of this Act.

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(2) Subject to subsection (6) of this section, the Minister and the Secretary of State acting jointly may by order make any such provision with respect to, or to any wholly-owned subsidiary of, the Freight Corporation or the Scottish Group as is mentioned in section 7(2) of this Act; and in relation to an order under this subsection any reference in subsection (3) or (6) of this section to the Minister shall be construed as a reference to the Minister and the Secretary of State acting jointly.

(3) Any order under subsection (1) or (2) of this section may contain such supplementary, incidental and consequential provision as may appear to the Minister to be necessary or expedient.

(4) Subject to subsection (5) of this section, in the case of an order under subsection (1) of this section making such provision as is mentioned in section 7(1)(b) of this Act, and in the case of an order under subsection (2) of this section, the property, rights and liabilities in question shall on such date as may be appointed for the purpose by the order be transferred, and by virtue of this Act vest, in accordance with the order.

(5) Schedule 4 to this Act shall apply to any transfer under subsection (4) of this section and that subsection shall have effect subject to the provisions of that Schedule; and in the application of any provision of that Schedule to a transfer affecting the Scottish Group, any reference in that provision to the Minister shall be construed as a reference to the Minister and the Secretary of State acting jointly.

(6) The power to make orders under this section shall not be exercisable so as to cause all or substantially all of the functions of the Freight Corporation in connection with the carriage of goods by land to become functions of the Railways Board or wholly-owned subsidiaries of that Board, or to cause all or substantially all of the functions of the Railways Board in connection with the carriage of goods by rail to become functions of the Freight Corporation or wholly-owned subsidiaries of that Corporation; and before making any order under this section the Minister shall—

(a) consult with the following persons, namely—

- (i) the Freight Corporation;
- (ii) in the case of an order under subsection (1) of this section, the Railways Board;
- (iii) in the case of an order under subsection (2) of this section, the Scottish Group;
- (iv) the Freight Integration Council;
- (v) such other persons, if any, as the Minister may think fit, and

Annex 991. 1968. Pt. II. p. 2109. s. 9(1).

<sup>1/</sup> thereupon the regional council for that area shall become the Passenger Transport Authority for that Area (hereafter in this Part of this Act referred to in relation to that area as "the Authority") and the Minister shall by that order provide for the establishment for that area of a Passenger Transport Executive

<sup>2/</sup> Schedule 5 to this Act

(<sup>1/</sup> <sup>2/</sup> *Subst. (S.)* (16.5.1975) by 1973. c. 65. s. 150(1), *sch. 18 para. 1(a).*)



(b) lay a draft of the proposed order before each House of Parliament,

PART I

and the order shall not be made unless the draft thereof so laid has been approved by resolution of each House of Parliament.

PART II

PASSENGER TRANSPORT AREAS

*Designation of Passenger Transport Areas and establishment and functions of Authorities and Executives*

9.—(1) If in the case of any area in Great Britain outside Greater London the Minister considers it expedient for the purpose of securing the provision of a properly integrated and efficient system of public passenger transport to meet the needs of that area, then, subject to subsection (2) of this section, the Minister may by order designate that area for the purposes of this Part of this Act by such name as may be specified in the order and shall by that order provide for the establishment of the following bodies for that area, namely—

Passenger Transport Areas, Authorities and Executives.

(a) a Passenger Transport Authority (hereafter in this Part of this Act referred to in relation to that area as “the Authority”) constituted in accordance with Part I of Schedule 5 to this Act from—

(i) persons appointed by local authorities whose areas fall wholly or partly within the area designated by the order (hereafter in this Part of this Act referred to in relation to that area as “councils of constituent areas”), being councils of counties, [county boroughs] or county districts or, in Scotland, county or town councils; and

[ ] Rep (prop) -1972 c.70 s.272(1) Sch 30.

(ii) persons appointed by the Minister;

(1) Rep (E.) (Prop) :-1972.

(b) a Passenger Transport Executive (hereafter in this Part of this Act referred to in relation to that area as “the Executive”) which shall be a body corporate with perpetual succession and a common seal consisting of—

c.70. ss 202 (2), 272(1) Sch 24 para 1 Sch 30.

(i) a Director General appointed in accordance with Part II of the said Schedule 5 by the Authority; and

(ii) not less than two nor more than eight other members so appointed by the Authority after consultation with the Director General;

and any area designated by an order under this subsection is hereafter in this Part of this Act referred to as a “designated area”.

## PART II

(2) Before making any order under subsection (1) of this section, the Minister shall consult with every such local authority as aforesaid—

(a) the whole or part of whose area falls within the area designated by the order ; or

(b) whose area is contiguous with the area so designated ]  
and the Minister shall not make such an order until he is satisfied that a reasonable opportunity to make representations with respect to the area to be designated by the order has been afforded to any person providing road passenger transport services by stage carriages within or to and from that area and has considered any representations made by any such person while that opportunity remains available ; but in the case of an order made under the said subsection (1) by virtue of section 157 of this Act for the purpose of varying or revoking a previous order under that subsection, unless the variation or revocation affects a provision of that previous order with respect to the limits of the designated area—

(i) paragraph (b) of this subsection shall not apply ; and

(ii) the Minister shall not be required to be satisfied as aforesaid.

(3) In the case of each designated area it shall be the general duty—

(a) of the Authority so to exercise and perform the functions with respect to the general policy to be followed by the Executive conferred on the Authority by the provisions of this Part of this Act, and

(b) of the Executive so to exercise and perform their functions under this Part of this Act and section 24(2) thereof with respect to the provision of passenger transport services,

as to secure or promote the provision of a properly integrated and efficient system of public passenger transport to meet the needs of that area with due regard to the town planning and traffic and parking policies of the councils of constituent areas and to economy and safety of operation ; but this subsection shall not be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Authority or Executive would not otherwise be subject.

(4) Subject and without prejudice to the express provisions of this section and Parts I and II of Schedule 5 to this Act, any order under subsection (1) of this section shall include—

(a) such provision with respect to any of the matters referred to in Part III of that Schedule, and

(1) Rep (5)  
(16.5.1975) -  
1973. c 65. ss.  
150(i), 237(i),  
sch. 18 para.  
1 (b), sch. 29.



**Annex 992. 1968. Pt. II. pp. 2110/1. s. 9(2)-(5) (7).**

<sup>1/</sup> the regional council within whose region the area designated by the order is situated and with each of the district councils in that region

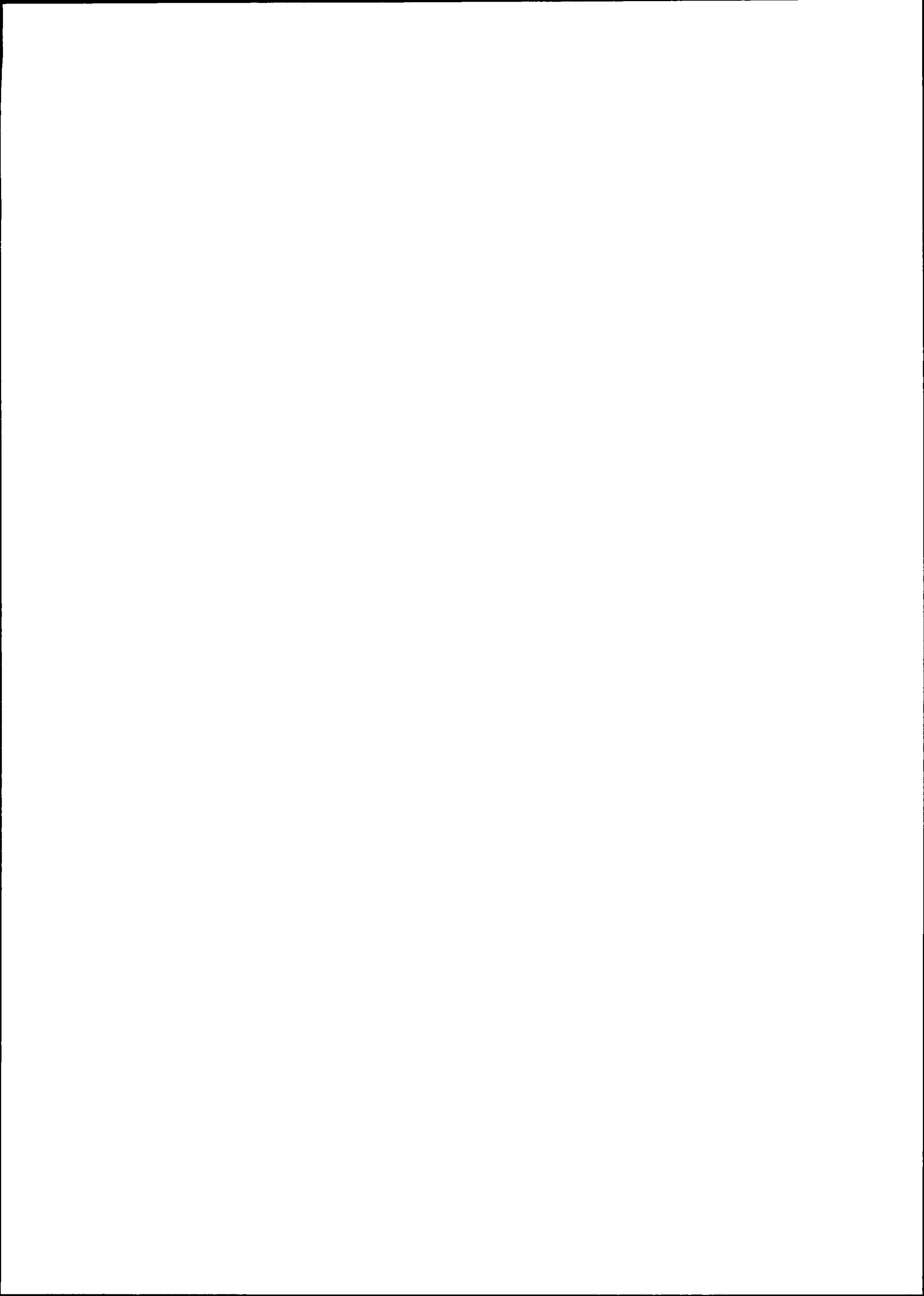
<sup>2/</sup> regions or districts whose area falls wholly or partly within the designated area

<sup>3/</sup> Part

<sup>4/</sup> each of the districts comprised in the region in which the designated area is situated

<sup>5/</sup> (7) Any reference in this Part of this Act to the councils of constituent areas shall be construed as a reference to the regional council concerned

(<sup>1/-4/</sup> *Subst. (S.)* (16.5.1975), <sup>5/</sup> *added (S.)* (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 para. 1.)



(b) such supplementary, incidental and consequential provision,

as appears to the Minister to be necessary or expedient.

(5) Each of the councils of constituent areas and each of the following bodies namely, the Authority, the Executive and any subsidiary of the Executive, shall have power to enter into and carry out agreements with one another for the giving of assistance by that council to that body or, as the case may be, by that body to that council by way of making available to the assisted party any services or facilities provided by, or any property of, the assisting party.

(6) In relation to any area in Scotland or Wales, any reference to the Minister in any provision of this Part of this Act or Schedule 5 or 6 thereto other than sections 20(6) and (7) and 21(5) shall be construed as a reference to the Secretary of State.

**10.—(1)** Subject to the provisions of this Act, the Executive for a designated area shall have power—

General powers of Executive.

(i) to carry passengers by road within, to and from that area ;

(ii) to carry passengers by any other form of land transport or by any form of water transport (including in either case hovercraft) between places in that area or between such places and any place outside that area but within the permitted distance, that is to say, the following distance from the nearest point on the boundary of that area, namely—

(a) in the case of such an other form of land transport, such distance not exceeding twenty-five miles as may be specified in the order with respect to that area under section 9(1) of this Act or, if no distance is so specified, the distance of twenty-five miles ;

(b) in the case of any form of water transport, such distance as may be specified as aforesaid ;

(iii) so far as the Executive consider requisite—

(a) in connection with the exercise of their powers under paragraph (i) or (ii) of this subsection, or

(b) in order to avoid an interruption of existing services which would otherwise result from an exercise by them of any of their functions under this Part of this Act,

to carry passengers as mentioned in the said paragraph (i) or (ii) between places outside that area ;

(iv) in any vehicle or vessel used for the carriage of passengers in pursuance of paragraph (i), (ii) or (iii)

## PART II

of this subsection, or in a trailer drawn by any vehicle so used, to carry also luggage and other goods ;

- (v) to store within that area goods which have been or are to be carried by the Executive, and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods ;
- (vi) to make payments to the Railways Board in respect of railway passenger services provided by the Board for meeting the needs of persons travelling within that area or between places in that area and places outside that area but within the permitted distance for the purposes of paragraph (ii) of this subsection ;
- (vii) with the approval of the Authority, to make arrangements with any person providing passenger transport services by air for the provision of such services between places in that area or between such places and places outside that area, and to include in such arrangements provision for the making of payments to that person by the Executive ;
- (viii) to let passenger vehicles on hire with or without trailers for the carriage of goods ;
- (ix) where an undertaking has been—
  - (a) transferred to the Executive under subsection (1) of section 17 of this Act ; or
  - (b) wholly or partly resumed by the Executive under subsection (2)(b) of the said section 17 ; or
  - (c) acquired by the Executive otherwise than under the said section 17,

to carry on (but, in a case falling within sub-paragraph (c) of this paragraph, only with the approval of the Authority) any activities which the Executive would not otherwise have power to carry on but which were carried on by that undertaking immediately before the date of that transfer, the date of the disposal which gave rise to that resumption, or the date of that acquisition, as the case may be ;

- (x) in places where persons using the services and facilities provided by the Executive may require them, to provide both for those and other persons facilities for the purchase and consumption of food and drink, places of refreshment and such other amenities or facilities as it may appear to the Executive requisite or expedient to provide ;
- (xi) at any place where the Executive, in the exercise of their powers under paragraph (x) of this subsection,

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- provide a car park, to repair motor vehicles for any persons, and to sell to any persons petrol, oil and spare parts and accessories for motor vehicles, whether or not those persons are using the car park ;
- (xii) to provide interchange facilities for the purpose of enabling passengers travelling by one means of transport to continue their journey by another ;
  - (xiii) subject to section 15(2) of this Act, to demand, take and recover or waive such charges for the services and facilities provided by them, and to make the use of those services and facilities subject to such terms and conditions, as they think fit, so, however, that, without prejudice to any other limitation on the power conferred by this paragraph subsisting by virtue of subsection (7) of this section, this paragraph shall not be construed as entitling the Executive to carry passengers by any form of land or water transport on terms or conditions which—
    - (a) purport, whether directly or indirectly, to exclude or limit their liability in respect of the death of, or bodily injury to, any passenger ; or
    - (b) purport, whether directly or indirectly, to prescribe the time within which or the manner in which any such liability may be enforced ;
  - (xiv) to construct, manufacture, produce, purchase, maintain and repair anything required for the purposes of their business ;
  - (xv) to enter into and carry out agreements with any person for the carrying on by that person, whether as agent for the Executive or otherwise, of any activities which the Executive have power to carry on, and in particular for the provision of combined services for the through carriage of passengers or goods, for the quoting of through rates, and for the pooling of receipts or expenses, to include in any such agreement provision for the making of payments to that person by the Executive, and to enter into any such agreement notwithstanding that it involves the delegation of functions of the Executive under any enactment relating to part of their undertaking ;
  - (xvi) with the approval of the Authority, ~~and the consent of the Minister,~~ to make with any person with whom they have entered into an agreement under paragraph (xv) of this subsection for the carrying on by that person of any activities arrangements for the transfer from the Executive to that person in such manner and on such terms as may be provided for by the arrangements

ERep. (S.)  
 (16.5.1975) -  
 1973. c. 65. ss.  
 150(1), 237(1),  
 sch. 18 para.  
 2(a), sch. 29.

\* REP. (E.)  
 1974 c. 7.  
 SS 35, 42(2)  
 SCH. 6 PARA.  
 22 (1) (2),  
 SCH. 8.

## PART II

of any part of the undertaking or property of the Executive relevant to the carrying on of those activities ;

- (xvii) to acquire by agreement any undertaking or part of an undertaking if the assets comprised in that undertaking or part are wholly or mainly assets which the Executive require for the purposes of their business ;
- (xviii) for the purposes of the business of the Executive, to lend money to, or give a guarantee for the benefit of, any person for the purposes of an undertaking carried on by that person, or, where that person is a body corporate, by any undertaking carried on by a subsidiary of that body corporate ;
- (xix) for the purposes of the business of the Executive, to form, promote and assist, or join with any other person in forming, promoting and assisting, a company for carrying on any activities which the Executive have power to carry on, and, where that company is a subsidiary of the Executive, to transfer to that company any part of the undertaking or property of the Executive, and to subscribe for or acquire by agreement any securities of any body corporate ;
- (xx) to acquire land by agreement—
  - (a) for the purposes of their business ; or
  - (b) with the approval of the Authority, for the purpose of adding it to and disposing of it with other contiguous land of theirs of which they propose to dispose ;
- (xxi) to develop their land for the purposes of their business in such manner as they may think fit ;
- (xxii) with the approval of the Authority—
  - (a) to develop for use by other persons any part of their land which is not required for the purposes of their business ; or
  - (b) where the use of their land for the purposes of their business can be combined with its use for other purposes, to develop the land by constructing or adapting buildings thereon for use wholly or partly by other persons ; and
  - (c) where they propose to develop any of their land as mentioned in sub-paragraph (a) or (b) of this paragraph, to acquire by agreement adjoining land for the purpose of developing it together with the other land,

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with a view to selling or otherwise disposing of any right or interest in the land or, as the case may be, the buildings or any part of the buildings, after the development is carried out ;

- (xxiii) subject, in the case of a disposal of land, to the approval of the Authority, to dispose (whether absolutely or for a terms of years) of any property which in their opinion is not required to be retained by them for the purposes of the discharge of their duty under section 9(3) of this Act, and, in particular, to dispose of an interest in, or right over, any property which, subject to the interest or right, is retained by them ;
- (xxiv) to do anything for the purposes of advancing the skill of persons employed by them or the efficiency of their equipment or of the manner in which that equipment is operated, including the provision by the Executive, and the assistance of the provision by others, of facilities for training, education and research ;
- (xxv) to provide houses, hostels and other like accommodation for persons employed by them ;
- (xxvi) to make loans to persons employed by them for the purpose of assisting those persons to acquire housing accommodation, and to guarantee loans made by building societies and other bodies to such persons for that purpose ;
- (xxvii) to invest any sums which are not immediately required by them for the purposes of their business ;
- (xxviii) to turn their resources to account so far as not required for the purposes of their business ;
- (xxix) with the approval of the Authority, to promote or oppose any Bill in Parliament ;
- (xxx) to establish and administer pension schemes and pension funds in the interest of persons who are or have been employed by the Executive and to pay pensions to or in respect of such persons, or to enter into and carry into effect agreements or arrangements with any other person for securing or preserving pension rights for such persons ;
- (xxxi) to provide for any person technical advice or assistance, including research services, as respects any matter in which the Executive have skill or experience ;
- (xxxii) to do all other things which in their opinion are necessary to facilitate the proper carrying on of their business.

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(2) For the purposes of paragraphs (v), (x), (xiv) and (xxiv) to (xxvi) of subsection (1) of this section, goods carried by, services and facilities provided by, things required for the purposes of the business of, and persons employed by, a subsidiary of the Executive or, for the purposes of the said paragraphs (v), (x) and (xiv), by a person providing bus services in the area under an agreement with the Executive or with the consent of the Executive granted under Schedule 6 to this Act shall be deemed to be goods carried by, services and facilities provided by, things required for the purposes of the business of, or persons employed by, that Executive.

1946 c. 49.

(3) If the Authority for a designated area so request in writing, the Minister may authorise the Executive for that area to purchase compulsorily any land which the Executive or any wholly-owned subsidiary of theirs require for the purposes of their business, and the Acquisition of Land (Authorisation Procedure) Act 1946 shall apply as if the Executive were a local authority within the meaning of that Act, and as if this Act had been in force immediately before the commencement of that Act.

(4) The power of purchasing land compulsorily in subsection (3) of this section shall include power to acquire an easement or other right in, over or under land by the creation of a new right ; but this subsection shall not apply to an easement or other right in, over or under any land which would for the purposes of the said Act of 1946 form part of a common, open space or fuel or field garden allotment.

1919 c. 75.

(5) The Ferries (Acquisition by Local Authorities) Act 1919 shall apply to the Executive for a designated area as if the Executive were within the meaning of that Act a local authority for that area.

1937 c. 28.

(6) Part I of the Harbours, Piers and Ferries (Scotland) Act 1937 shall apply to the Executive for a designated area as if that area were a county and the Executive were the council of that county.

(7) Each of the powers conferred by the foregoing provisions of this section shall be deemed to be in addition to, and not in derogation of, any other of them ; but it is hereby declared that those provisions relate only to the capacity of the Executive for a designated area as a statutory corporation and nothing in those provisions shall be construed as authorising the disregard by the Executive of any enactment or rule of law, or any requirement of this Part of this Act as to the approval of the Authority or the consent of the Minister for a particular exercise of any of those powers.

(8) It shall be the duty of an Executive who have a subsidiary to exercise their control over the subsidiary so as to ensure that



Annex 849. 1968. Pt. II. p. 2117. s. 11(3A).

<sup>1/</sup> (3A) Without prejudice to any power of the Executive to establish specific reserves, the Executive may establish and maintain a general reserve, and the Authority may give to the Executive directions as to any matter relating to the establishment or management of any such general reserve and the carrying of sums to the credit thereof, or the application thereof; but no part of the moneys comprised in such a general reserve shall be applied otherwise than for purposes of the Executive or a subsidiary of theirs.

*(Added (E.) (prosp.) by 1972. c. 70. s. 202(2), sch. 24 para. 2.)*

Annex 993. 1968. Pt. II. pp. 2116/7. ss. 10(6), 11(1)(3A).

<sup>2/</sup> region

<sup>3/</sup> section 13(2).

<sup>4/</sup> (3A) Without prejudice to any power of the Executive to establish specific reserves, the Executive may establish and maintain a general reserve, and the Authority may give to the Executive directions as to any matter relating to the establishment or management of any such general reserve and the carrying of sums to the credit thereof, or the application thereof; but no part of the moneys comprised in such a general reserve shall be applied otherwise than for purposes of the Executive or a subsidiary of theirs.

*(<sup>2/</sup> <sup>3/</sup> Subst. (S.) (16.5.1975), <sup>4/</sup> added (S.) (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 paras. 2(b), 3.)*



the subsidiary does not engage in activities in which the Executive have no power to engage (including activities in which the Executive have no power to engage because any requisite consent or approval has not been obtained).

(9) In the application of subsections (3) and (4) of this section to Scotland there shall be substituted—

(a) for the references to the Acquisition of Land (Authorisation Procedure) Act 1946 references to the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 c. 42. 1946 c. 49.

(b) for the references to an easement references to a servitude ;

and the reference in the said subsection (4) to a fuel or field garden allotment shall be omitted.

11.—(1) The Executive for a designated area shall so perform their functions under this Act as to ensure so far as practicable that the cumulative net balance of the consolidated revenue account of the Executive and any subsidiaries of theirs does not show a deficit at the end of any accounting period of the Executive after taking into account any amount which, at the date when that period ends, has been specified in a notice under section 13(3) of this Act in respect of expenditure incurred before that date but has not yet been received by the Executive. Financial duty of Executive.

(2) In respect of each accounting period of the Executive, the Executive shall charge to revenue account, and secure that any subsidiary of theirs so charges, all charges which are proper to be made to revenue account, including, in particular, proper provision for the depreciation or renewal of assets.

(3) The Executive may make charges to capital account representing interest on expenditure of a capital nature for any period which ends with or before the end of the accounting period in which the project or scheme to which the expenditure relates is completed. 1973

(4) The Executive shall from time to time, at such times, in such form and manner, and as respects such periods, as the Minister may after consultation with the Authority require, submit to the Minister a statement approved by the Authority of the Executive's proposals for expenditure on capital account by the Executive and any subsidiaries of theirs ; and—

(a) the Minister may from time to time by notice in writing to the Executive impose a limit on such expenditure by the Executive and their subsidiaries ; and

(b) the Executive shall secure that any such expenditure is restricted within that limit.

S. 11(4) rep. (S.)  
 (16.5.1973) - 1973.  
 c. 65, ss. 150(1),  
 237(1), sch. 18  
 para. 4, sch. 29.  
 S. 11(4) REP.  
 (E.) - 1974.  
 C. 7. SS. 35  
 42(2), SCH.  
 6. PARA. 22.  
 (1) (2), SCH. 8

\* AND S. 11(5) REP  
 (E.)-1974. S. 7.  
 SS. 35 PART II  
 SCH. 6. PARA  
 22 (3) (4) SCH. 8.

(5) If any of the councils of constituent areas so request the Executive in writing, the Executive shall send to that council a copy of any statement submitted by the Executive to the Minister under subsection (4) of this section.

Borrowing  
 powers of  
 Executive.

[And s. 11(5)  
 rep. (5.)  
 (16.5.1975) -  
 1973. c. 65. SS  
 209(i), 237(i),  
 sch 25 para.  
 42, Sch. 29.

12.—(1) The provisions of this section shall have effect with respect to borrowing by the Executive for a designated area.

(2) The Executive may borrow temporarily, by way of overdraft or otherwise, from any person such sums as they may require for meeting their obligations and discharging their functions under this Part of this Act; but the Executive shall ensure that the aggregate of the amounts outstanding in respect of any temporary loans raised by the Executive under this subsection or raised by any subsidiary of the Executive does not at any time exceed such amount as the Authority for the area may for the time being have approved.

(3) The Executive may, with the approval of the Authority for the area, borrow otherwise than by way of temporary loan from any person and in any manner such sums as the Executive may require for all or any of the following purposes, namely—

- (a) for meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets in connection with their business;
- (b) for the provision of working capital;
- (c) for acquiring an undertaking or part of an undertaking;
- (d) for the making of any payment which they are required by or under this Part of this Act to make by way of compensation or by way of such contributions as are mentioned in section 17(2)(g) of this Act;
- (e) for subscribing for or acquiring securities of a body corporate otherwise than by way of investment;
- (f) for the payment of interest charged to capital account under section 11(3) of this Act;
- (g) to pay off any debt incurred by the Executive or any liability assumed by or transferred to the Executive in pursuance of this Part of this Act;
- (h) for making any loan, or fulfilling any guarantee given, in pursuance of the powers conferred by section 10(1)(xviii) of this Act;
- (j) for any purpose for which capital moneys are properly applicable, whether or not specified in the foregoing paragraphs of this subsection;

and the Executive shall exercise their control over any subsidiary of theirs so as to ensure that the subsidiary does not borrow

**Annex 468. 1968. Pt. II. p. 2119. s. 12(7)(b).**

<sup>1/</sup> paragraph 26 of Schedule 3 to the Local Government (Scotland)  
Act 1975

*(Subst. (S.) by 1975. c. 30, s. 38(1), sch. 6 Pt. II para. 41.)*



otherwise than by way of temporary loan from any person without the approval of the Authority or for any purpose other than purposes of the subsidiary such as are specified in paragraphs (a) to (e) and (j) of this subsection or for paying off any debt incurred by the subsidiary.

(4) Each of the councils of constituent areas shall have power to lend money to the Executive and ~~with the consent of the Minister~~ to borrow money for that purpose; and where any sum is borrowed by such a council by virtue of this subsection—

- (a) the council shall ensure so far as it is reasonably practicable to do so that having regard to all the circumstances existing at the time when the loan to the Executive is made the rate of interest agreed with the Executive is such that no loss is incurred by the council in respect of that loan to the Executive;
- (b) it shall be lawful for the council to suspend for such period as they may think fit any annual provision required to be made by virtue of any enactment for the time being in force for the repayment of that sum.

(5) All moneys borrowed by the Executive shall be charged indifferently on all their revenues, and all securities created by the Executive shall rank equally without any priority; but nothing in this subsection shall—

- (a) apply to any money borrowed by way of temporary loan without security; or
- (b) affect any right to priority conferred by a security for any liability assumed by or transferred to the Executive in pursuance of this Act.

(6) The provisions of this section shall have effect subject to any order made under section 1 of the Borrowing (Control and Guarantees) Act 1946, and for the purposes of that Act and any such order the Executive shall be deemed to be a local authority within the meaning of that Act. 1946 c. 58.

(7) The Executive shall be deemed to be a local authority for the purposes of—

- (a) the enactments relating to loans by or borrowing from the Public Works Loan Commissioners;
- (b) section 203 of the Local Government Act 1933 and 1933 c. 51. <sup>1</sup> [section 278 of the Local Government (Scotland) Act 1947 c. 43. 1947] (which relieve lenders from making certain inquiries).

**PART II**  
**Power for**  
**Authority to**  
**precept for**  
**Executive.**

<sup>s</sup> 13.—(1) Subject to subsection (4) of this section, the Authority for a designated area may issue precepts to those councils of constituent areas who are rating authorities for the levying of rates by those rating authorities to produce such sums respectively as may be determined by the Authority in accordance with subsection (2) of this section, being sums of such aggregate amount as the Authority think fit—

(a) towards any deficit which has been, or which, on the basis of estimates by the Executive which have been approved by the Authority, it is estimated will be, incurred in respect of any accounting period of the Executive on the revenue account of the Executive, or on the combined revenue accounts of the Executive and any subsidiaries of theirs, other than any part of that deficit which is the subject of an undertaking given by the Authority under section 15(3) of this Act ;

(b) towards the implementation of any such undertaking as aforesaid ;

and each of those rating authorities shall pay the amount due under the precept to the Executive.

(2) Any such precept shall be so issued as to require the levying in each rating area falling wholly or partly within the designated area of a rate of such amount in the pound as will produce an amount bearing to the aggregate amount required by the Authority the same proportion as the product of a rate of [one penny] in the pound for so much of that rating area as falls within the designated area bears to the product of such a rate for the whole of the designated area ; and the rating authority for a rating area which falls only partly within the designated area may, as they think fit, levy rates to satisfy the precept either on the whole of the rating area or only on such part thereof as falls within the designated area.

(3) The Authority shall from time to time by notice in writing to the Executive specify the amounts for which the Authority propose to issue precepts under this section in respect of expenditure incurred during any accounting period.

(4) The Minister may by order made either generally or as respects a particular designated area restrict the aggregate amount for which the Authority may issue precepts under this section during any accounting period or series of accounting periods of the Executive.

(5) The power of the Minister of Housing and Local Government to make rules under section 113 of the General Rate Act 1967 shall include power to make rules with respect to precepts under this section.

One new-penny-  
subst. (15.2.1971). 1969  
c. 19. S. 10(3), Sch. 2  
para. 31.

S. 13(4) REP. (E)  
-1974. c. 7. SS  
35, 42(2),  
SCH. 6. PARA  
22(3)(4),  
SCH. 8.

1967 c. 9.



**Annex 994. 1968. Pt. II. pp. 2120/1. s. 13.**

**Power of regional councils to make grants.**

**3/ 13.—(1) Without prejudice to any other power of a regional council to make grants for transport purposes, a regional council who are the Authority shall have power to make grants to the Executive for any purpose.**

**(2) The regional council shall from time to time by notice in writing to the Executive specify the amount of the grants which the council propose to make to the Executive in respect of expenditure incurred during any accounting period.**

**(Subst. (S.) (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 para. 5.)**



(6) Section 11 of the General Rate Act 1967 shall not apply to a precept under this section ; and section 15 of that Act shall have effect for the purposes of such a precept as if any reference in that section to the precepting authority were a reference to the Executive.

PART II  
1967 c. 9.

(7) Expenditure by any rating authority to meet a precept under this section shall not be relevant expenditure of that authority for the purposes of section 1 of the Local Government Act 1966.

S. 13(7) REP.  
(E) (PROSP.)  
- 1974. c. 7.  
S. 42 (2),  
1966 c. 42. SCH. 8.

(8) In the application of this section to a rating area in Scotland—

(a) references to a precept shall be construed as references to a requisition, and references to the issue of a precept for the levying of a rate shall be construed as references to the issue of a requisition to be met by the levying of a rate ;

(b) the provisions of Part XI of the Local Government (Scotland) Act 1947 shall apply to any requisition made or rates levied under this section with such adaptations and modifications as the Secretary of State may by regulations prescribe ;

1947 c. 43.

(c) expenditure by any rating authority in paying any requisition under this section shall not be reckonable expenditure of the authority for the purposes of section 2 of the Local Government (Scotland) Act 1966.

1966 c. 51.

14.—(1) The Executive for a designated area shall—

(a) cause proper accounts and other records in relation to their business to be kept ; and

(b) prepare an annual statement of accounts in respect of such accounting period, in such form, and containing such particulars, compiled in such manner, as the (Minister) may from time to time direct.

Accounts of Executive.

2 Authority -  
Subst (E)  
(PROP) - 1972.  
c. 70. s. 202(2)  
Sch 24 para 3.  
(S) (16.5.1975) -  
1973. c. 65. s.  
150(i), sch. 18  
para. 6.

(2) The accounts of the Executive shall be audited by an auditor or auditors to be appointed annually by the Authority for the area, and any person so appointed as auditor shall be either the district auditor or some other person who is a member, or is a firm in Scotland each of the partners wherein is a member, of one or more of the following bodies, namely—

the Institute of Chartered Accountants in England and Wales ;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified and Corporate Accountants ;

the Institute of Chartered Accountants in Ireland ;

the Institute of Municipal Treasurers and Accountants ;

## PART II

1948 c. 38.

27 Rep. (S.)  
 (16.5.1975) -  
 1973 c 65. ss.  
 150(1), 237(1),  
 Sch. 18 para.  
 6(b), Sch. 29.

any other body, being a body of accountants established in the United Kingdom who are for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Board of Trade ;

and any auditor so appointed shall be entitled to require from any officer of the Executive or of any subsidiary of theirs such books, deeds, contracts, accounts, vouchers, receipts, and other documents, and such information and explanations, as may be necessary for the performance of his duties.

(3) So soon as the accounts of the Executive have been audited as aforesaid, they shall send a copy of the statement of accounts referred to in subsection (1)(b) of this section to the Minister<sup>27</sup> to the Authority for the designated area<sup>27</sup> and to each of the councils of constituent areas<sup>27</sup>, together with a copy of the report made by the auditor or auditors on that statement.

Further  
 functions of  
 Authority.

15.—(1) The Executive for a designated area shall submit to the Authority and obtain the Authority's approval of—

(a) any proposal for a major reorganisation of any transport services provided within or to and from that area ;

(b) all annual or other estimates of income and expenditure prepared by the Executive or any subsidiary of theirs ;

(c) any proposal for the development or extension of any services or facilities provided by the Executive or any subsidiary of theirs or provided in pursuance of arrangements with the Executive which involves a substantial outlay on capital account ;<sup>3</sup>

(d) any agreement proposed to be entered into by the Executive otherwise than under section 20(2)(b) of this Act with the Railways Board for the provision by the Board of any railway passenger services within, or to and from, that area ;

(2) The Executive shall obtain the approval of the Authority—

(a) before making, or authorising or consenting to the making of, any alteration in the general level of charges for the transport services or facilities provided by the Executive or any subsidiary of theirs or provided by any person in pursuance of an agreement with the Executive under section 19(2) of this Act ; and

(b) subject to section 138(1) of this Act, for any proposal of the Executive for reducing or waiving those charges in a particular case or cases of a particular class ;

and, without prejudice to subsection (4) of this section, the Authority shall before giving or withholding any approval required by virtue of paragraph (a) of this subsection have regard in particular to the extent to which their decision will affect

Annex 850. 1968. Pt. II. p. 2122. s. 15(1)(b)(c).

- <sup>1/</sup> (b) such annual or other estimates of income or expenditure of the Executive and any subsidiaries of theirs as the Authority may require to be submitted to the Authority, and any major change proposed to be made in any of those estimates after their approval by the Authority;
- (c) any proposal for expenditure by the Executive or any subsidiary of theirs, or by any other person in pursuance of arrangements with the Executive, which involves a substantial outlay on capital account.

(*Subst. (E.) (prosp.)* by 1972. c. 70. s. 202(2), sch. 24 para. 5.)

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Annex 995. 1968. Pt. II. pp. 2122/3. ss. 14(3), 15(1)(c)(2)(3).

<sup>2/</sup> and

- <sup>3/</sup> (b) such annual or other estimates of income or expenditure of the Executive and any subsidiaries of theirs as the Authority may require to be submitted to the Authority, and any major change proposed to be made in any of those estimates after their approval by the Authority;

(c) any proposal for expenditure by the Executive or any subsidiary of theirs, or by any other person in pursuance of arrangements with the Executive, which involves a substantial outlay on capital account.

<sup>4/</sup> of the grants which will be needed to enable the Executive to comply with their obligation under section 11(1) of this Act

<sup>5/</sup> to make a grant

(<sup>2/-5/</sup> *Subst. (S.)* (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 para. 7.)



the amount<sup>4</sup>(to be raised by precepts or, in Scotland, requisitions under section 13 of this Act) and, in the case of services or facilities provided in pursuance of such an agreement as is mentioned in the said paragraph (a), to the terms of the agreement.

(3) If the Authority are satisfied that a particular passenger transport service which the Executive have power to provide is required to meet the needs of their designated area, but the Executive are not willing to provide it or to arrange for its provision because they consider that the cost of providing it would be too high in relation to the contribution which it would make to the needs of the area, the Authority may give the Executive a direction requiring the Executive to provide or secure the provision of that service, and the Executive shall comply with that direction; but on giving any such direction the Authority shall, unless the Executive agree to the contrary in writing, give the Executive a written undertaking (to issue a precept) under section 13 of this Act to meet any cost incurred by the Executive in consequence of the direction.

(4) The Authority, in exercising or performing any of their functions under this Part of this Act, shall have regard to the duty imposed on the Executive by subsection (1) of section 11 of this Act, to the provisions of subsection (4) of that section, and to any limit on capital expenditure by the Executive and their subsidiaries imposed by the Minister under the said subsection (4).

[E] REP. (E.)  
1974. c. 7. s  
42(2), SCH.  
8.  
(S.) - 1975.  
c. 30. s 38(2),  
SCH. 7.

(5) Any expenditure incurred by the Authority in performing their functions under this Part of this Act shall be defrayed by the Executive.

(6) Notwithstanding anything in this Part of this Act, nothing done by the Executive for a designated area shall be held to be unlawful on the ground that the approval of the Authority for that area to the doing of that thing was required by or under this Part of this Act and that it was done without obtaining that approval; but if it appears to the Authority that the Executive propose to do anything, or have done anything, without the approval of the Authority which in the opinion of the Authority requires that approval, the Authority may, after consultation with the Executive, give to the Executive such directions as appear to the Authority to be appropriate to secure so far as practicable the observance of the rights of the Authority in relation to the doing of that thing, and those directions may include directions to discontinue any specified activity or dispose of any specified assets; and the Executive shall comply with any such directions notwithstanding that they may result in the Executive having to dispose of any assets at a loss or incurring liability to other persons.

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(7) Any approval or direction given by the Authority in pursuance of this Part of this Act shall be given in writing. 1/3/2

Publication of annual report by Authority and Executive and prevention of improper conduct of subsidiary activities.

16.—(1) The Authority for any area designated by an order under section 9(1) of this Act shall as soon as practicable after the end of each accounting period of the Executive cause to be prepared jointly by the Authority and the Executive, and to be published in such manner [as the Minister may direct] a report on the exercise and performance by the Authority and the Executive of their respective functions during that period, including in particular any matters which by virtue of paragraph 15 of Part III of Schedule 5 to this Act are required by the order aforesaid to be dealt with in the report.

and s. 16(3) - (5) rep. (S.) (16.5.1975) - 1973. c. 65 ss. 150 (1), 237(1), Sch. 18 para. 9, sch. 29.

(2) Where the activities of the Executive or any subsidiary of theirs include the carrying on of the business of providing services for the carriage of passengers by road which do not, and if section 19(3)(a) of this Act had not been passed would not, require authorisation by a road service licence, the report under this section for any accounting period shall include a statement of—

- (a) the amount, as determined by the Executive, of the turnover of the Executive or subsidiary for that period in respect of that business ;
- (b) the extent or approximate extent (expressed in either case in monetary terms) to which, as so determined, the carrying on of that business contributed to, or restricted, the profit or loss of the Executive or subsidiary for that period before taxation ;
- (c) the method by which any determination for the purposes of paragraph (a) or (b) of this subsection was arrived at ;

\* AND S 16(3)-(5) REP. (E.) - 1974. c. 7. SS. 35, 42 (2), SCH. 6 PARA. 22 (5)(6), SCH. 8.

~~(d) such further information, if any, relating to the carrying on by the Executive or subsidiary of that business as the Minister may from time to time direct.~~

(3) If, where the Executive or any subsidiary of theirs carry on such business as aforesaid, it appears at any time to the Minister that, having regard to all the circumstances appearing to the Minister to be relevant, the charges made for the services aforesaid provided by the Executive or subsidiary are unduly low in comparison with the cost of providing them, the Minister shall, after consultation with the Authority and with the Executive, either—

- (a) direct the Executive to make, or, as the case may be, to ensure that the subsidiary makes, such modifications in their or its method of conducting that business as may be specified in the direction ; or



Annex 996. 1968. Pt. II. p. 2124. ss. 15A, 16(1).

<sup>2/</sup> as the Authority consider appropriate

Additional provisions as to control of executive by Authority.

<sup>3/</sup> 15A.—(1) In addition to any power of the Authority under any other provision of this Part of this Act to give directions to the Executive as respects any matter, the Authority may give to the Executive directions as to the exercise and performance by the Executive of their functions (including the exercise of rights conferred by the holding of interests in companies) in relation to matters appearing to the Authority to affect the carrying out by the Authority or the Executive of their respective duties under section 9(3) of this Act.

(2) The Executive shall provide the Authority at such time or intervals and in such form and manner as the Authority may require with information with respect to the operations and the expenditure on capital and revenue account respectively which are planned or under consideration by the Executive and shall furnish the Authority with such returns, accounts and other information with respect to the property and activities of the Executive or any subsidiary of theirs as the Authority may from time to time require.

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Annex 996 (*cont.*). 1968. Pt. II. p. 2124. ss. 15A, 16(1).

(3) The Authority may from time to time cause a review to be made of the organisation of the Executive's undertaking and may give to the Executive such directions as appear to the Authority from any such review to be requisite to secure that the Executive's undertaking is organised in the most efficient manner; and the Executive shall not make, or permit to be made, any substantial change in the manner in which their undertaking is organised except in pursuance of a direction given by the Authority under this subsection, or with the approval of the Authority.

(<sup>2/</sup> *Subst. (S.)* (16.5.1975), <sup>3/</sup> *added* (16.5.1975) by 1973. c. 65. s. 150(1), *sch. 18 paras. 8, 9.*)



**Annex 851. 1968. Pt. II. p. 2124. ss. 15A, 16(1).**

**Additional provisions as to control of Executive by Authority.**

**1/ 15A.—(1)** In addition to any power of the Authority under any other provision of this Part of this Act to give directions to the Executive as respects any matter, the Authority may give to the Executive directions as to the exercise and performance by the Executive of their functions (including the exercise of rights conferred by the holding of interests in companies) in relation to matters appearing to the Authority to affect the carrying out by the Authority or the Executive of their respective duties under section 9(3) of this Act.

(2) The Executive shall provide the Authority at such time or intervals and in such form and manner as the Authority may require with information with respect to the operations and the expenditure on capital and revenue account respectively which are planned or under consideration by the Executive and shall furnish the Authority with such returns, accounts and other information with respect to the property and activities of the Executive or any subsidiary of theirs as the Authority may from time to time require.

(3) The Authority may from time to time cause a review to be made of the organisation of the Executive's undertaking and may give to the Executive such directions as appear to the Authority from any such review to be requisite to secure that the Executive's undertaking is organised in the most efficient manner; and the Executive shall not make, or permit to be made, any substantial change in the manner in which their undertaking is organised except in pursuance of a direction given by the Authority under this subsection, or with the approval of the Authority.

**2/** as the Authority consider appropriate

*(1/ Added (E.) (prosp.), 2/ subst. (E.) (prosp.) by 1972. c. 70. s. 202(2), sch. 24 paras. 4, 6.)*

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(b) direct the Executive to discontinue, or, as the case may be, to ensure that the subsidiary discontinues, that business.

(4) The Minister may by order provide that subsections (2) and (3) of this section shall apply with or without modifications to any specified business of the Executive or any subsidiary of theirs which appears to the Minister to be of a character only subsidiary or incidental to the discharge of the Executive's duty under section 9(3) of this Act and to be carried on on a substantial scale as those subsections apply to the business referred to in the said subsection (2).

(5) The Executive shall secure that no subsidiary of theirs carries on any business with respect to which the Minister has given the Executive a direction under subsection (3)(b) of this section.

*Reorganisation of passenger transport in  
Passenger Transport Areas*

17.—(1) In the case of each designated area the Minister shall by order make provision—

(a) with respect to any of the councils of constituent areas in the case of whom, on such date as may be appointed by the order, either—

(i) the council are carrying on, or are a member of some other body which is carrying on, an undertaking which either is at that date a road passenger transport, ferry or railway undertaking or was on the identifying date (that is to say, 8th December 1967 or a date five years before the date of the making of the order, whichever is the later) comprised in such an undertaking; or

(ii) any of the members of any such other body fall to be appointed by the council,

for the transfer on the date so appointed to the Executive from that council of all interests of that council in such fixed or movable property, and of all such rights and liabilities of that council, as may be determined by or under the order, being property, rights and liabilities which are on the date so appointed, or have at any time since the identifying date been, property used, rights enjoyed or liabilities incurred for or in connection with the purposes of that undertaking;

(b) for the transfer to the Executive (subject to paragraph 11(c) of Part III of Schedule 5 to this Act) of all property, rights and liabilities of, and for the dissolution of, any such other body as aforesaid which may be

Transfer to  
Executive of  
local authority  
transport  
undertakings.

## PART II

specified in the order, being a body in the case of which in consequence of provision made under paragraph (a) of this subsection no person other than the Executive or persons appointed by the Executive are entitled to be or become members ;

- (c) for the transfer to the Executive from any of the councils of constituent areas or any body specified for the purposes of paragraph (b) of this subsection of all such powers and duties as may be determined by or under the order, being powers or duties conferred or imposed on that council or body by or under any Act for the purposes of or in connection with any such undertaking as is referred to in paragraph (a) of this subsection ;
- (d) for the transfer to the service of the Executive of all such persons as may be determined by or under the order, being persons who immediately before the date appointed as aforesaid are employed by any of the councils of constituent areas or any body specified for the purposes of paragraph (b) of this subsection and who either are on that date or were on the identifying date aforesaid so employed in connection with any such undertaking as is referred to in paragraph (a) of this subsection ;
- (e) for the protection of the interests of persons transferred by the order to the service of the Executive.

(2) Any order under subsection (1) of this section may contain such supplementary, incidental and consequential provision as the Minister thinks necessary or expedient for the purposes of the order, and in particular, but without prejudice to the generality of the foregoing provisions of this subsection, may include provision—

- (a) for the assumption by any council such as is mentioned in subsection (1)(a)(i) of this section and by the Executive of such liabilities to one another as may be determined by or under the order to be appropriate having regard to the financial arrangements of that council before the severance of the undertaking so mentioned from the other activities of that council ;
- (b) for—
  - (i) the exclusion from transfer to, or the disclaimer by, the Executive of any property acquired or contract entered into for the purposes of any undertaking affected by the order or any variation made in such a contract ; or
  - (ii) the resumption by the Executive of any property, rights or liabilities formerly included in any

## PART II

such undertaking which have been disposed of before the transfer date ; or

(iii) the resumption by the Executive of any interests in property, rights and liabilities of any of the councils of constituent areas, being property used, rights enjoyed or liabilities incurred for or in connection with the purposes of a road passenger transport, ferry or railway undertaking to which subsection (1)(a) of this section would have applied but for a disposal of the undertaking before the date appointed under the said subsection (1)(a), and whether before or after the making of the order,

if the acquisition of that property, the making of that contract or variation, or that disposal, took place after such date as may be specified in the order, not being earlier than the identifying date referred to in the said subsection (1)(a), and was not reasonably necessary or expedient for the purposes of the undertaking or was an act of unreasonable imprudence on the part of the person carrying on the undertaking ;

- (c) for the payment by such of the councils of constituent areas as are concerned of compensation to any person from whom any property, rights and liabilities are resumed by the Executive by virtue of paragraph (b)(ii) or (iii) of this subsection ;
- (d) for the settlement by a court or otherwise of any dispute or other matter arising in connection with the order ;
- (e) for securing that any undertaking affected by the order is properly carried on and maintained pending any relevant transfer under the order ;
- (f) for making in any Act, or in any instrument made under an Act, being an Act or instrument relating to, or to a class of undertakings which includes, any undertaking affected by the order, such modifications or repeals as may appear to the Minister to be required in consequence of any transfer under the order ;
- (g) for the making by the Executive to any council such as is mentioned in subsection (1)(a)(i) of this section of payments by way of contributions to the cost of any adjustments arising from the severance of the undertaking so mentioned from the other activities of that council.

(3) Section 1(1) to (5) of the Water Officers Compensation 1960 c. 15. Act 1960 (which relates to compensation for loss of employment, etc., attributable to certain orders) shall apply to an order under subsection (1) of this section as it applies to the orders referred to in subsection (1) of that section but as if the definition of "the appropriate Minister" in subsection (4) of that section

## PART II

were omitted and for any other reference in that section to the appropriate Minister there were substituted a reference to the Minister; and the Minister shall exercise as respects any order under subsection (1) of this section the power to make regulations conferred by the said section 1 as applied by this subsection.

(4) Before making an order under subsection (1) of this section with respect to any designated area the Minister shall consult with any such councils of constituent areas as are referred to in paragraph (a), and any such other bodies as are referred to in paragraph (b), of that subsection; and those councils or bodies shall furnish the Minister with such information as he may reasonably require for the purpose of making the order.

(5) Subject to subsection (6) of this section, any property or interests in property, rights and liabilities for the transfer of which provision is made by an order under subsection (1) of this section shall on the date appointed for the purpose by the order be transferred, and by virtue of this Act vest, in accordance with the order.

(6) Schedule 4 to this Act shall apply to any transfer under subsection (5) of this section and that subsection shall have effect subject to the provisions of that Schedule; but—

(a) for the purposes of an order under subsection (1) of this section with respect to an area in Scotland or Wales, any reference in that Schedule to the Minister shall be construed as a reference to the Secretary of State;

(b) any order under the said subsection (1) may make modifications in that Schedule for the purposes of its application to a transfer effected by that order.

**Planning of  
passenger  
transport  
services in  
designated  
areas.**

18.—(1) Within twelve months or such longer period as the Minister may allow from the date of the establishment of the Authority for a designated area, the Authority and the Executive shall jointly prepare, and the Authority shall cause to be published in such manner as appears to them appropriate for informing persons appearing to them to be likely to be concerned, a statement setting out in general terms the policies which the Authority and the Executive intend to follow, and any action they have taken or propose to take, with a view to the discharge of their duties under section 9(3) of this Act, and that statement shall in particular deal with the following matters, that is to say—

(a) the organisation, and any proposals for the further development, of the Executive's own undertaking so far as it relates to the provision of passenger transport services within, to and from that area;



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(b) any proposals for the organisation of undertakings transferred to the Executive under section 17 of this Act as subsidiaries of the Executive, and any proposals for associating with the direction of any such subsidiary persons appointed from among members of the councils of the constituent areas in which that subsidiary operates ;

(c) the nature of any agreements which the Executive have made or propose to make with, or with any subsidiary of, the Bus Company or Scottish Group for the provision of bus services within, to and from that area, and the extent to which the Executive have made or propose to make such agreements with any other person who is providing such bus services ;

\* Rep (5)  
 (16.5.1975) -  
 1973, c. 65. ss  
 150(i), 237(i),  
 sch. 18 para.  
 10, sch. 29.

(d) if the area is an area to which section 20 of this Act applies, any steps taken or proposed to be taken by the Executive for the purpose of discharging their special duty under subsection (2) of that section ;

(e) if the area is not an area to which the said section 20 applies, any proposed exercise by the Executive of their powers under section 10(1)(vi) or (xv) of this Act with a view to securing the provision of railway passenger services required to meet the needs of the area ;

(f) the financial position and prospects of the Executive ;

(g) the steps taken by the Executive to comply with the requirements of section 137 of this Act ;

(h) the state of preparation of the plan required by subsection (2) of this section ;

(j) the machinery for securing co-ordination between—

(i) the planning and operation of the road passenger transport services to be provided by the Executive or subsidiaries of theirs, or in pursuance of agreements with the Executive, or with the consent of the Executive granted under Schedule 6 to this Act ; and

(ii) the preparation and execution by the councils of constituent areas of any plans and policies of those councils with respect to traffic regulation or parking ;

\* REP. (E.) -  
 1974 c. 7.  
 ss. 35, 42(2)  
 SCH. 6. PARA.  
 22 (5)(6),  
 SCH. 8.

and the Authority shall send a copy of the statement prepared by them and the Executive under this subsection to the Minister and to each of the councils of constituent areas.

(2) Not later than two years or such longer period as the Minister may allow from the date of the establishment of the Executive for a designated area, the Executive shall prepare, and the Authority shall cause to be published in such manner

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[Rep. (S.)  
 (16.5.1975) -  
 1973 c. 65, ss.  
 150(1), 237(1),  
 sch. 18 para.  
 10, sch. 29.

as appears to them appropriate for informing persons appearing to them to be concerned, a plan approved by the Authority describing the proposals of the Executive for the future development of the passenger transport system to be provided for the area in the discharge of the Executive's duty under section 9(3) of this Act; and in preparing that plan the Executive shall have regard to any exercise or proposed exercise by a local planning authority of any of their functions in connection with the development of, or of any area in the vicinity of, the Executive's designated area or any part thereof; and the Executive shall send a copy of the plan prepared by them under this subsection ~~to the Minister and~~ to each of the councils of constituent areas. \*

\* REP. (E.) - 1974  
 c. 7, ss 35,  
 42(2), SCH. 6  
 PARA. 22(5)  
 (6), SCH. 8.

(3) On causing the statement under subsection (1) or the plan under subsection (2) of this section to be published, the Authority shall also cause to be published in the London Gazette or, in the case of an Authority in Scotland, in the Edinburgh Gazette, and, in either case, in one or more newspapers circulating in their area, notice of the publication of the statement or plan; and that notice shall include particulars of a place at which and the days on which that statement or plan will be available at all reasonable hours for inspection by any member of the public and of the manner in which further copies of that statement or plan can be purchased or otherwise obtained.

Transfer of  
 control of  
 bus services  
 to Executive.

19.—(1) At any time after the <sup>21/</sup>Minister has received from the Authority for a designated area a copy of <sup>the</sup> statement prepared by that Authority and the Executive for that area under section 18(1) of this Act, the Minister may by order direct that this section shall apply to that area as from such date as may be appointed by the order.

(2) As from the date appointed in relation to any area under subsection (1) of this section, no person other than the Executive or a subsidiary of theirs shall provide an area bus service in that area except in pursuance of an agreement with the Executive or, in the case of an existing service within the meaning of Schedule 6 to this Act, with the consent of the Executive granted under that Schedule; but in the case of a service part only of which is operated as an area bus service in that area any provision with respect to the carriage of passengers other than those who are both taken up and set down in that area which is contained in any such agreement shall be of no effect if or so far as it is inconsistent with any condition for the time being attached to any road service licence under which the service is provided.

**Annex 450.** 1968. Pt. II. p. 2130. s. 19(1).

<sup>1/</sup> Authority for a designated area have caused to be published  
(*Subst. (E.)* by 1974. c. 7. s. 35, sch. 6 para. 22(7).)

**Annex 469.** 1968. Pt. II. p. 2130. s. 19(1).

<sup>2/</sup> Authority for a designated area have caused to be published  
(*Subst. (S.)* by 1975. c. 30, s. 38(1), sch. 6 Pt. II para. 42.)



(3) Notwithstanding anything in Part III of the Act of 1960—

- (a) no road service licence shall be required for the provision of any bus service operated wholly within an area to which this section applies ; and
- (b) where such a licence is granted in respect of a bus service operated in part as an area bus service in such an area, no condition shall be attached to the licence with respect to the carriage of passengers who are both taken up and set down in that area ;

and, on the day on which this section first applies to any particular designated area, any such licence in force immediately before that date, if or so far as that licence relates to the operation of an area bus service in that area, and any condition attached to such a licence, if or so far as that condition relates to the carriage of passengers who are both taken up and set down in that area, shall cease to have effect.

(4) If any person provides a bus service in contravention of subsection (2) of this section, he shall be liable on summary conviction to a fine not exceeding £200 ; but in England or Wales proceedings for an offence under this subsection shall not be instituted except by or on behalf of the Director of Public Prosecutions, or by or with the authority of the Executive for a designated area or a chief officer of police.

20.—(1) If in the case of any designated area the Minister considers that railway passenger services have a particularly important contribution to make to the provision of a properly integrated and efficient system of public passenger transport for that area, he may by order direct that this section shall apply to that area.

Special duty of certain Executives with respect to railway passenger services.

(2) Without prejudice to their general duty under section 9(3) of this Act, it shall be the special duty of the Executive for a designated area to which this section applies—

- (a) to review as soon as may be, and subsequently keep under review, the railway passenger services provided by the Railways Board for meeting the needs of persons travelling between places in that area or between such places and places outside that area but within the permitted distance for the purposes of section 10(1)(ii) of this Act as it applies to that Executive ; and
- (b) without prejudice to the general powers of the Executive under section 10 of this Act, to enter into such agreements with that Board as the Authority may approve for securing that the Board provide such railway passenger services as the Authority decide to be necessary to ensure that such services make a proper contribution towards the provision for that area of

## PART II

such a system of public passenger transport as is referred to in section 9(1) of this Act.

(3) The Railways Board shall furnish the Executive with any information which the Executive may reasonably require for the purposes of the discharge of their functions under subsection (2) of this section.

(4) Without prejudice to the general power of the Executive under section 10(1)(vi) of this Act, any agreement under this section may include provision for the making of payments by the Executive to the Railways Board in respect of the railway passenger services provided by the Board in pursuance of the agreement.

(5) Before entering into any agreement under this section, the Executive shall send a copy of the proposed agreement to the Minister; but a failure to comply with this subsection shall not affect the validity of the agreement.

(6) If any dispute arises between the Executive and the Railways Board in connection with the provisions of subsection (2) or (3) of this section, either of them may require the dispute to be referred to the Minister for determination, and any agreement under the said subsection (2) may include provision for any dispute in connection with the agreement to be so referred; and where any dispute is referred to the Minister under or by virtue of this subsection, then, subject to subsection (7) of this section, the Minister may give such directions to the Executive and the Board with respect to the dispute as he thinks fit.

(7) Before giving any directions under subsection (6) of this section to the Executive for a designated area in Scotland or Wales the Minister shall consult with the Secretary of State.

(8) The Minister may, with the approval of the Treasury and if in any particular case he considers it proper so to do, make grants to the Executive for any designated area to which this section applies towards any expenditure incurred by the Executive by reason of any agreement entered into under subsection (2)(b) of this section; but—

- (a) such grants shall be made only in respect of a period falling within the first seven years (or such greater number of years as the Minister may with the approval of the Treasury by order prescribe) from the date fixed for the establishment of that Executive by order under section 9(1) of this Act or the date of the order under subsection (1) of this section applying this section to that designated area, whichever is the later; and

(b) in the case of any of those years after the first, the percentage of the aggregate amount of any expenditure incurred as aforesaid in that year represented by any grant in respect of that year shall be less than it was or would have been in the case of the last preceding of those years. [q]

21.—(1) The persons whose representations traffic commissioners are required by section 135(2) of the Act of 1960 to take into consideration in exercising their discretion to grant or back or to refuse a road service licence in respect of any route and their discretion to attach conditions thereto shall include—

Provisions as to functions of traffic commissioners in connection with designated areas.

- (a) if that route or any part thereof is situated in a designated area, the Executive for that area ; and
- (b) if the Railways Board are providing railway passenger transport facilities along or near to that route or any part thereof in pursuance of an agreement with the Executive for any designated area, that Executive,

and, if the licence is granted or backed, subsections (2) and (3) of section 143 of that Act (which confer rights of appeal to the Minister on certain authorities and persons who have made representations or objections to the traffic commissioners in connection with the licence) shall apply to such an Executive as aforesaid as they apply to the authorities and persons mentioned in paragraphs (a) and (b) of the said subsection (2) or (3).

(2) If, in the case of any road passenger transport service provided within a designated area to which section 19 of this Act applies, any dispute arises between any of the following persons, namely, the Executive for that area, the person providing that service, and any other person providing road passenger transport services within or to and from that area, as to whether that service is or is not an excursion or tour, that dispute shall, if any party thereto so requests, be referred for determination to the chairman of any appropriate traffic commissioners, whose decision shall be final.

(3) In any proceedings with respect to such a service as is mentioned in subsection (2) of this section, a certificate of the chairman of any appropriate traffic commissioners that the service is an excursion or tour for which a road service licence is required shall be conclusive evidence of that fact, and any document purporting to be such a certificate shall be accepted in evidence without further proof.

(4) Any agreement made for the purposes of section 19(2) of this Act may contain provision for referring any difference arising between the parties thereto for determination by the chairman of any appropriate traffic commissioners.

[q] S. 20(8) am. (E.) - 1974, c. 7. 3Y4  
 S. 6(8), SCH 1, PARAS 6, 8.  
 ; Am. - 1975, c. 30, s. 14(2).

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(5) The Minister may by regulations make provision with respect to the procedure to be followed in connection with any functions conferred on traffic commissioners or their chairman by this section or Schedule 6 to this Act and for prescribing anything required by that Schedule to be prescribed; and the regulations may include—

S 21(S)(a) rep. (S.)  
(16.5.1975) - 1973.c.65.  
SS. 150(1), 237(1), sch.  
18 para. 11, sch. 29.  
S. 21 (S)(a) REP.  
(E) - 1974.c. 7  
SS 35, 42(2),  
SCH. 6 PARA.  
22(8), SCH. 8

- (a) provision requiring the Executive for a designated area to furnish the appropriate traffic commissioners with information as to the road passenger transport services provided—
  - (i) by the Executive or any subsidiary of theirs; or
  - (ii) in pursuance of agreements with the Executive; or
  - (iii) with the consent of the Executive granted under Schedule 6 to this Act;
- (b) provision authorising the charging of fees in connection with the functions aforesaid of any traffic commissioners or their chairman and as to the person by whom any such fee is to be paid;

and any amount received by any traffic commissioners or their chairman by way of fees under the regulations shall be paid into the Consolidated Fund in such manner as the Treasury may direct.

(6) In this section, the expression "appropriate traffic commissioners" means traffic commissioners for an area which includes the designated area or part of a designated area in which the road passenger transport service in question is provided, and references to the chairman of any traffic commissioners include references to any person for the time being appointed to act as his deputy.

General

Provisions as to regulations and orders under Part II.

22.—(1) In relation to orders or regulations made under this Part of this Act, the provisions of this section shall have effect in addition to the provisions of section 157 of this Act.

(2) Any order or regulations made under this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) A person who desires to question any order under section 9(1) or 17(1) of this Act on the ground that there was no power to make the order or that a requirement of this Act was not complied with in relation to the order may within six weeks from the date on which the order is made make an application for the purpose to the High Court or, in Scotland, to the Court of Session.



**Annex 997. 1968. Pt. II. p. 2135. s. 23(2)(3).**

<sup>1/</sup> or an Authority for a designated area

*(Added (E.) by 1972. c. 70. s. 202(2), sch. 24 para. 7; (S.)  
(16.5.1975) by 1973/c. 65. s. 150(1), sch. 18 para. 12.)*



(4) On an application under subsection (3) of this section with respect to any order, the court—

- (a) may by interim order suspend the operation of the order or of any provision thereof, either generally or so far as may be necessary for the protection of the interests of the applicant, until the final determination of the proceedings; and
- (b) if satisfied that there was no power to make the order or that the interests of the applicant have been substantially prejudiced by a failure to comply with a requirement of this Act, may quash the order, or any provision thereof, either generally or so far as may be necessary as aforesaid.

(5) Except as provided by this section, an order under the said section 9(1) or 17(1) shall not, either before or after it is made, be questioned in any legal proceedings whatever; but nothing in this subsection shall preclude a person from questioning whether the provisions of paragraph (b) of section 17(2) of this Act are satisfied in the case of any such acquisition of property, making or variation of a contract, or disposal, as is referred to in that paragraph.

(6) In relation to proceedings in Scotland, subsection (4)(a) of this section shall have effect as if the words "by interim order" were omitted.

23.—(1) Section 28 of the Act of 1962 (which contains general provisions with respect to Ministerial consents under that Act) shall apply to a consent of the Minister under any provision of this Part of this Act to an action of the Executive for a designated area as it applies to a consent under any of the provisions mentioned in the said section 28 to an action of any of the Boards and, where that area is in Scotland or Wales, as if any reference therein to the Minister of Transport included a reference to the Secretary of State.

Consents of,  
or directions  
by, Minister  
under Part II.

(2) It shall be the duty of any person to whom the Minister gives directions under this Part of this Act to give effect to those directions.

(3) Any direction given by the Minister under this Part of this Act shall be in writing.

**PART III**  
**BUS AND FERRY SERVICES**

*National Bus Company and Scottish Transport Group*

Establishment  
and general  
duties of Bus  
Company and  
Scottish  
Group.

**24.—(1)** There shall be constituted in accordance with Schedule 1 to this Act—

- (a) a public authority to be called the National Bus Company (hereafter in this Act referred to as “the Bus Company”); and
- (b) a public authority to be called the Scottish Transport Group (hereafter in this Act referred to as “the Scottish Group”).

(2) Where any area has been designated under section 9(1) of this Act, it shall be the duty—

- (a) of the Executive for that area; and
- (b) of the Bus Company, or of the Scottish Group, or of both that Company and that Group (as may be appropriate having regard to where that area is situated), either acting directly, or acting indirectly through subsidiaries of that Company or Group,

to co-operate with one another in the re-organisation of bus services within, to and from that area, and for that purpose to enter into agreements as to the services to be provided by the Company or Group or their subsidiaries in or in connection with that area, and as to the terms on which those services are to be provided; and any such agreement may include arrangements for the transfer between the parties thereto in such manner and on such terms (including payments by one of the parties to the other) as may be provided for by the agreement of specified property, rights or liabilities.

(3) It shall be the duty respectively—

- (a) ~~of the Bus Company and the London Board;~~
- (b) of the Bus Company and the Railways Board;
- (c) of the Scottish Group and the Railways Board;
- (d) of the Bus Company and the Scottish Group,

either directly, or indirectly through subsidiaries of theirs, to co-operate with one another in the exercise and performance of their respective functions for the purpose of co-ordinating the passenger transport services provided by, or by subsidiaries of, those authorities respectively and to afford to one another such information as to proposed changes in their services as may be reasonably required for that purpose.

S.24(3)(a) ref -  
1967 C.35 S.47(2),  
Sch.6

(4) Subsections (2) and (3) of this section shall not be construed as imposing, either directly or indirectly, on any of the authorities mentioned therein any form of duty or liability enforceable by proceedings before any court to which that authority would not otherwise be subject.

25. Subject and without prejudice to the provisions of, or of any enactment applied by, sections 47 to 52 of this Act, the Bus Company shall have power—

General powers of Bus Company.

- (a) to carry passengers by road, whether in or outside England and Wales ;
- (b) to carry passengers by vessel or hovercraft where that carriage forms part of a passenger transport service which includes the carriage of passengers by road by the Company or a subsidiary of theirs or by some other person, whether or not as agent for the Company, in pursuance of an agreement with the Company ;
- (c) where any vehicle or vessel is used for the carriage of passengers in pursuance of paragraph (a) or (b) of this section, to carry also luggage or other goods in that vehicle or a trailer drawn thereby or in that vessel ;
- (d) to store goods which have been or are to be carried by the Company in pursuance of paragraph (c) of this section or by a subsidiary of the Company, and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods ;
- (e) to let passenger vehicles for hire with or without trailers for the carriage of goods ;
- (f) to carry on business as travel agents ;
- (g) to enter into and carry out agreements with any person engaged in the provision of transport services, by whatever form of transport, for co-ordinating the activities of that person with those of the Bus Company, and in particular for the provision of combined services for the through carriage of passengers or goods, whether by the same or partly by one and partly by another form of transport, for the quoting of through rates and for the pooling of receipts or expenses ;
- (h) to join with any person engaged as mentioned in paragraph (g) of this section in forming, promoting and assisting a company for carrying on any activities in connection with such combined services as are so mentioned which the Bus Company or that person have power to carry on ;

## PART III

- (j) with the consent of the Minister, to carry on any activities which the Company would not apart from this paragraph have power to carry on but which a subsidiary of the Company was carrying on immediately before it became such a subsidiary.

General  
powers of  
Scottish  
Group.

26.—(1) Subject and without prejudice to the provisions of, or of any enactment applied by, sections 47 to 52 of this Act, the Scottish Group shall have power—

- (a) to carry passengers by road, subway or water or by hovercraft, whether in or outside Scotland ;
- (b) to carry goods by road or water or by hovercraft within, or to or from any place situated within, the counties of Argyll, Caithness, Inverness, Orkney, Ross and Cromarty, Sutherland, Zetland and Bute ;
- (c) where any vehicle or vessel is used for the carriage of passengers in pursuance of paragraph (a) of this subsection, to carry also luggage and other goods in that vehicle or a trailer drawn thereby or in that vessel ;
- (d) to consign goods on behalf of other persons ;
- (e) to store goods which have been or are to be carried by the Group or by a subsidiary of theirs and—
- (i) so far as any premises provided by the Group for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods ;
- (ii) with the consent of the Secretary of State to provide such facilities at any other premises ;
- (f) to carry on business as travel agents ;
- (g) to enter into and carry out agreements with any person engaged in the provision of transport services, by whatever form of transport, for co-ordinating the activities of that person with those of the Group, and in particular for the provision of combined services for the through carriage of passengers or goods, whether by the same or partly by one and partly by another form of transport, for the quoting of through rates, and for the pooling of receipts or expenses ;
- (h) to join with any person engaged as mentioned in paragraph (g) of this subsection in forming, promoting and assisting a company for carrying on any activities in connection with such combined services as are so mentioned which the Group or that person have power to carry on ;

Annex 998. 1968. Pt. II. p. 2138. s. 26(1)(b).

<sup>1/</sup> Highland region, the islands areas or Orkney, Shetland and the Western Isles, the Argyll district and in the Cunninghame district the former burgh of Millport and the former districts of Arran and Cumbrae

(Subst. (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 para. 13.)





- (j) either alone or together with any other person, to provide maintain and operate depots for the sorting of goods, with facilities for the reception, storage, weighing and handling of goods and for compliance with the requirements of the enactments relating to customs and excise ;
- (k) to let for hire any vehicle, vessel or other means of transport ;
- (l) to operate harbours ;
- (m) with the consent of the Secretary of State, to carry on any activities which the Group would not apart from this paragraph have power to carry on but which a subsidiary of the Group was carrying on immediately before it became such a subsidiary.

(2) The Scottish Group shall not be regarded as common carriers in respect of any of their activities concerned with the carriage of goods.

27.—(1) Subject and without prejudice to the provisions of section 41 of this Act, the following provisions of the Act of 1962, namely—

- (a) section 18 (financial duty of Boards) ;
- (b) section 19 (borrowing powers of Boards) ;
- (c) section 20 (loans out of National Loans Fund) ;
- (d) section 21 (Treasury guarantees) ;
- (e) section 24 (accounts),

Financial provisions with respect to Bus Company and Scottish Group.

shall apply to the Bus Company and to the Scottish Group as they apply to the Boards, except that any reference in those sections to the Minister shall, in relation to the Scottish Group, be construed as a reference to the Secretary of State.

(2) The Bus Company and the Scottish Group shall each assume a commencing capital debt in accordance with the provisions of Schedule 2 to this Act.

- (3) The aggregate amount outstanding in respect of—
  - (a) the principal of any money borrowed by the Bus Company or, as the case may be, the Scottish Group, under section 19 of the Act of 1962, and
  - (b) the commencing capital debt of that Company or, as the case may be, Group,

shall not exceed—

- (i) for the Bus Company, ~~£130 million~~ <sup>2/</sup> £130 million;
- (ii) for the Scottish Group, £50 million.

<sup>2/</sup> £200 MILLION  
-SUBST. BY  
1975. c. 55. s 4.

**PART III**  
**Transfer to**  
**Bus Company**  
**or Scottish**  
**Group of**  
**certain**  
**securities,**  
**rights and**  
**liabilities.**

**28.—(1) On the appointed day for the purposes of this subsection—**

- (a) the securities of the bodies listed in Schedule 7 to this Act, so far as beneficially owned on that day by the Holding Company or by any wholly-owned subsidiary of that Company, and
- (b) any rights or liabilities on that day of that Company or subsidiary regarding the securities of any of those bodies, and
- (c) the right to any money owed on that day to that Company or subsidiary by any of those bodies, and
- (d) the liability represented by any money owed on that day by that Company or subsidiary to any of those bodies, and
- (e) any rights and liabilities on that day of that Company in connection with Tilling Association Limited, and
- (f) any rights and liabilities of the Holding Company under any agreement such as is mentioned in paragraph 6 of Schedule 5 to the Act of 1962 so far as subsisting in England or Wales,

shall, subject to subsection (3) of this section, be transferred to, and by virtue of this Act vest in, the Bus Company.

**(2) On the appointed day for the purposes of this subsection—**

- (a) the securities of the following bodies, namely—
  - (i) David MacBrayne Limited ; and
  - (ii) Scottish Bus Group Limited,

so far as beneficially owned on that day by the Holding Company or by any wholly-owned subsidiary of that Company, and

- (b) the securities of the following body, namely, the Caledonian Steam Packet Company Limited, so far as beneficially owned on that day by the Railways Board, and
- (c) any rights or liabilities on that day of the Holding Company or that subsidiary thereof or, as the case may be, of that Board regarding the securities of any of those bodies, and
- (d) the right to any money owed on that day to the Holding Company or subsidiary or, as the case may be, to that Board by any of those bodies, and
- (e) the liability represented by any money owed on that day by the Holding Company or subsidiary or, as the case may be, by that Board to any of those bodies, and
- (f) any rights and liabilities of the Holding Company under any agreement such as is mentioned in paragraph 6 of

Schedule 5 to the Act of 1962 so far as subsisting in Scotland,

PART III

shall, subject to subsection (3) of this section, be transferred to, and by virtue of this Act vest in, the Scottish Group.

(3) Where any of the securities referred to in subsection (1) or (2) of this section are beneficially owned as mentioned in that subsection but held by a nominee, that subsection shall operate only to transfer the beneficial interest in the securities; and paragraphs (c) and (d) of the said subsection (1) and paragraphs (d) and (e) of the said subsection (2) shall not apply to money owed in the ordinary course of trading.

(4) The Minister may by order made not later than the appointed day for the purposes of subsection (1) of this section, and the Minister and the Secretary of State acting jointly may by order made not later than the appointed day for the purposes of subsection (2) of this section, add to the said Schedule 7 or, as the case may be, to paragraph (a) or (b) of the said subsection (2), any body not for the time being listed therein if he is, or, as the case may be, they are, satisfied—

- (a) that the activities of the body are similar to those of the bodies for the time being so listed, and
- (b) that the Holding Company or a wholly-owned subsidiary thereof or, as the case may be, the Railways Board are for the time being the beneficial owners of any securities of that body.

(5) The rights and liabilities of the Holding Company under such agreements for the rendering of personal services by persons who immediately before the appointed day for the purposes of subsection (1) or, as the case may be, subsection (2) of this section, are employed by the Holding Company as may be determined in accordance with arrangements agreed between the Holding Company and the Bus Company or, as the case may be, between the Holding Company and the Scottish Group, or, in default of such agreement, in accordance with such arrangements as the Minister or, as the case may be, the Minister and the Secretary of State acting jointly may direct, shall on that day be transferred to, and by virtue of this Act vest in, the Bus Company or, as the case may be, the Scottish Group.

(6) Paragraph 2(3) and (4) of Schedule 4 to this Act shall apply to any transfer under subsection (5) of this section, and paragraphs 7 to 13 of that Schedule shall apply to any transfer under that subsection or under subsection (1) or (2) of this section; and in the application of any provision of that Schedule by virtue of this subsection to a transfer under the said subsection (2) any reference in that provision to the Minister

PART III shall be construed as a reference to the Minister and the Secretary of State acting jointly.

Transfer of certain property, rights and liabilities between Railways Board and Bus Company or Scottish Group.

29.—(1) Before the appointed day for the purposes of the relevant transfer referred to in subsection (2) of this section, the Railways Board shall take steps to the satisfaction of the Minister to separate from the remainder of their undertaking the parts thereof concerned respectively—

- (a) with the provision of road passenger transport services within or to and from the city of Sheffield, the county borough of Halifax, the county borough of Huddersfield or the borough of Todmorden ; and
- (b) with the provision of shipping services in Scotland by the Caledonian Steam Packet Company Limited, and with the provision by the Board of the ferry service to and from Kyle of Lochalsh and Kyleakin ;

and the Board shall from time to time furnish the Minister with such information as he may require with respect to the property and interests which the Board propose to treat as included in each respectively of those parts of their undertaking, and the Minister may give directions to the Board as to the property, rights and liabilities to be so treated.

(2) Subject to subsection (3) of this section, on the relevant appointed day for the purposes of this subsection there shall be transferred to, and by virtue of this Act vest in, the Bus Company and the Scottish Group respectively, all the property, rights and liabilities comprised in the part of the Railways Board's undertaking referred to in paragraph (a) or, as the case may be, paragraph (b) of subsection (1) of this section.

(3) Schedule 4 to this Act shall apply to any transfer under subsection (2) of this section, and that subsection shall have effect subject to the provisions of that Schedule ; and in the application of any provision of that Schedule to a transfer affecting the Scottish Group, any reference in that provision to the Minister shall be construed as a reference to the Minister and the Secretary of State acting jointly.

(4) Notwithstanding anything in section 4 of the Act of 1962, as from the appointed day for the purposes of the transfer under subsection (2) of this section to the Bus Company the Railways Board shall not have power to carry passengers by road except as permitted by subsection (1)(a)(iii) of the said section 4.

(5) Subject to subsection (6) of this section—

- (a) the Scottish Group and the Railways Board acting jointly may as occasion seems to them to require it make schemes for the transfer from one to another of

the following bodies, namely, that Group, that Board and any wholly-owned subsidiary of that Group or Board, of any specified property, rights or liabilities, or of all property, rights or liabilities comprised in a specified part of their undertaking, being property, rights and liabilities held or subsisting for the purposes of or in connection with, or, as the case may be, a part of their undertaking concerned with, a transport service by water (including such a service by means of a hovercraft) which carries passengers and operates regularly between two or more points at least one of which is in Scotland ;

(b) the Minister and the Secretary of State acting jointly may by order make any such provisions as aforesaid with respect to any of the bodies aforesaid.

(6) Subsections (3) to (7) of section 7 of this Act shall apply to any scheme, and subsections (3) to (6) of section 8 of this Act shall apply to any order, under subsection (5) of this section as they apply to a scheme under subsection (2) of the said section 7 or, as the case may be, to an order under subsection (2) of the said section 8, but as if for the reference in subsection (6)(a)(i) of the said section 8 to the Freight Corporation there were substituted a reference to the Railways Board.

*Relaxation of control over certain bus services*

30.—(1) Subject to the provisions of this section, the traffic commissioners for any traffic area may, on an application in that behalf, grant a permit—

Permit for certain bus services in lieu of road service licence.

(a) for the use by the applicant on a route in that area of any vehicle as a stage carriage for providing a road service which is to be provided by him by means of vehicles none of which is adapted to carry more than twelve passengers ; or

(b) for the use by the applicant on a route in that area of any vehicle as a stage carriage or express carriage at any time when that vehicle (not being a vehicle belonging to a local education authority or, in Scotland, an education authority) is being used for providing transport in pursuance of arrangements made under section 55(1) of the Education Act 1944 or section 51(1) of the Education (Scotland) Act 1962 ;

1944 c. 31.  
1962 c. 47.

and a road service licence shall not be required for any use of a vehicle authorised by such a permit ; and accordingly in subsection (1) of section 134 of the Act of 1960 (which prohibits the use of a vehicle as a stage carriage or express carriage except under a road service licence) at the end there shall be added

**PART III** the words "or under a permit granted under section 30 of the Transport Act 1968".

(2) The traffic commissioners shall not grant a permit under the foregoing subsection unless they are satisfied that there are no other transport facilities available to meet the reasonable needs of the proposed route and, in the case of a permit under paragraph (b) of that subsection, that the local education authority or education authority with whom the arrangements were made have consented to the use of the vehicle in question as mentioned in that paragraph.

1953 c. 33.

(3) It shall be a condition of any permit granted under paragraph (b) of subsection (1) of this section that persons other than pupils to whom the arrangements relate or who are permitted to be carried in the vehicle pursuant to section 12 of the Education (Miscellaneous Provisions) Act 1953 shall be carried only to the extent to which the passenger accommodation in the vehicle is not, and is not likely to be, required for those pupils, and the traffic commissioners may attach to any permit under that subsection such other conditions as they may think fit for securing that—

(a) the fares shall not be unreasonable ;

(b) copies of the time-table and fare-table shall be carried and shall be available for inspection in vehicles used on the service ;

(c) passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points,

and generally for securing the safety and convenience of the public.

(4) The traffic commissioners may from time to time vary in such manner as they think fit the conditions attached to a permit granted by them under this section.

(5) Any permit granted under this section by any traffic commissioners may be revoked, or have its operation suspended, by them on the ground that any condition attached to the permit has not been complied with, but the commissioners shall not exercise their powers under this subsection unless, owing to the frequency of the breach of conditions on the part of the person to whom the permit was granted, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the commissioners are satisfied that they should exercise those powers.

(6) Subject to subsection (5) of this section, a permit under this section shall have effect for the period of three years beginning with the date on which it is expressed to take effect, or

for such shorter period beginning with that date as may be specified in the permit, but if at the expiration of that period proceedings are pending before the traffic commissioners on an application by the holder—

PART III

- (a) for a further permit in substitution for his existing permit; or
- (b) for a road service licence authorising him to continue the activities carried on by him by virtue of his existing permit,

the existing permit shall continue to have effect until the application, and, in the case of an application for a road service licence, any appeal to the Minister arising out of the application, is disposed of.

(7) So much of subsection (3) of section 153 of the Act of 1960 as requires not less than two commissioners to be present at the hearing of an application shall not apply to any application under this section, but, save as aforesaid, the provisions of that subsection and of subsections (1), (4) and (5) of that section (discretion of commissioners as to public sittings, power to delegate functions to single commissioner and provision for rehearing in case of disagreement) shall have effect in relation to the functions of the commissioners, and to applications, under this section.

S.30(9) rep. -  
1973. c. 9, s.  
23(3), sch. 6.

(8) The following provisions of the Act of 1960, that is to say—

- sections 135(7) and 136(2) (traffic commissioners to notify police and local authorities of grant, revocation and suspension of road service licences);
- section 156 (records);
- section 159 (fees);
- section 233 (forgery); and
- section 235 (fraudulent applications),

shall apply, subject to any necessary modifications, to permits under this section as they apply to road service licences, and section 263 of that Act (protection of public interests) shall have effect as if a permit granted under this section were a licence granted under Part III of that Act and as if this section were contained in that Part.

(9) In paragraph 2(1)(e) of Schedule 3 to the Prices and Incomes Act 1966 (which deals with the application of that Act in relation to fares fixed by means of a condition attached to a road service licence) references to such a licence shall include references to a permit under this section.

## PART III

(10) Any expression used in this section which is also used in the Act of 1960 has the same meaning in this section as in that Act.

Abolition of special control over bus services provided by local authorities outside their areas.  
1930 c. 43.

**31.**—(1) So much of subsection (1) of section 101 of the Road Traffic Act 1930 as requires a local authority to obtain the consent of the appropriate traffic commissioners before running public service vehicles outside the district of the authority shall cease to have effect, and accordingly—

- (a) in that subsection for the words from “on any road within their district” to the end shall be substituted the words “on any road inside or outside their district”; and
- (b) section 102 of that Act (which contains procedural provisions with respect to consents under subsection (1) of the said section 101) shall cease to have effect.

1933 c. 51.  
1947 c. 43.  
1958 c. 55.

(2) Any provision in a local Act or in any order under Part VI of the Local Government Act 1933, Part VI of the Local Government (Scotland) Act 1947, or Part II of the Local Government Act 1958—

- (a) imposing any requirement corresponding to that which ceases to have effect by virtue of the foregoing subsection; or
- (b) in relation to any such requirement, applying or making provision corresponding to the said section 102, together with section 38(6) of the said Act of 1958 (which, in certain cases, requires orders under the said Part II to contain such provisions as aforesaid) shall cease to have effect.

*Assistance for bus and ferry services*

New bus grants.

**32.**—(1) Subject to the provisions of this section, the Minister may, with the approval of the Treasury, make in such cases as he thinks fit a grant to any person operating public service vehicles in Great Britain towards approved capital expenditure incurred by that person in providing a new vehicle of a type approved for the purposes of this section by the Minister, being a vehicle which is provided for use by that person wholly or mainly as a stage carriage in Great Britain and which first becomes available to that person for such use on or after such date, not being earlier than 1st September 1968, as the Minister may by order specify.

(2) In the foregoing subsection—

- (a) the expression “approved capital expenditure” means expenditure appearing to the Minister to be of a capital nature and approved by him for the purposes of grant under this section;



(b) the expression "expenditure" in relation to the provision by a person of a vehicle includes—

(i) expenditure consisting of instalments under a hire-purchase agreement within the meaning of the Hire-Purchase Act 1965 or, as the case may be, the Hire-Purchase (Scotland) Act 1965, or otherwise consisting of instalments of or payments towards the purchase price of, or cost of providing, the vehicle; and

(ii) where the vehicle is provided by being manufactured or wholly or partly constructed by that person, such sum as appears to the Minister to be properly attributable to its provision by him in that manner;

(c) the expression "new" means unused and not second-hand.

(3) In making any grant under this section in respect of any vehicle the Minister shall impose such conditions for securing that the vehicle will be used as mentioned in subsection (1) of this section, and may impose such other conditions, as he thinks fit; and those conditions may include conditions for repayment in specified circumstances.

(4) Subject to subsection (5) of this section, the amount of any grant under this section shall be twenty-five per cent. of the approved capital expenditure in respect of which it is granted, and no amount by way of such a grant shall be paid in respect of a vehicle which first becomes available for such use as is mentioned in subsection (1) of this section after the date of the expiration of the period of seven years beginning with the date specified under the said subsection (1).

(5) The Minister may by order made with the consent of the Treasury—

(a) vary, as respects any vehicle first becoming available for such use as is mentioned in subsection (1) of this section on or after such date as may be specified in the order, the percentage specified in subsection (4) of this section; or

(b) amend the said subsection (4) by substituting for the date of the expiration of the period there mentioned such later date as may be specified in the order;

but no order shall be made under this subsection unless a draft thereof has been approved by resolution of each House of Parliament.

(6) The provisions of Schedule 8 to this Act shall have effect for the purpose of avoiding fraudulent applications for grant

**PART III** under this section and of securing the observance of any conditions attached to any such grant.

Grants  
towards duty  
charged on  
bus fuel.  
1965 c. 25.

33.—(1) In relation to fuel used in operating any bus service on or after 1st January 1969, subsection (2) of section 92 of the Finance Act 1965 shall have effect with the substitution for the words from “but” onwards (which specify the maximum amount of any grant under subsection (1) of that section by the Minister to the operator of a bus service towards defraying customs or excise duties charged on bus fuel) of the words “but the amount of a grant shall not exceed such a sum for every gallon of fuel used or estimated to have been used in operating the bus service during the period to which the grant relates as the Treasury may from time to time approve, being a sum not less than two shillings lower than the rate per gallon of the duty of customs chargeable on hydrocarbon oils imported into the United Kingdom at the date of the use of the fuel, including any addition to that duty by virtue of an order under section 9 of the Finance Act 1961”.

1961 c. 36.

(2) For subsection (8) of the said section 92 there shall be substituted the following subsection:—

“(8) In this section “bus service” means a service of stage carriages as defined by section 117 of the Road Traffic Act 1960, and “operator”, in relation to a bus service—

(a) means the holder of the road service licence under which the service is provided ; or

(b) where the service is provided by the London Transport Board, means that Board ; or

(c) where the service is provided by the Executive for a designated area within the meaning of section 9(1) of the Transport Act 1968, or by a subsidiary within the meaning of that Act of such an Executive, means that Executive or subsidiary ; or

(d) where the service is provided by a person otherwise than under a road service licence in pursuance of an agreement with such an Executive or with the consent of such an Executive granted under Schedule 6 to the said Act of 1968, means that person ;

and in this subsection any reference to a road service licence shall include a reference to a permit under section 30 of the said Act of 1968.”

(3) So much of subsection (9) of the said section 92 as enables the Parliament of Northern Ireland to make laws for purposes similar to the purposes of the provisions of that section

1960 c. 16.

S.33(a) ref. (London)  
1967.C.35.S.47(a),  
Sch.6.

Annex 999. 1968. Pt. I. p. 2149. s. 34.

Assistance  
for rural  
bus or  
ferry  
service.

1/ 34.—(1) A regional, islands or district council or any two or more of those councils acting jointly, may, on such conditions, if any, as they think fit, afford assistance to any other person, by way of grant, loan or both, for the purpose of securing the provision, improvement or continuance of any bus service if in the opinion of the council or councils in question that service is or will be for the benefit of persons residing in rural areas.

(2) A regional or islands council or any two or more of those councils acting jointly, may, on such conditions, if any, as they think fit, afford assistance to any other person, by way of grant, loan or both, for the purpose of securing the provision, improvement or continuance of any ferry service if in the opinion of the council or councils in question that service is or will be for the benefit of persons residing in rural areas. [a]

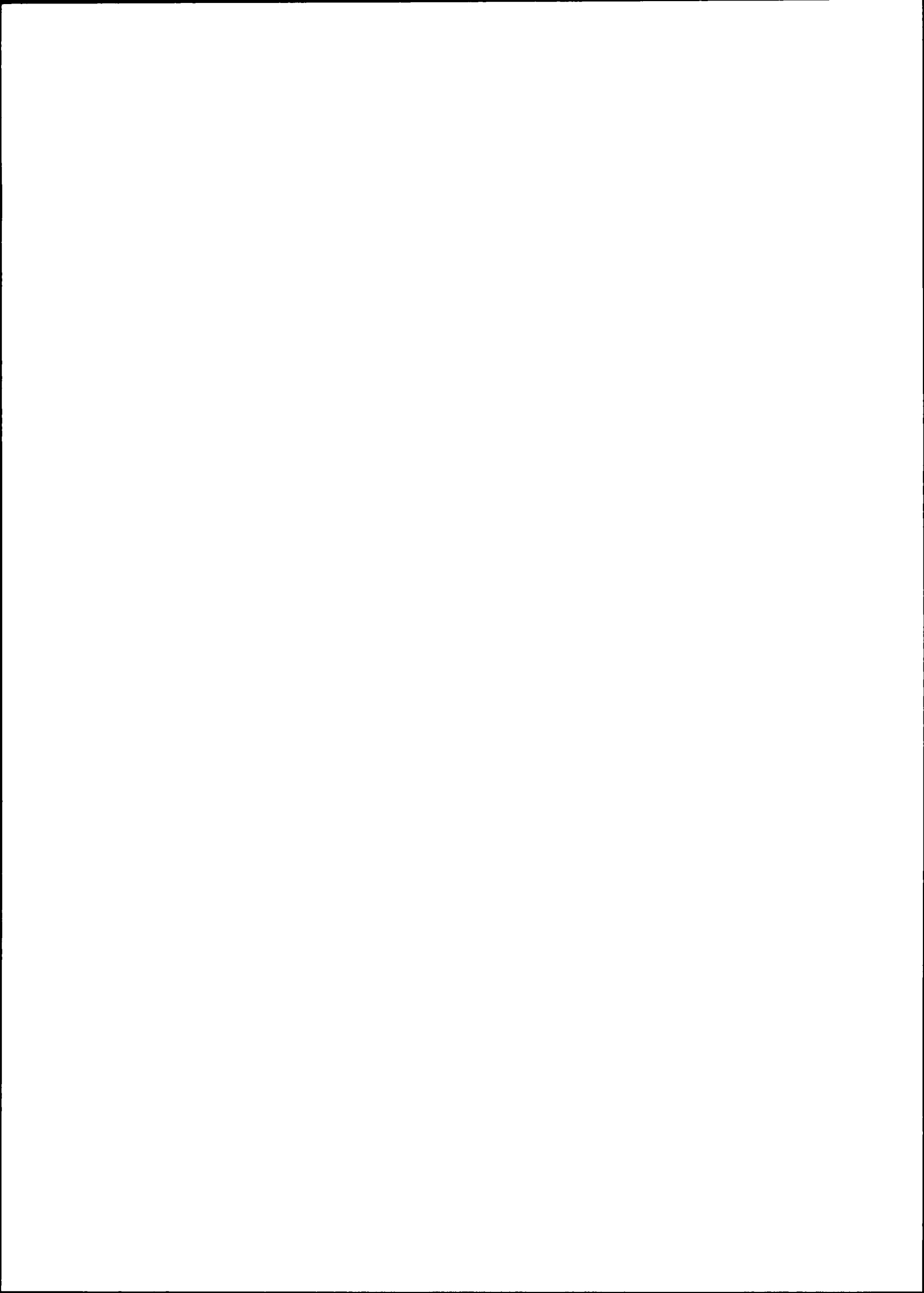
(3) The Secretary of State may, with the approval of the Treasury, make grants in such cases and subject to such conditions as he thinks fit to any of the councils aforesaid in respect of expenditure incurred by that council in making grants under subsection (1) or (2) above, and any grant under this subsection in respect of expenditure in connection with a bus service shall be of an amount equal to half the expenditure in respect of which the grant is made.

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Annex 999 (cont.). 1968. Pt. I. p. 2149. s. 34.

(4) The Secretary of State may, with the approval of the Treasury make grants in such cases and subject to such conditions as he thinks fit to regional or islands councils in respect of expenditure incurred by such a council in providing a ferry service which in the opinion of the council is or will be for the benefit of persons residing in rural areas.

(Subst. (S.) (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 para. 14.)



shall apply to those provisions as amended by subsection (1) of this section. PART III

34.—(1) Any of the following councils, namely the council of any county, [county borough] or county district in England or Wales, any county, town or district council in Scotland, and the Council of the Isles of Scilly, or any two or more of those councils acting jointly, may, on such conditions, if any, as they think fit, afford assistance to any other person, by way of grant, loan or both, for the purpose of securing the provision, improvement or continuance of any bus service or ferry service if in the opinion of the council or councils in question that service is or will be for the benefit of persons residing in rural areas.

Assistance for rural bus or ferry services.  
[ ] Rep. (Prop)  
-1972. c. 70  
S. 272 (1)  
SCH 30.

(2) The Minister may, with the approval of the Treasury, make grants in such cases and subject to such conditions as he thinks fit to any of the councils aforesaid in respect of expenditure incurred by that council—

S. 34(2)(3)  
REP. (E.)  
(PROSP.) —  
1974. c. 7.  
SS. 6. (8),  
42(2), SCH.  
1 PARA. 7,  
SCH. 8

- (a) in making grants under subsection (1) of this section ; or
- (b) in providing a ferry service which in the opinion of the council is or will be for the benefit of persons residing in rural areas ;

and any grant under this subsection in respect of expenditure in connection with a bus service shall be of an amount equal to half the expenditure in respect of which the grant is made.

(3) In the application of this section to Scotland or Wales, references therein to the Minister shall be construed as references to the Secretary of State. y

Further provision relating to public service vehicles

35.—(1) When any traffic commissioners are considering whether or not to exercise their power under section 127(7) of the Act of 1960 to refuse a person a public service vehicle licence, or to suspend or revoke one or more of any such licences already granted to a person, on the ground of that person's unfitness to be the holder thereof, the commissioners—

Provisions with respect to operation of public service vehicles.

- (a) shall have regard to any information they may have with respect to the matters specified in subsection (2) of this section ; and
- (b) shall consider any representations with respect to any of those matters made by any of the following persons, namely—

(i) any such trade union within the meaning of the Trade Union Act 1913 or other association as the Minister may by regulations prescribe, being a union or other association whose members consist of

1913 c. 30  
(2 & 3 Geo. 5).

[a] s. 34 (2) am. (S) - 1975. c. 30, s. 14 (1) (b).

## PART III

include persons holding public service vehicle licences or employees of any such persons ;

(ii) a chief officer of police ;

(iii) in England or Wales, the council of a county, [county borough] county district or London borough, the Greater London Council, or the Common Council of the City of London ;

(iv) in Scotland, a [county or town] council ;

and in the said section 127(7) for the words "such a licence" there shall be substituted the words "the licence in question".

(2) The matters referred to in subsection (1)(a) of this section are—

(a) the previous conduct of the person in question in relation to any trade or business in the course of which vehicles of any description are operated, being a trade or business—

(i) carried on by him or by a company of which he is or has been a director ; or

(ii) for the purposes of which he is or has been employed ;

(b) the arrangements for securing that Part VI of this Act or, so long as it remains in force, section 73 of the Act of 1960 is complied with in the case of the vehicle or vehicles in question ;

(c) the facilities and arrangements for maintaining the vehicle or vehicles in question in a fit and serviceable condition ;

(d) the manner in which the vehicle in question is proposed to be used or, as the case may be, in which the vehicle or vehicles in question have been used ;

(e) the financial resources of the person in question.

(3) In section 152 of the Act of 1960 (which imposes on the holder of a road service licence certain obligations as respects wages and conditions of employment of persons employed by him in connection with the operation of a public service vehicle)—

(a) for any reference to the holder of a road service licence there shall be substituted a reference to the holder of a public service vehicle licence ;

(b) in subsection (2), the Secretary of State for Employment and Productivity shall be substituted for the traffic commissioners as the person to whom representations under that subsection are to be made ; and

[ ] Rep (prop) .-  
1972. c. 70.  
s. 272(1) sch 30.

s. 35(3)(b) Rep .  
- 1975. c. 71. s. 125  
(3), sch. 18.

**Annex 1000. 1968. Pt. I. p. 2150. s. 35(1)(b)(iv).**

<sup>1/</sup> regional, islands or district

*(Subst. (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 para. 15.)*





(c) for subsection (4) there shall be substituted the following:—

“ (4) If it is decided by the Industrial Court that a person has been guilty of a breach of the provisions of this section, the traffic commissioners by whom any public service vehicle licence has been granted to that person may suspend or revoke that licence or refuse to grant a further such licence to that person ; and a licence suspended under this subsection shall during the time of suspension be of no effect.”

36.—(1) Every local authority who, under powers conferred by subsection (1) of section 101 of the Road Traffic Act 1930 or by any local Act or order, are running public service vehicles may run any of those vehicles as a contract carriage on any road within their district ; and on the coming into force of this subsection the provisions of subsection (2)(a) of the said section 101 and of any local Act or order, so far as those provisions relate to the running by any local authority of a public service vehicle as a contract carriage on roads within their district, shall cease to have effect.

Power of local authority to run contract carriages. 1930 c. 43. [E] and s36(3) - (8) rep. (5) - 1973. c 65. ss. 209(1), 237(1), sch. 25 para. 43, sch. 29.

(2) Any such local authority as aforesaid may resolve that this subsection shall apply to them ; and ~~subject to subsection (3) of this section~~ on the passing of such a resolution—

(a) the authority may run a public service vehicle as a contract carriage—

(i) between places within and places outside their district ; and

(ii) so far as the authority consider requisite in connection with the exercise of their powers to run public service vehicles within, to or from their district, between places outside their district ; and

(b) the provisions of the said subsection (2)(a) and of any local Act or order, so far as those provisions relate to the running by that authority of a public service vehicle as a contract carriage on roads outside their district, shall cease to have effect.

\* AND S. 36 (3) - (8) REP. (E.) 1974. C. 7. SS 35, 42(2), SCH. 6. PARA. 22 (9), (10), SCH. 8.

(3) Paragraphs (a) and (b) of subsection (2) of this section shall not apply to a local authority who have passed a resolution under that subsection—

(a) until the expiration of a period of three months after the authority have—

(i) given notice in writing to the Minister that they propose to pass or have passed that resolution ; and

(ii) sent to the Minister with that notice a statement in writing of the extent to which they have

## PART III

made or propose to make agreements for the co-ordination of bus services within, to and from their district with any other person for the time being providing such services ; or

- (b) if before the expiration of that period the authority have received from the Minister a notice under subsection (4) of this section, until that notice has been withdrawn by the Minister.

(4) If, after considering the statement sent to him by a local authority in pursuance of paragraph (a)(ii) of subsection (3) of this section, the Minister is not satisfied with the degree of co-ordination of the bus services provided or proposed to be provided within, to and from that authority's district by that authority and all or any of the other persons for the time being providing such services, the Minister may before the expiration of the period referred to in paragraph (a) of that subsection give notice in writing to the authority that he is not so satisfied ; but the Minister may at any time, whether in consequence of a further statement by the authority such as is mentioned in the said paragraph (a)(ii) or otherwise, inform the authority in writing that he withdraws that notice.

(5) Subject to subsection (6) of this section, every local authority to whom subsection (1) of this section applies shall make to the Minister as respects each accounting period of the authority a report of all activities carried on by the authority by virtue of subsection (1) or (2) of this section which shall include a statement of—

- (a) the amount as determined by the authority of the turnover of the authority's transport undertaking for that period in respect of those activities ;
- (b) the extent or approximate extent (expressed in either case in monetary terms) to which, as so determined, the carrying on of those activities contributed to or restricted the surplus or deficit of that undertaking for that period ;
- (c) the method by which any determination for the purposes of paragraph (a) or (b) of this subsection was arrived at ; and
- (d) such further information, if any, relating to the carrying on by the authority of those activities as the Minister may from time to time direct ;

and if it appears at any time to the Minister that, having regard to all the circumstances appearing to the Minister to be relevant, the charges made for the contract carriage services by means of public service vehicles run by the authority are unduly low in comparison with the cost of providing them, the Minister shall, after consultation with the authority, either direct the

authority to make such modifications in their method of carrying on those activities as may be specified in the direction or direct the authority to discontinue those activities.

(6) Where, apart from this subsection, the first report of a local authority under subsection (5) of this section would be with respect to activities carried on for part only of an accounting period of the authority, that first report shall be made jointly as respects that part of that period and the next accounting period of the authority.

(7) In any legal proceedings, a document purporting to be a certificate given by or on behalf of the Minister that such a notice and statement as are mentioned in paragraph (a) of subsection (3) of this section were received by the Minister from a specified local authority on a specified date and that the Minister did not before the expiration of the period referred to in that paragraph serve a notice on that authority under subsection (4) of this section shall be evidence, and in Scotland sufficient evidence, of the matters appearing from that document.

(8) In the application of this section to a local authority in Scotland or Wales, references therein to the Minister shall be construed as references to the Secretary of State.

(9) In this section, the expressions "local authority" and "district" have the same meanings respectively as in Part V of the Road Traffic Act 1930 and the expression "contract carriage" the same meaning as for the purposes of the Act of 1960; and any reference to the said Part V in any of the following provisions, namely—

- (a) sections 103, 104, 106 and 107 of the said Act of 1930;
- (b) the definition of "sanctioning authority" in section 218 of the Local Government Act 1933;
- (c) section 259(1)(b) of the Local Government (Scotland) Act 1947,

shall include a reference to this section.

37.—(1) Without prejudice to any powers apart from this section, any local authority within the meaning of Part V of the Road Traffic Act 1930 who, under powers conferred by section 101(1) of that Act or by any local Act or order, are running public service vehicles may, ~~with the consent of the Minister or, in the case of a local authority in Scotland or Wales, of the Secretary of State~~ <sup>Power for local authorities to acquire or dispose of public service vehicle undertakings.</sup>

- (a) acquire by agreement the whole or any part of a public service vehicle undertaking carried on by any other person; or
- (b) dispose of the whole or any part of the authority's public service vehicle undertaking to any other person,

1930 c. 43.  
 17 Rep. (5)  
 (16.5.1975)-1973.  
 c 65. ss. 209 (1),  
 237(1), sch. 25  
 para. 44, sch. 29  
 1933 c. 51.  
 1947 c. 43.  
 \* REP. (E.)  
 1974. c. 7.  
 SS 35, 42  
 (2), SCH. 6  
 PARA 22 (9),  
 (10), SCH. 8.

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whether by purchase or sale, by lease, or by exchange or, in Scotland, excambion.

S. 37(2) rep. (S.)  
(16.5.1975) -  
1973. c. 65. ss.  
209(1), 237(1),  
Sch. 25 para.  
44, Sch. 29.

(2) The Minister or Secretary of State may give his consent for the purposes of subsection (1) of this section either for a case or description of cases specified in the consent, or in general terms, and may give any such consent subject to conditions.

## PART IV

S. 37(2) REP. (E.)  
-1974. c. 7. ss. 35,  
42(2), SCH. 6. PARA.  
22 (9), (10), SCH. 8.

FURTHER PROVISIONS AS TO BOARDS, NEW AUTHORITIES  
AND TRANSPORT SERVICES

*Railways Board*

Composition  
of Railways  
Board and  
removal of  
requirement  
for regional  
boards.

38.—(1) In section 1(3) of the Act of 1962 (which relates to the composition of the Railways Board) for the words “shall consist of a chairman, a vice chairman, or two vice chairmen, and not more than sixteen nor less than ten other members” there shall be substituted the words “shall consist of a chairman and not more than fifteen nor less than nine other members”.

(2) The Minister may from time to time, if after consultation with the chairman of the said Board he thinks fit so to do, appoint one or more members of the Board to be deputy chairman or deputy chairmen, or vice chairman or vice chairmen, of the Board.

(3) A person appointed as deputy chairman or vice chairman of the said Board shall not by reason only of ceasing to be deputy chairman or vice chairman cease to be a member of the Board.

S 38(A) REP  
1974. c. 22.  
S.L. (REPEALS)

(4) Without prejudice to section 45(6) of this Act, section 2 of the Act of 1962 (which requires the Railways Board to set up Regional Railway Boards to share between them responsibility for the national railway system) shall cease to have effect.

Grants for  
unremunerative  
passenger  
services.

39.—(1) If, in the case of any place or places to and from which railway passenger services are for the time being provided by the Railways Board, the Minister is satisfied—

- (a) that those services are unremunerative; and
- (b) that it is desirable for social or economic reasons that railway passenger services to and from the place or places in question should for the time being continue to be provided either in the same or in some different form or manner; and
- (c) that because of the unremunerative nature of the services which the Minister is satisfied are desirable for those reasons (hereafter in this section referred to

as "the required services") the Board cannot reasonably be expected to provide them without assistance under this section,

then, subject to the provisions of this section, the Minister may from time to time with the consent of the Treasury undertake to make grants to the Board in respect of the provision of the required services for such period not exceeding three years at a time as the Minister may think fit.

(2) The Minister may on giving an undertaking under subsection (1) of this section as respects any period attach to that undertaking such conditions in connection with the provision of the required services during that period, and such other conditions in connection with the grants to be made in pursuance of the undertaking, as he thinks fit.

(3) The aggregate amount payable by way of grants in pursuance of an undertaking under subsection (1) of this section in respect of the period to which the undertaking relates shall, subject to any conditions attached to the undertaking, be the amount by which it is estimated, on such basis and in such manner as the Minister, with the approval of the Treasury and after consultation with the Railways Board, may determine, that the expenditure properly attributable to the provision during that period of the required services will exceed the revenue properly so attributable; and payments in pursuance of the undertaking shall be made in such manner and at such times as the Minister may with the approval of the Treasury determine.

(4) If, in the case of any railway passenger service for the time being provided by the Railways Board, the second publication required by section 56(7) of the Act of 1962 of notice of a proposal by the Board to discontinue that service (whether or not the notice also relates to other services) has been effected before 1st January 1969, the Minister may, with the approval of the Treasury, and subject to such conditions as he thinks fit, make grants to the Board in respect of the provision of that service for the period beginning with 1st January 1969 and ending with whichever of the following dates falls first, namely—

- (a) 31st December 1969 ;
- (b) the date when the service is discontinued ;
- (c) if the discontinuance requires the consent of the Minister under the said section 56 or under section 54(4) of this Act and the Minister refuses his consent, the date when the Minister notifies the Board of his refusal ;

and subsection (3) of this section shall apply for the purposes of this subsection as if—

- (i) the grant under this subsection were a grant in pursuance of an undertaking under subsection (1) of this section ;

## PART IV

- (ii) any reference to the period to which the undertaking relates were a reference to the period for which the grant under this subsection is payable ;
- (iii) any conditions subject to which the grant under this subsection is made were conditions attached to the undertaking ; and
- (iv) the reference to the required services were a reference to the service in relation to which the grant under this subsection is made.

(5) The report of the Railways Board under section 27(8) of the Act of 1962 for any year in respect of which payments fall to be made to the Board by way of grants under this section shall include a statement—

- (a) of what is estimated as aforesaid to be the collective financial result for that year, apart from those payments, of all railway passenger services in respect of which those payments fall to be made ; and
- (b) the aggregate amount of such payments falling to be made in respect of that year ; and
- (c) in the case of each undertaking for the time being in force under subsection (1) and each service in respect of which grant is for the time being payable under subsection (4) of this section, the amount falling to be paid in respect of that year in pursuance of that undertaking or by way of such grant.

Grants  
pending  
elimination  
of surplus  
track and  
signalling  
equipment.

40.—(1) Subject to the provisions of this section, the Minister may, for each of the five years beginning with 1969, make to the Railways Board a grant towards the expenditure of the Board in respect of track and signalling equipment which is in that year in the possession of the Board but which is in that year, or is likely within those five years to become, surplus to their requirements.

(2) The amount of any grant under this section shall be determined by the Minister after consultation with the Railways Board, and the amount of the grant for each of the said years shall be so determined before 1st January 1969 in such manner that—

- (a) the amount for each year after the first is less than that for the preceding year ; and
- (b) the aggregate amount of the grants does not exceed £50 million.

(3) Any grant under this section shall be made on such terms and conditions as the Minister may determine.

(4) The approval of the Treasury shall be required for the making of any grant under this section and for any determination of the Minister under subsection (2) or (3) thereof.

(5) The report of the Railways Board under section 27(8) of the Act of 1962 for any year in respect of which a grant is made to the Board under this section shall include a statement of the amount of that grant.

*Additional financial provisions with respect to Boards and new authorities*

41.—(1) This section applies to the following authorities, namely, the Boards and the new authorities.

Financial provisions as to Boards and new authorities.

(2) It shall be the duty of each of the authorities to whom this section applies so to perform their functions under the Act of 1962 or this Act as to secure that the combined revenues of the authority and of their subsidiaries taken together are not less than sufficient to meet their combined charges properly chargeable to revenue account, taking one year with another.

(3) Each of the authorities to whom this section applies shall secure that their subsidiaries charge to revenue account in every year all charges which are proper to be made to revenue account, including, in particular, proper provision for the depreciation or renewal of assets.

(4) Notwithstanding anything in paragraph (a) of the proviso to section 18(4) of the Act of 1962, the purposes for which the moneys comprised in the general reserve of any of the authorities to whom this section applies may be applied shall include the purposes of any subsidiary of theirs.

(5) Subsection (1) of section 18 of the Act of 1962 shall cease to have effect, and references to that subsection in the Act of 1962 shall be construed as references to subsection (2) of this section.

(6) For section 19(3)(ii) of the Act of 1962 (which provides that the aggregate amount outstanding in respect of the principal of any money borrowed by the London Board under that section and that Board's commencing capital debt shall not exceed £200 million or such greater sum not exceeding £270 million as the Minister may from time to time by order specify) there shall be substituted the following:—

S.41(6) rep-1969.  
c. 35 S.47(2),  
Sch. 6.

“ (ii) for the London Board three hundred million pounds.”

(7) In section 19(3)(iii) of the Act of 1962 (which provides that the aggregate amount outstanding in respect of the principal of any money borrowed by the Docks Board under that section and that Board's commencing capital debt shall not exceed £120

**PART IV** million) for the word "twenty" there shall be substituted the word "sixty",

**1966 c. 17.**

(8) In section 22 of the Act of 1962 as amended by the Transport Finances Act 1966, subsections (2) and (3) (which relate to deficits on revenue account of the Railways Board or the London Board) and subsection (6) (which temporarily relieves those Boards of the obligation to establish a general reserve) shall cease to have effect.

(9) In section 24(2) of the Act of 1962 (under which a person is not qualified to be appointed as auditor of the accounts of a Board or new authority unless he is a member of one or more specified bodies) after the word "member" there shall be inserted the words "or is a firm in Scotland each of the partners wherein is a member".

(10) For the purposes of subsections (2) and (3) of this section, the provisions of section 51(5) of this Act shall be disregarded.

**Additional  
financial  
provisions as  
to Railways  
Board.**

**42.—(1)** This section applies to the Railways Board.

**(2)** On 1st January 1969 there shall be extinguished—

*(a)* the part of the commencing capital debt of the Board under section 39 of the Act of 1962 which under section 40 of that Act constitutes the suspended debt of the Board on that date; and

*(b)* subject to subsection (3) of this section, such further part of the commencing capital debt of the Board as is required to be extinguished in order to reduce the commencing capital debt of the Board outstanding on that date to £300 million.

**(3)** Without prejudice to section 53(5) of this Act, the Minister may from time to time by order vary the amount specified in subsection (2)(*b*) of this section where that appears to him expedient to take account of—

*(a)* any adjustment in pursuance of the provisions of Schedule 4 to this Act in the property, rights and liabilities transferred under section 5(3) or 29(2) thereof;

*(b)* any transfer of property, rights or liabilities under section 7(5) or (6) or 8(4) of this Act;

but no order shall be made by virtue of paragraph *(a)* of this subsection more than five years after the appointed day for the purposes of paragraph *(b)* of the said section 5(3) or, as the case may be, the relevant appointed day for the purposes of the said section 29(2).

**(4)** Any order under subsection (3) of this section may contain such transitional provisions as appear to the Minister



expedient to take account of any interest underpaid or overpaid on the commencing capital debt of the Board.

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(5) The Minister's power to make an order under subsection (3) of this section shall be subject to the approval of the Treasury and any such order shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(6) As from 1st January 1969, the aggregate amount outstanding in respect of—

(a) the principal of any money borrowed by the Board under section 19 of the Act of 1962 ; and

(b) the Board's commencing capital debt,

shall not exceed £550 million or such greater sum not exceeding £700 million as the Minister may from time to time by order specify ; but no order shall be made under this subsection unless a draft thereof has been approved by a resolution of the Commons House of Parliament.

(7) The Board shall as soon as practicable after 1st January 1969 adjust their accounts so that the total net book value of their capital assets does not exceed the aggregate of the amount specified in subsection (2)(b) of this section and their other liabilities.

(8) If in any accounting year of the Board there is an excess of the revenue of the Board over the total sums properly chargeable by them to revenue, the Minister may, with the approval of the Treasury, require that excess, so far as it appears to him, after consultation with the Board, to be surplus to the requirements of the Board, to be paid over to the Minister, who shall pay it into the Consolidated Fund.

43.—(1) This section applies to the Waterways Board.

Additional financial provisions as to Waterways Board.

(2) The Minister or any other Minister of the Crown may, with the approval of the Treasury, from time to time make grants to the Board.

(3) On 1st January 1969—

(a) without prejudice to any further adjustment under section 53(5) of this Act, there shall be extinguished such part of the commencing capital debt of the Board under section 39 of the Act of 1962 as is required to be extinguished in order to reduce the commencing capital debt of the Board outstanding on that date to £3,750,000 ; and

(b) in section 19(3)(iv) of the Act of 1962 (which provides that the aggregate amount outstanding in respect of the principal of any money borrowed by the Board and of

## PART IV

the Board's commencing capital debt shall not exceed £30 million) for the word "thirty" there shall be substituted the word "twelve".

1966 c. 17.  
S. 43(4) REP -  
1974 c. 22 SL  
(REPEALS)

(4) In section 23 of the Act of 1962 as amended by the Transport Finances Act 1966, subsections (2) and (3) (which relate to deficits on revenue account of the Waterways Board) and subsection (5) (which temporarily relieves that Board of the obligation to establish a general reserve) shall cease to have effect.

(5) If in any accounting year of the Board there is an excess of the revenue of the Board over the total sums properly chargeable by them to revenue, the Minister may, with the approval of the Treasury, require that excess, so far as it appears to him, after consultation with the Board, to be surplus to the requirements of the Board, to be paid over to the Minister, who shall pay it into the Consolidated Fund.

Account by  
Minister of  
receipt and  
disposal of  
certain sums.

§ 44.—(1) The Minister shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of, and of the disposal by him of, the following sums, namely—

- (a) any sums issued to the Minister by the Treasury out of the National Loans Fund under section 20(3) of the Act of 1962 for the purpose of making loans—
- (i) under section 20(1) of that Act to any of the Boards ; or
  - (ii) under section 29(12) of that Act to the Holding Company ; or
  - (iii) under the said section 20(1) as applied by section 3(1) or 27(1) of this Act to the Freight Corporation or the Bus Company ;
- (b) any sums which, being received by the Minister—
- (i) by way of interest on, or the repayment of, any such loan as aforesaid ; or
  - (ii) by way of interest on, or the repayment of, the commencing capital debt under section 39 of that Act of any of the Boards or of the Holding Company ; or
  - (iii) by way of interest on, or the repayment of, the commencing capital debt of the Freight Corporation or the Bus Company under Schedule 2 to this Act ; or
  - (iv) in respect of any surplus of the Holding Company, the Railways Board or the Waterways Board, are required by section 20(5), 29(10) or 39(8) of the Act of 1962, by section 42(8) or 43(5) of this Act, by

§ 44 S. 44 rep. in pt. - S. 1. 1973/338.

the said section 20(5) as applied by the said section 29(12), 3(1) or 27(1), or by the said section 39(8) as applied by paragraph 1 of the said Schedule 2 to be paid by the Minister into the National Loans Fund or the Consolidated Fund, as the case may be.

(2) The Secretary of State shall, as respects each financial year, prepare in such form and manner as the Treasury may direct an account of, and of the disposal by him of, the following sums, namely—

(a) any sums issued to the Secretary of State by the Treasury out of the National Loans Fund under section 20(3) of the Act of 1962 for the purpose of making loans to the Scottish Group under section 20(1) of that Act as applied by section 27(1) of this Act ;

(b) any sums which, being received by the Secretary of State—

(i) by way of interest on, or the repayment of, any such loan as aforesaid ; or

(ii) by way of interest on, or the repayment of, the commencing capital debt of the Scottish Group under Schedule 2 to this Act,

are required by section 20(5) of the Act of 1962 as applied by the said section 27(1), or by section 39(8) of the Act of 1962 as applied by paragraph 1 of the said Schedule 2, to be paid by the Secretary of State into the National Loans Fund.

(3) The Minister and the Secretary of State shall each send every account prepared by him under subsection (1) or (2) of this section to the Comptroller and Auditor-General not later than the end of November following the year to which the account relates ; and the Comptroller and Auditor-General shall examine, certify and report on the account and lay copies of it, together with his report, before each House of Parliament.

(4) In consequence of the foregoing provisions of this section—

(a) in section 20 of the Act of 1962, subsection (6) (which makes provision corresponding to this section in respect of certain of the sums aforesaid) shall cease to have effect ; and

(b) in section 29(12) of that Act (which applies subsections (2) to (6) of the said section 20 to sums lent under the said section 29) for the words “ subsections (2) to (6) ” there shall be substituted the words “ subsections (2) to (5). ”

## PART IV

*Additional duties of Boards and new authorities*

Duty of  
Freight  
Corporation  
and Railways  
Board  
to review  
organisation.

- 45.—(1) It shall be the duty—
- (a) of the Railways Board forthwith after the appointed day for the purposes of this section, and
  - (b) of the Freight Corporation forthwith after the appointed day for the purposes of section 1(1) of this Act,

to undertake a review of the affairs of the Board or, as the case may be, the Corporation for the purpose of determining whether the carrying on of their activities is organised, so far as regards the direction thereof, in the most efficient manner and to report their conclusions to the Minister, and so often thereafter as occasion seems to them to require it, or as the Minister may require, to undertake a further such review and to report similarly.

(2) Before reaching conclusions in consequence of a review undertaken in pursuance of subsection (1) of this section, the Board or, as the case may be, the Corporation shall seek consultation with organisations appearing to them to represent substantial proportions of, or of any class of, the persons in the employment of, or of any subsidiary of, the Board or, as the case may be, the Corporation.

(3) The first report under subsection (1) of this section by the Railways Board or the Freight Corporation must be made before the expiration of the period of twelve months beginning with the appointed day referred to in paragraph (a) or, as the case may be, paragraph (b) of that subsection or such longer period as the Minister may allow.

(4) The Minister shall lay before each House of Parliament a copy of each report under subsection (1) of this section.

(5) After considering any report made to him under subsection (1) of this section, the Minister may give to the Railways Board or the Freight Corporation or each of them such directions as, after consultation with the authority to whom the directions are given, appear to him to be requisite to secure that the carrying on of their respective activities is organised, so far as regards the direction thereof, in the most efficient manner.

(6) The Railways Board or the Freight Corporation shall not make, or permit to be made, any substantial change in the manner in which the carrying on of their activities is organised, so far as regards the direction thereof, except—

- (a) in pursuance of a direction given by the Minister under subsection (5) of this section or under section 6(1) of this Act; or

- (b) in accordance with a scheme duly approved under section 7 of this Act ; or
- (c) in accordance with an order under section 8 of this Act ; or
- (d) with the consent of the Minister.

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46.—(1) This section applies to the following authorities namely, the Boards and the new authorities.

Duty of Boards and new authorities to promote research and development.

(2) It shall be incumbent on each of the authorities to whom this section applies to take such steps as appear to them to be practicable and desirable for promoting—

- (a) research on lines settled from time to time with the approval of the Minister into matters affecting, or arising out of, the exercise of the functions of that authority or of any subsidiary of that authority ; and
- (b) the doing of such work as is requisite to enable—
- (i) the results of any research into any such matter as aforesaid (whether or not promoted by that authority) ; and
- (ii) anything resulting from any idea affecting, or arising out of, the exercise of any of those functions, to be turned to account ;

but nothing in this subsection shall be construed as imposing upon that authority, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which that authority would not otherwise be subject.

(3) An authority to whom this section applies may take such steps as aforesaid with respect to any matter either by themselves carrying out the necessary research or doing the necessary work or by arranging for that research to be carried out or that work to be done by some other person with or without assistance (including financial assistance) from that authority ; but nothing in this section shall authorise any such authority to do themselves, either directly or through a subsidiary, any work such as is mentioned in subsection (2)(b) of this section which the authority would not have power to do apart from this section.

(4) In the application of this section to the Scottish Group, the reference to the Minister shall be construed as a reference to the Secretary of State.

(5) In section 27(3) of the Act of 1962 for the words "education and research" there shall be substituted the words "and education".

## PART IV

Extension to new authorities of certain functions of Boards.

*Additional powers of Boards and new authorities*

47.—(1) Without prejudice to the provisions of sections 48 to 52 of this Act, but subject to the provisions of this section—

(a) the following provisions of the Act of 1962 (which confer certain powers on the Boards), that is to say—

(i) section 11 (development of land) ;

(ii) section 12 (pipe-lines) ;

(iii) section 13 (powers of manufacture and production) other than subsection (2) thereof ;

(iv) section 14 (supplementary powers) ;

(v) section 15 (compulsory purchase of land) ;

(vi) section 16 (working agreements involving the delegation of special statutory powers) ;

(vii) section 17 (power to promote and oppose Bills) ;

(viii) section 43(1) to (3) (power to make charges for services and facilities) ; and

(b) section 25 of the Act of 1962 (which relates to subsidiaries of the Boards),

shall have effect as if each of the new authorities were one of the Boards.

(2) In relation to the Bus Company and the Scottish Group, subsection (1)(a) of this section shall have effect as if subparagraphs (ii) and (v) thereof were omitted.

(3) In the application of sections 11, 13, 14, 17 and 25 of the Act of 1962 to the Scottish Group any reference to the Minister shall be construed as a reference to the Secretary of State.

(4) The reference in subsection (1) of section 16 of the Act of 1962 to a working agreement to which that section applies shall include a reference to any arrangements such as are mentioned in section 50(9) of this Act.

Manufacture, repair and supply.

48.—(1) This section applies to the following authorities, namely, the Boards and the new authorities, but in its application to the Scottish Group any reference to the Minister shall be construed as a reference to the Secretary of State.

(2) Each of the authorities to whom this section applies shall have power—

(a) to manufacture for sale to outside persons (that is to say, to persons other than an authority to whom this section applies or a subsidiary of such an authority), and to repair for outside persons, anything which

the authority consider can advantageously be so manufactured or, as the case may be, repaired by the authority by reason of the fact that the authority or a subsidiary of theirs have materials or facilities for, or skill in, the manufacture or repair of that thing in connection with some existing activity of that authority or subsidiary ;

- (b) to sell to outside persons, and for that purpose to purchase, anything which is of a kind which the authority or a subsidiary of theirs purchase in the course of some existing activity of that authority or subsidiary ;
- (c) at any place where the authority, in the exercise of their powers under section 14(1)(d) of the Act of 1962, provide a car park, to repair motor vehicles for outside persons, and to sell to outside persons petrol, oil and spare parts and accessories for motor vehicles, and for that purpose to purchase any of those things, whether or not those persons are using the car park ;

and the Waterways Board shall have power to sell goods of any description to outside persons, whether or not persons using their waterways, at any place where persons using those waterways may require facilities for the purchase of those goods, and for that purpose to purchase any such goods ; and in paragraph (a) or (b) of this subsection the expression "existing activity" means, in relation to any activity at any time undertaken by virtue of that paragraph, any other activity already carried on at that time, including any such activity carried on by virtue of any provision of this section other than paragraph (c) of this subsection and other than the provisions of this subsection relating only to the Waterways Board.

(3) An authority to whom this section applies shall not engage in any activity authorised by subsection (2) of this section, and shall exercise their control over any subsidiary of theirs so as to ensure that the subsidiary does not engage in any such activity, unless the authority are satisfied that they or the subsidiary can do so without detriment to the duties imposed on the authority by the Act of 1962 or this Act.

(4) Each of the authorities to whom this section applies shall from time to time submit to the Minister for his approval proposals as to the manner in which any activities authorised by subsection (2) of this section or any activities of manufacture authorised by section 13 of the Act of 1962 are to be carried on by them or any subsidiary of theirs, and shall carry on, or, as the case may be, exercise their control over that subsidiary so

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as to ensure that the subsidiary carries on, those activities in accordance with the Minister's approval, and the Minister may—

- (a) in approving any proposals, approve them subject to such modifications or subject to compliance with such conditions as he thinks fit; and
- (b) at any time, after consultation with the authority, direct the authority to discontinue or, as the case may be, to exercise their control over any of their subsidiaries so as to require the subsidiary to discontinue, any of the activities which the authority or subsidiary are carrying on in accordance with the Minister's approval.

(5) The Minister shall publish, in such manner as he thinks fit, any proposals approved by him under subsection (4) of this section, and shall send copies of those proposals to the Confederation of British Industry and the Trades Union Congress.

(6) Each authority to whom this section applies shall include in the report in respect of any year required to be submitted by them under section 27(8) of the Act of 1962 such particulars as the Minister may, after consultation with the authority and with the approval of the Treasury, direct with respect to all or any of the activities authorised by subsection (2) of this section or the activities of manufacture authorised by section 13 of the Act of 1962 which have been carried on in that year by the authority or any of their subsidiaries.

(7) The foregoing provisions of this section shall have effect notwithstanding subsection (1) of section 13 of the Act of 1962 (so far as it confines any authority's powers of manufacture, purchase and repair to those conferred by that section), and in that section—

- subsection (2) (which relates to the powers of the Waterways Board to manufacture for sale and to repair plant and equipment of a kind ordinarily made for use in connection with the operation of an inland waterway);
- subsection (4) (which is superseded by the provisions of subsection (4) of this section) except as respects proposals approved thereunder before the appointed day for the purposes of this section;
- subsection (5) (which restricts the power of the Boards to manufacture road vehicles, bodies or chassis for road vehicles or major components of road vehicles);
- subsection (6) (which restricts the power of the Boards to purchase or trade in road vehicles or in spare parts, accessories, petrol or oil for such vehicles and from engaging in the maintenance or repair of such vehicles, spare parts or accessories); and



subsection (7) (which restricts the power of the Boards to engage in shipbuilding), PART IV

shall cease to have effect.

(8) Section 29(7) of the Act of 1962 (which relates to manufacture or production by subsidiaries of the Holding Company) shall have effect as if each of the new authorities were one of the Boards.

(9) In this section references to manufacture include references to construction and production, references to repair include references to maintenance, and references to selling or purchasing include references to supplying, or, as the case may be, obtaining, by exchange, hire or hire-purchase.

49.—(1) Where a Board or a new authority propose under section 11 of the Act of 1962 to develop any of their land for use otherwise than for the purposes of their business, the Minister may give his consent under subsection (4) of that section to the acquisition by that Board or authority by agreement of adjoining land for the purpose of developing it with the other land whether or not it appears to him that the other land cannot be satisfactorily developed unless the adjoining land is so acquired and accordingly, in the said subsection (4), the words from “but the Minister” to “by the Board” (which preclude the Minister from giving his consent unless it so appears to him) shall cease to have effect. Powers with respect to land.

(2) A Board or new authority may exercise the power conferred by the said subsection (4) without the consent of the Minister in any case where the Minister has under subsection (3) of the said section 11 consented to the incurring by that Board or new authority of a substantial item of expenditure in developing land as aforesaid which includes expenditure proposed to be incurred in that exercise of that power.

(3) Notwithstanding anything in the said subsection (4), where a Board or new authority propose to dispose of any of their land they shall have power to acquire by agreement adjoining land for the purpose of disposing of it together with the other land; but the Board or new authority shall not incur any substantial item of expenditure under this subsection without the consent of the Minister, and the Minister may from time to time give directions to the Boards and the new authorities indicating what is to be treated for the purposes of this subsection as a substantial item of expenditure.

(4) Notwithstanding anything in the said subsection (4), the Railways Board and the Waterways Board shall each have power with the consent of the Minister to acquire land by agreement with a view to its development, whether by that Board or by

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some other person, for use otherwise than for the purposes of their business if that land—

(a) in the case of the Railways Board adjoins other land of that Board ; or

(b) in the case of the Waterways Board adjoins any of the commercial or cruising waterways of the Board within the meaning of section 104 of this Act,

and the Minister is satisfied that the land acquired will be so connected by rail or so situated in relation to a railway line or, as the case may be, will be so connected by waterway to, or is so situated in relation to, that commercial or cruising waterway that the rail services of the Railways Board or, as the case may be, the waterway services of the Waterways Board can be directly used by the person for the time being occupying the land proposed to be acquired.

(5) In the application of subsections (1) to (3) of this section to the Scottish Group, any reference therein to the Minister shall be construed as a reference to the Secretary of State.

(6) Section 87 of the Act of 1962 (which makes temporary provision as to development of land in London) shall cease to have effect.

Miscellaneous provisions as to powers.

50.—(1) In addition to their power under the provisions of sections 3(3)(e), 9(2)(c) or 10(3)(f) of the Act of 1962 to store certain goods and to use certain premises to provide facilities for the storage of other goods, the Railways Board, Docks Board and Waterways Board shall each have power, with the consent of the Minister, to provide such facilities at any other premises ; and the said section 3(3)(e) shall apply to goods which have been or are to be carried by a subsidiary of the Railways Board as it applies to goods which have been or are to be carried by that Board.

(2) The Railways Board shall have power to provide and manage hotels in any part of Great Britain and, with the consent of the Minister, elsewhere ; and the following provisions of the Act of 1962, that is to say—

section 6 (which permits the Board to provide hotels only in places where those using the railway services provided by the Board may require them and to exercise their power of managing hotels only with the consent of the Minister) ; and

section 25(3) (which prevents the Board from having any subsidiary, other than the Hotel Company, which owns or manages a hotel),

shall cease to have effect.

S. 49 (6) REP.  
-1974. C. 22.  
S.L. (REPEALS)

(3) The Waterways Board, the Bus Company and the Scottish Group shall each have power to provide and manage hotels in places where those using the inland waterways owned or managed by the Waterways Board or, as the case may be, the transport services provided by the Bus Company or Scottish Group may require them, for use both by those and other persons.

(4) In subsections (2) and (3) of this section the references to hotels include references to any other form of residential accommodation or facilities, including caravan and camping sites, for travellers or persons on holiday; and the said subsection (3) shall be without prejudice to the powers of the Waterways Board, the Bus Company or the Scottish Group under section 14(1)(d) of the Act of 1962 to provide amenities and facilities for persons for whom they do not provide residential accommodation or facilities.

(5) In addition to the powers of the Waterways Board to provide the transport services by road authorised by section 10(3)(c) of the Act of 1962 (carriage of goods which have been or are to be carried by the Board by inland waterway and carriage of goods where the use of an inland waterway owned or managed by the Board has been temporarily interrupted), that Board shall have power, with the consent of the Minister, to provide other transport services by road for the carriage of goods and to carry goods by those services.

(6) Without prejudice to the powers of the Waterways Board apart from this subsection, that Board shall have power to provide services and facilities for the use for amenity or recreational purposes (including fishing) of the inland waterways and reservoirs owned or managed by them.

(7) Each of the Boards and new authorities shall have power to provide for any person technical advice or assistance, including research services, as respects any matter in which the Board or new authority have skill or experience.

(8) Without prejudice to their powers apart from this subsection, each of the Boards and the new authorities shall have power to form, promote and assist, or join with any other person in forming, promoting and assisting, a company for carrying on any activities which that Board or new authority have power to carry on.

(9) Where a company for carrying on any activities which any of the Boards or new authorities have power to carry on has been formed in the exercise of the powers conferred by subsection (8) of this section by that Board or new authority, whether alone or jointly with some other person, or where in the exercise of their powers under paragraph (a) of section 14(1) of the Act of 1962 any of the Boards or new authorities have

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entered into an agreement with any person for the carrying on by that person, whether as agent for that Board or new authority or otherwise, of any of the activities which that Board or new authority may themselves carry on, then, without prejudice to their powers under paragraph (b) of the said section 14(1), that Board or new authority may, with the consent of the Minister, or, in the case of the Scottish Group, with the consent of the Secretary of State, enter into arrangements with that company or person for the transfer from that Board or new authority to that company or person, in such manner and on such terms (including payments by any of the parties to the arrangements to any other of them) as may be provided for by the arrangements, of any property, rights or liabilities of that Board or new authority relevant to the carrying on of those activities.

(10) In section 43(3) of the Act of 1962, after the word "recover" there shall be inserted the words "or waive".

Subsidiaries  
and joint  
subsidiaries.

51.—(1) This section applies to the following authorities, namely, the Boards and the new authorities.

(2) For the purposes of paragraphs (d), (f), (g) and (h) of section 14(1) of the Act of 1962, services and facilities provided by, persons employed by, or equipment of, a subsidiary of an authority to whom this section applies, and, for the purposes of section 15(1) of that Act, land required for the purposes of the business of a wholly-owned subsidiary of such an authority, shall be deemed to be services and facilities provided by, persons employed by, equipment of, or land required for the purposes of the business of, that authority; and section 43(1) to (3) of the Act of 1962 shall apply to any subsidiary of an authority to whom this section applies as they apply to that authority.

(3) In section 27(1) of the Act of 1962 (which empowers the Minister or, as the case may be, the Secretary of State to give directions of a general character as to the exercise and performance by any authority to whom this section applies of their functions in relation to matters which appear to him to affect the national interest) after the word "functions" there shall be inserted the words "(including the exercise of rights conferred by the holding of interests in companies)".

(4) A wholly-owned subsidiary of an authority to whom this section applies shall not be regarded as a common carrier when carrying on any activity which that authority have power to carry on and in carrying on which that authority are not to be so regarded.

(5) Where a company of which two or more authorities to whom this section applies are members would, if those authorities were a single body corporate, be a wholly-owned subsidiary

of that body corporate, then, whether or not that company is apart from this subsection a subsidiary of one of those authorities, that company shall be deemed for the purposes of the Act of 1962 and of the provisions other than Parts V and VI of this Act to be a wholly-owned subsidiary of each of those authorities ; and any such company is hereafter in this section referred to in relation to each of those authorities as a " joint subsidiary " of that authority.

(6) In the case of a joint subsidiary, section 25(1) of the Act of 1962 shall not apply but it shall be the joint duty of both or all the authorities of which it is a joint subsidiary to exercise their control over the subsidiary so as to ensure that the subsidiary—

- (a) does not engage in activities in which none of those authorities have power to engage (including activities in which none of those authorities have power to engage because the consent of the Minister has not been obtained), and
- (b) does not do anything which the Minister has directed any of those authorities not to do, and
- (c) does not, except with the consent of the Minister, borrow money from any person other than those authorities, and
- (d) does not, except with the consent of the Minister, raise money by the issue of shares or stock to any person other than those authorities ;

and the Minister may give to those authorities such directions as appear to him appropriate for ensuring that they carry out the duty imposed on them by this subsection.

(7) In the application of subsection (6) of this section to a joint subsidiary of the Scottish Group, any reference in that subsection to the Minister shall be construed as including a reference to the Secretary of State.

**52.**—(1) Section 14(6) of the Act of 1962 (which provides that the powers conferred by the foregoing provisions of that Act are cumulative and that those provisions relate only to the capacity as a statutory corporation of any authority on whom those powers are conferred and that nothing in those provisions shall be construed as authorising the disregard by any such authority of any enactment or rule of law) shall apply to any powers conferred on any Board or new authority by any provision of this Act and to the provision of this Act conferring that power as it applies to the powers and provisions mentioned in the said section 14(6).

Supple-  
mentary and  
miscellaneous  
provisions.

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(2) For the purposes of section 15 of the Act of 1962 (which confers on the Boards and the Freight Corporation powers of compulsory purchase for the purpose of their business) activities carried on by any of the Boards or the Corporation by virtue of section 48 or subsections (1) to (7) of section 50 of this Act shall be deemed not to form part of the business of the Board or Corporation.

(3) Sections 27, 28 and 89 of the Act of 1962 (which relate respectively to the powers of the Minister to give directions to the Boards, to powers exercisable subject to the Minister's consent, and to the duty to give effect to the Minister's directions) shall apply to each of the new authorities as if they were one of the Boards and, in their application to the Scottish Group, as if any reference therein to the Minister were a reference to the Secretary of State ; and any reference in the said section 27 or 89 to that Act or in the said section 28 to the foregoing provisions of that Act shall include a reference to this Act.

(4) In Schedule 1 to the Act of 1962, for paragraph 4 (which relates to the authentication of the application of the seal of a Board) there shall be substituted the following:—

“4. The application of the seal of any Board shall be authenticated by the signature of the secretary of the Board or some other person authorised by the Board, either generally or specially, to act for that purpose.”

(5) It is hereby declared that none of the new authorities are to be regarded as the servant or agent of the Crown, or as enjoying any status, immunity or privilege of the Crown, or (subject to the provisions of sections 160, 161 and 162 of this Act) as exempt from any tax, duty, rate, levy or other charge whatsoever, whether general or local, and that their property is not to be regarded as property of, or property held on behalf of, the Crown.

*Power to dissolve Holding Company, etc.*

Provisions  
with respect  
to Holding  
Company.

[a] 53.—(1) The Minister may by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament—

(a) transfer any such property, rights and liabilities of the Holding Company as may be specified in the order, being property, rights or liabilities not already transferred under section 4 or 28 of this Act or this paragraph, from the Holding Company to such other person, being either a publicly-owned body (that is to say, a body established for the carrying on of any industry or part of an industry, or of any undertaking, under national ownership or control, or a wholly-owned

[a] S.53 am.- 1972.c.14.s.1(b)

subsidiary of a body so established) or a Minister of the Crown, as may be specified in the order ;

(b) ~~transfer all property, rights and liabilities of the Holding Company not already transferred under the said section 4 or 28 or paragraph (a) of this subsection to such one, or to such extent respectively to such two or more, of the Boards and the new authorities as may be specified in the order, and provide for the dissolution of the Holding Company ;~~

\*Rep. - 1972.  
C. 14. S. 1 (3)

(c) where by virtue of paragraph (a) or (b) of this subsection any property, rights and liabilities are transferred to, or to a subsidiary of, any of the Boards or the new authorities, confer on the Board or new authority in question any powers necessary to ensure the continued carrying on of any activities carried on before the transfer which would otherwise fall by virtue of section 25 of the Act of 1962 or section 51(6) of this Act to be discontinued after the transfer.

(2) In the case of any order made by virtue of paragraph (a) ~~or (b)~~ of subsection (1) of this section, the property, rights and liabilities in question shall on such date as may be appointed for the purpose by the order be transferred, and by virtue of this Act vest, in accordance with the order ; and Schedule 4 to this Act shall apply to any transfer under this subsection.

(3) Any order under subsection (1) of this section may contain such supplementary, incidental and consequential provision as may appear to the Minister to be necessary or expedient, and in particular, in the case of an order by virtue of paragraph (b) of that subsection, may make provision—

(a) for the preparation by such person or persons as may be specified in the order of a statement or statements of the Holding Company's accounts for the period from the end of that dealt with in the last annual statement of accounts published by that Company down to the date of the dissolution of that Company ;

(b) for the auditing of any such statement of accounts ;

(c) for the making to the Minister by such person or persons as may be specified in the order of a report or reports on the exercise and performance by the Holding Company of their functions during any period not dealt with in the reports made by that company under section 29(16) of the Act of 1962 ;

(d) repealing any provision of the Act of 1962 or of this or any other Act which the Minister is satisfied has become unnecessary in consequence of the dissolution of the Holding Company. [C]

[C] S. 53 (3) (d) am. - 1972. C. 14 S. 1. (3) 3\*4 (b)

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(4) The Minister may, with the consent of the Treasury, pay to any person upon whom duties are imposed by virtue of subsection (3)(a) to (c) of this section such remuneration, and such allowances in respect of expenses, as the Minister may with the agreement of the Treasury determine.

(5) The Minister may from time to time by order—

(a) vary the commencing capital debt under section 39 of the Act of 1962 of the Holding Company or of any of the Boards or under Schedule 2 to this Act of any of the new authorities ; or

(b) extinguish the liability of the Holding Company in respect of all or any sums lent to that Company by the Minister under section 29(12) of the Act of 1962 on or after 1st January 1963,

where that appears to the Minister expedient to take account of any transfer of property, rights and liabilities—

(i) in the case of the Holding Company, under section 4 or 28 of this Act or under subsection (1) of this section ;

(ii) in the case of any of the Boards or new authorities, under the said subsection (1) ;

and any such order may contain such transitional provisions as appear to the Minister expedient to take account of any interest underpaid or overpaid on the commencing capital debt of the authority in question or on the sums referred to in paragraph (b) of this subsection. [C]

(6) On requiring any of the new authorities to make provisional payments under paragraph 2 of Schedule 2 to this Act in respect of the commencing capital debt of that new authority, the Minister may by notice in writing to the Holding Company specify what part of those payments is to be treated as attributable to transfers to that new authority from the Holding Company under section 4 or 28 of this Act ; and where such notice is given, then, in respect of any period in respect of which those provisional payments are made, the liability of the Holding Company to make payments of interest under section 39(6) or 20(2) of the Act of 1962 on the commencing capital debt of, or loans to, that Company shall be correspondingly reduced.

(7) For the purposes of any order made by virtue of paragraph (a) of subsection (5) of this section with respect to the Scottish Group, any reference in that subsection to the Minister shall be construed as a reference to the Minister and the Secretary of State acting jointly.

(8) The power of the Minister or of the Minister and the Secretary of State acting jointly to make an order under subsection (5) of this section shall be subject to the approval of [C] S.53 (5) cm. - 1972, C.44 S. 1(4)



the Treasury and any such order shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

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*Miscellaneous further provisions with respect to transport services*

**54.**—(1) In discharging any of his functions under subsection (8) or (10) of section 56 of the Act of 1962 or under subsection (5) of this section in relation to, or to a proposal by the Railways Board or the London Board for, the discontinuance of all railway passenger services from any station or on any line (hereafter in this section, as in that section, referred to as a closure), the Minister shall have regard to any matters which for the time being appear to him to be relevant, including any social or economic considerations, and shall not give his consent to a proposed closure—

- (a) unless he is satisfied that a reasonable opportunity has been afforded for the making to the Minister of representations with respect to the closure by or on behalf of persons who are employed by the Board concerned for the purposes of, or in connection with, the services in question and who appear to the Minister to be likely to be directly affected by the closure ; or
- (b) before he has considered any representations made while that opportunity remains available which he is satisfied are either made by such persons as aforesaid or made on behalf of such persons by an organisation appearing to him to represent such persons. [a]

(2) In the case of a proposed closure of a station from which, or of a line on the whole or part of which, railway passenger services fall to be provided by the Railways Board in pursuance of an agreement under section 20(2)(b) of this Act with the Executive for an area designated under section 9(1) thereof, the Board shall not publish a notice of that closure in pursuance of subsection (7) of the said section 56 without the consent of that Executive to its publication ; and if the Board publish the notice before obtaining that consent, the notice shall be of no effect unless before the expiration of the period fixed by the notice for objecting to the closure either—

- (a) the Executive have informed the Board in writing that they consent to the publication ; or
- (b) the Minister, on an application made for the purpose by the Board, whether before or after the publication of the notice, and after affording the Executive what the Minister considers a reasonable opportunity to make any representations, has directed that the notice

[a] s. 54 (1) am. (h.T.E.) - 1969 c. 35. s. 25(1)

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shall have effect notwithstanding that the Executive have not consented to its publication ;

but the giving by the Executive of their consent to publication of a notice in pursuance of the said subsection (7) shall not affect the right of the Executive under subsection (4) of this section to oppose the closure.

(3) Where, in the case of any proposed closure, subsection (2) of this section does not apply but the proposal is for the closure of a station, or of the whole or part of a line, which is situated within an area designated as aforesaid, the Railways Board shall send to the Executive for that area a copy of the notice of the closure published by the Board in pursuance of the said subsection (7).

(4) Where, in the case of any closure to which subsection (2) or (3) of this section applies, notice of the closure has been published by the Railways Board in pursuance of the said subsection (7) (not being a notice which under the said subsection (2) is of no effect), the Executive concerned may, within the period specified in the notice for objecting to the closure, lodge with the Minister a statement in writing that they oppose the closure and of their reasons therefor ; and where the Executive lodge such a statement with the Minister they shall send a copy of that statement to the Board and, notwithstanding that no objection is lodged in accordance with subsection (8) of the said section 56, the closure shall not be proceeded with until the Minister has given his consent.

(5) In the case of any closure requiring the consent of the Minister under the said section 56 or under subsection (4) of this section—

- (a) the Minister may give his consent subject to such conditions as he thinks fit, including conditions to be complied with after the closure ;
- (b) the Minister may from time to time vary or revoke the conditions for the time being required to be complied with in connection with the closure, whether the closure took place before or after the coming into force of this subsection ;
- (c) those conditions may include conditions as to the provision of alternative services by, or by a subsidiary of, the Bus Company or the Scottish Group, or by some other person whether in pursuance of arrangements made by the Bus Company or the Scottish Group or otherwise ; and
- (d) whether before or after the closure, and whether the closure took place before or after the coming into force of this subsection, the Minister may from time

to time give such directions to the Railways Board or, PART IV  
 \* ~~as the case may be, the London Board and to the Bus~~ \* Rep - 1969 C. 35  
 Company, and the Secretary of State may from time S. 47(2), Sch. 6.  
 to time give such directions to the Scottish Group, as  
 he thinks fit in connection with the closure ;

and where any such condition or direction relates to the provision or assistance in the provision of alternative services, the Minister or, where those alternative services are to be provided by, or by a subsidiary of, or in pursuance of arrangements made by, the Scottish Group, the Minister and the Secretary of State acting jointly may refer to an Area Committee within the meaning of the said section 56 any matter relating to those services, and the committee shall consider and report on that matter to the Minister or, as the case may be, to the Minister and the Secretary of State.

(6) Where any condition or direction such as is referred to in subsection (5) of this section requires the provision of alternative services by, or by a subsidiary of, the Bus Company or the Scottish Group or in pursuance of arrangements made by that Company or that Group, the cost of providing those alternative services shall be borne by that Company or, as the case may be, that Group.

(7) For the purposes of subsections (5) and (6) of this section any conditions imposed under subsection (11) of the said section 56, so far as still required to be complied with immediately before the coming into force of the said subsection (5), shall have effect as if imposed under the said subsection (5).

(8) Paragraphs 9 and 10 of Schedule 7 to the Act of 1962 S 54(8) REP.  
 (which contain spent transitional provisions with respect to - 1974. C. 22.  
 matters pending at the date of the coming into force of the S. L.  
 said section 56) shall cease to have effect. (REPEALS)

**55.**—(1) The services and facilities in relation to which, Amendments  
 under section 56 of the Act of 1962, the duty imposed, subject as to  
 to the subsequent provisions of that section, by subsection (4) Transport  
 thereof on the Consultative Committees established under that Consultative  
 section falls to be exercised— Committees.

- (a) shall not include any services or facilities provided by the Waterways Board or provided by virtue of section 48 or section 50(2) or (7) of this Act ; but
- (b) subject to paragraph (a) of this subsection shall, in addition to the services and facilities provided by any of the Boards other than the Waterways Board, include the services and facilities provided by any of the following bodies, namely, the Freight Corporation and

## PART IV

any subsidiary of that Corporation or of any of the Boards other than the Waterways Board ;

and accordingly—

- (i) the reference in the said subsection (4) to any of the Boards shall be construed as a reference to any of the bodies aforesaid ;
- (ii) the reference in paragraph (b) of that subsection to a Board shall be construed as excluding a reference to the Waterways Board but including a reference to the Freight Corporation ;
- (iii) the references in that subsection and in subsection (6) of the said section 56 to the Board concerned shall be construed as a reference to whichever of the Boards or the Freight Corporation are concerned either directly or through a subsidiary of theirs ;
- (iv) the reference in subsection (5) of the said section 56 to railway services shall be construed as including a reference to any transport services provided by, or by a subsidiary of, the Freight Corporation ;

and for the purposes of this subsection the provisions of section 51(5) of this Act shall be disregarded.

(2) Without prejudice to the provisions of section 54 of this Act and of the foregoing subsection, the services and facilities in relation to which, under section 56 of the Act of 1962, the duty imposed, subject to the subsequent provisions of that section, by subsection (4) thereof on the Area Committee for Scotland established under that section falls to be exercised shall include the services and facilities provided by the Scottish Group and any subsidiary of that Group, but shall not include road passenger transport services, or services or facilities provided by virtue of section 50(3) of this Act ; and for the purposes of this subsection the said section 56 shall have effect subject to the following modifications, that is to say—

- (a) in relation to the Scottish Group and their subsidiaries, the Central Committee shall have no functions, and the Area Committee for Scotland shall have no functions in relation to the Central Committee ;
- (b) for references to the Minister in subsections (4) and (6) there shall be substituted references to the Secretary of State ;
- (c) the reference in subsection (4)(b) to a Board shall be construed as a reference to the Scottish Group, and the references in that subsection and in subsection (6) to the Board concerned shall be construed as a reference to the Scottish Group ;

(d) in subsection (15) for the words from the beginning to "Minister", where second occurring, there shall be substituted the words "The Area Committee for Scotland shall make an annual report to the Secretary of State on the services and facilities provided by the Scottish Group and their subsidiaries in relation to which the Committee have functions under subsection (4) of this section, and the Secretary of State".

(3) In the case of each of the Consultative Committees aforesaid, the Minister shall provide, or make arrangements under subsection (4) of this section for providing, that committee with such officers and servants, and such office accommodation, as appear to the Minister, after consultation with the committee, to be requisite for the proper discharge of the committee's functions and shall defray any expenditure incurred by the committee with the Minister's approval in the discharge of those functions; and the Minister may pay to the members of any such committee allowances in respect of loss of remunerative time in accordance with such scale as the Minister may with the approval of the Treasury allow and such travelling allowances and allowances in respect of out-of-pocket expenses as the Minister may determine.

(4) The Minister may, in the case of any such committee, instead of himself providing the officers and servants or office accommodation aforesaid, arrange with any of the Boards other than the Waterways Board or with the Freight Corporation for those officers and servants or that accommodation to be provided by that Board or Corporation in return for such payments by the Minister to the Board or Corporation as may be agreed between them.

(5) Subsection (16) of the said section 56 (which provides for any such officers, servants and accommodation as aforesaid to be provided, and any such allowance as aforesaid to be paid, by the Boards) shall cease to have effect.

S. 55(5) REP.  
1974. c. 22.  
S. L.  
(REPEALS)

56.—(1) Subject to subsections (3) and (4) of this section, the Minister may with the approval of the Treasury make grants upon such terms and conditions as the Minister thinks fit to any person towards expenditure appearing to the Minister to be of a capital nature incurred or to be incurred by that person for the purpose of the provision, improvement or development of facilities for public passenger transport in Great Britain. [a]

Assistance by Minister or local authority towards capital expenditure on public transport facilities.

(2) Subject to subsections (3) and (4) of this section, any local authority, or any two or more local authorities acting jointly, may make payments, upon such terms and conditions as they think fit, to any other person towards expenditure appearing to the authority or authorities in question to be of a

[a] S. 56 (1) am. - 1974. c. 7. s. 6.(8), SCH. 1. PARAS. 6, 8, 9.  
; am. (s) - 1975. c. 30. s. 14(1)(c)(3).

## PART IV

capital nature incurred or to be incurred by that other person for the purpose of the provision, improvement or development of any facilities for public passenger transport if it appears to the authority or each of the authorities in question that those facilities are or will be of benefit to the area of that authority. [a]

(3) No grant under subsection (1) of this section and no payment under subsection (2) thereof shall be made for the purposes of the provision, improvement or development of an airfield, a harbour, or (except when used or to be used for the purposes of a ferry service) a dock, pier or jetty.

(4) No grant under subsection (1) of this section shall be made for any purpose unless the Minister is satisfied that the purpose in question is in accordance with general transport planning for the locality in which the facilities in question are, or are to be, provided; and no payment under subsection (2) of this section shall be made for any purpose unless the local authority or local authorities in question are so satisfied.

(5) Where a person has used or proposes to use an asset of his for the purpose of the provision, improvement or development of facilities for public passenger transport, the Minister or, as the case may be, the local authority or local authorities in question may for the purposes of this section treat as expenditure of a capital nature incurred or to be incurred by that person for that purpose such amount not exceeding the capital value of that asset as the Minister or, as the case may be, the local authority or authorities in question may determine to be appropriate.

[ ] Rep. (prop) (6) In this section the expression "local authority" means—

(a) the council of any county, [county borough] or county district in England or Wales;

(b) the Greater London Council, the council of a London borough or the Common Council of the City of London;

(c) the Council of the Isles of Scilly; or

(d) any [county, town or district] council in Scotland;

and in the application of this section to Scotland or Wales any reference to the Minister shall be construed as a reference to the Secretary of State.

Grants for research or development in connection with transport services, etc.

57. The Minister shall have power with the approval of the Treasury to make grants upon such terms and conditions as he thinks fit to any person towards expenditure incurred or to be incurred by that person—

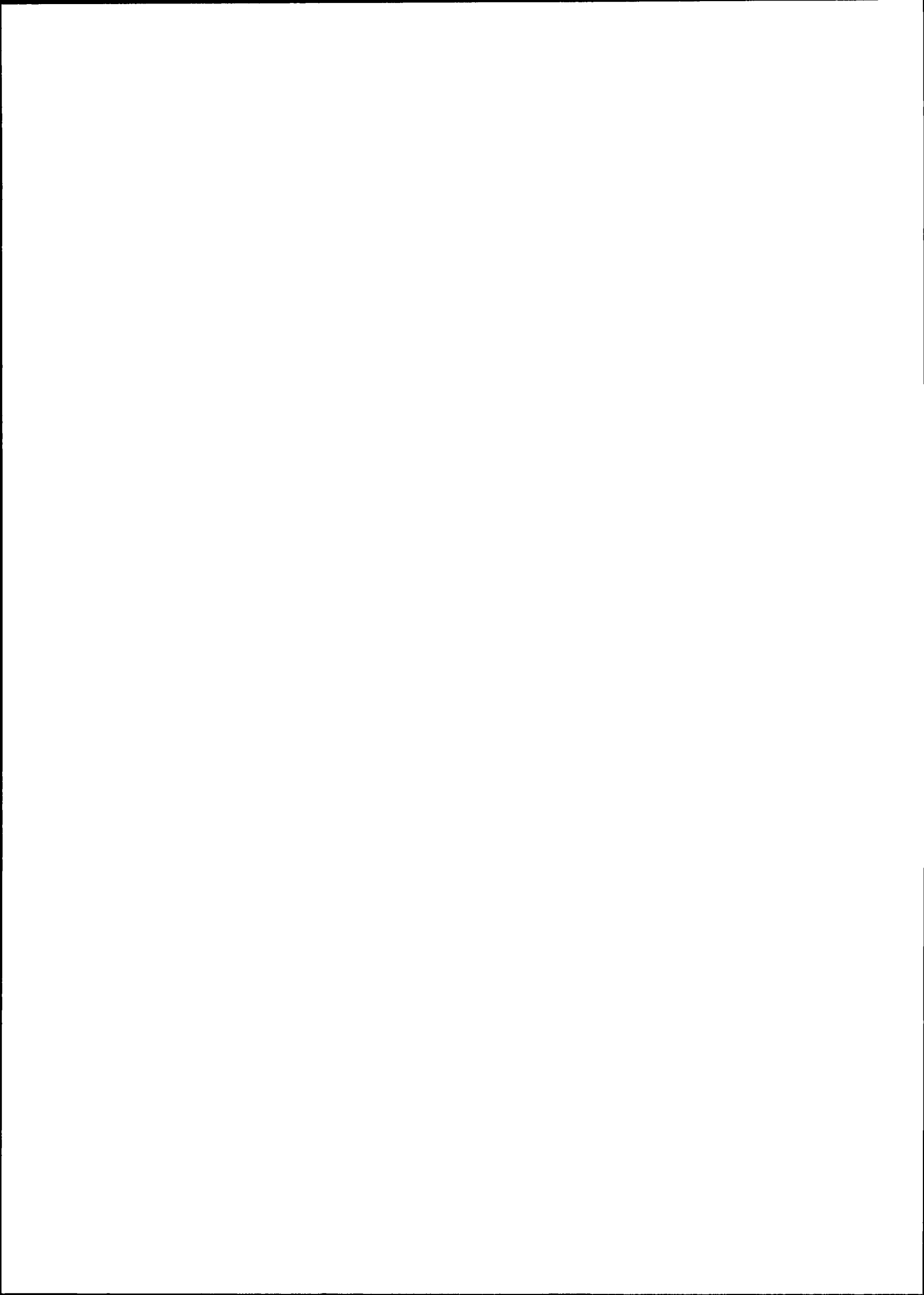
(a) in carrying out research in connection with the provision or improvement of transport services by land or inland waterway or of harbour facilities; or

[a] s. 56. (2) am. - 1974. c-7 s. 6. (8), SCH. 1. PARA. 9.

**Annex 1001. 1968. Pt. II. p. 2180. s. 56(6)(d).**

<sup>1/</sup> regional or islands

(*Subst. (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 para. 16.*)





- (b) in developing for the purposes of the provision or improvement of such services or facilities the results of any research carried out by, or any invention or idea of, that or any other person. PART IV

58. A county council, town council or district council in Scotland, or any two or more of those councils acting jointly, may with the approval of the Secretary of State afford financial assistance towards the provision of railway passenger services within, or to or from, their area or areas.

Assistance by local authorities in Scotland for railway passenger services.

S.58 rep.  
(16.5.1975) - 1973.  
c. 65. ss. 150(1), 237(1), Sch. 18  
para. 17, Sch. 29.

PART V

REGULATION OF CARRIAGE OF GOODS BY ROAD

*The licensing authority*

59.—(1) In relation to each traffic area constituted for the purposes of Part III of the Act of 1960, the person who is the chairman of the traffic commissioners for the area (including any person for the time being appointed by the Minister to act as deputy to the chairman) shall be known as the licensing authority and shall exercise the functions conferred on him by this Part of this Act and by Schedule 9 thereto.

The licensing authority for Part V.

(2) In the exercise of his functions under this Part of this Act and the said Schedule the licensing authority shall act under the general directions of the Minister.

(3) Each licensing authority shall make to the Minister an annual report of his proceedings, containing particulars with respect to such matters as the Minister may direct.

(4) Subsection (1) of this section shall have effect as respects the Metropolitan Traffic Area with the substitution of a reference to the traffic commissioner for the Metropolitan Traffic Area for the reference to the chairman of the traffic commissioners.

S.59(4) rep-1969  
c. 35. S.47(2),  
Sch. 6.

*Operators' licences*

60.—(1) Subject to subsection (2) of this section and to the other provisions of this Part of this Act, no person shall, after the appointed day for the purposes of this section, use a goods vehicle on a road for the carriage of goods—

Users of certain goods vehicles to hold operators' licences.

(a) for hire or reward ; or

(b) for or in connection with any trade or business carried on by him,

except under a licence granted under this Part of this Act (hereafter in this Part of this Act referred to as an "operator's licence").

## PART V

(2) Subsection (1) of this section shall not apply—

- (a) to the use of a small goods vehicle as defined in subsection (4) of this section ; or
- (b) to the use of a vehicle of any class specified in regulations.

(3) It is hereby declared that, for the purposes of this Part of this Act, the performance by a local or public authority of their functions constitutes the carrying on of a business.

(4) For the purposes of subsection (2)(a) of this section a small goods vehicle is a goods vehicle which—

- (a) does not form part of a vehicle combination and has a relevant plated weight not exceeding three and a half tons or (not having a relevant plated weight) has an unladen weight not exceeding thirty hundredweight ; or
- (b) forms part of a vehicle combination (not being an articulated combination) which is such that—
  - (i) if all the vehicles comprised in the combination (or all of them except any small trailer) have relevant plated weights, the aggregate of the relevant plated weights of the vehicles comprised in the combination (exclusive of any such trailer) does not exceed three and a half tons ;
  - (ii) in any other case, the aggregate of the unladen weights of those vehicles (exclusive of any such trailer) does not exceed thirty hundredweight ; or
- (c) forms part of an articulated combination which is such that—
  - (i) if the trailer comprised in the combination has a relevant plated weight, the aggregate of the unladen weight of the motor vehicle comprised in the combination and the relevant plated weight of that trailer does not exceed three and a half tons ;
  - (ii) in any other case, the aggregate of the unladen weights of the motor vehicle and the trailer comprised in the combination does not exceed thirty hundredweight.

In any provision of this subsection “ relevant plated weight ” means a plated weight of the description specified in relation to that provision by regulations ; and in paragraph (b) of this subsection “ small trailer ” means a trailer having an unladen weight not exceeding one ton.

(5) A person who uses a vehicle in contravention of this section shall be liable on summary conviction to a fine not exceeding £200. [a]

[a] S. 60 (5) Am. (Foreign Vehicles) - 1972, C 27 S. 1. Sch 2.

**61.—(1)** Subject to subsection (2) of this section, the vehicles authorised to be used under an operator's licence shall be— PART V  
Authorised  
vehicles.

- (a) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, as are specified in the licence ;
- (b) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, not exceeding at any time such maximum number as is specified in the licence ;
- (c) unless the licence does not permit the addition of authorised vehicles under this paragraph and subject to subsection (3) of this section, motor vehicles not exceeding such maximum number as is specified in the licence, being vehicles belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, but acquired by him, or coming into his possession under such an agreement, only after the grant of the licence.

For the purposes of paragraphs (b) and (c) of this subsection different types of trailers or different types of motor vehicles, as the case may be, may be distinguished in a licence and a maximum number may be specified in the licence for trailers or vehicles of each type.

(2) An operator's licence shall not authorise the use of any vehicle unless the place which is for the time being its operating centre—

- (a) is in the area of the licensing authority by whom the licence was granted ; or
- (b) is outside that area and has not been the operating centre of that vehicle for a period of more than three months.

For the purposes of paragraph (b) of this subsection, two or more successive periods which are not separated from each other by an interval of at least three months shall be treated as a single period having a duration equal to the total duration of those periods.

(3) A motor vehicle which, after the grant of an operator's licence, is acquired by the holder of the licence, or comes into his possession under an agreement for hire-purchase, hire or loan, and thereupon becomes an authorised vehicle by virtue of subsection (1)(c) of this section, shall cease to be an authorised vehicle on the expiration of one month from the date on which it was acquired by him or came into his possession unless before the expiration of that period he delivers to the licensing authority a notice in such form as the authority may require to the

**PART V**

effect that the vehicle has been acquired by him, or has come into his possession, as the case may be.

(4) Where the licensing authority by whom a licence was granted receives a notice under subsection (3) of this section to the effect that the holder of the licence has acquired, or come into possession of, a vehicle as mentioned in that subsection, he shall, if the vehicle has become an authorised vehicle by virtue of subsection (1)(c) of this section, vary the licence by directing that the vehicle be specified therein.

(5) A motor vehicle specified in an operator's licence shall not, while it remains so specified, be capable of being effectively specified in any other operator's licence.

(6) Where it comes to the knowledge of the licensing authority by whom an operator's licence was granted that a vehicle specified therein—

(a) has ceased to be used under the licence (otherwise than because of a fluctuation in business or because it is undergoing repair or maintenance); or

(b) is specified in another operator's licence,

he may vary the licence by directing that the vehicle be removed therefrom.

**Applications  
for operators'  
licences.**

**62.**—(1) A person may apply for an operator's licence to the licensing authority for each area in which, if the licence is granted, the applicant will have an operating centre or operating centres; and a person may hold separate operators' licences in respect of different areas but shall not at any time hold more than one such licence in respect of the same area.

(2) A person applying for an operator's licence shall give to the licensing authority a statement giving such particulars as the authority may require of the motor vehicles proposed to be used under the licence which—

(a) belong to the applicant, or

(b) are in his possession under an agreement for hire-purchase, hire or loan, or

(c) he intends, if the application is granted, to acquire, or to obtain possession of under such an agreement,

and also stating the number and type of any trailers proposed to be so used.

(3) A person applying for an operator's licence after the appointed day for the purposes of section 65 of this Act shall also give to the licensing authority a statement of the person or persons and of the other matters which he proposes should be specified in his licence for meeting the requirements of that section.

## PART V

(4) A person applying for an operator's licence shall give to the licensing authority any further information which he may reasonably require for the discharge of his duties in relation to the application, and in particular shall, if he is required by the licensing authority so to do, give to him—

- (a) such particulars as he may require with respect to the purposes for which the vehicles referred to in the statement under subsection (2) of this section are proposed to be used ;
- (b) particulars of the arrangements for securing that Part VI of this Act (or, so long as those sections remain in force, sections 73 and 186 of the Act of 1960) will be complied with in the case of those vehicles, and for securing that those vehicles are not overloaded ;
- (c) particulars of the facilities and arrangements for securing that those vehicles will be maintained in a fit and serviceable condition ;
- (d) particulars of any activities carried on, at any time before the making of the application, by—
  - (i) the applicant,
  - (ii) any company of which the applicant is or has been a director ;
  - (iii) where the applicant is a company, any person who is a director of the company ;
  - (iv) where the applicant proposes to operate the said vehicles in partnership with other persons, any of those other persons ;
  - (v) any company of which any such person as is mentioned in sub-paragraph (iii) or (iv) of this paragraph is or has been a director ;
  - (vi) any company of which the applicant is a subsidiary,being activities in carrying on any trade or business in the course of which vehicles of any description are operated, or as a person employed for the purposes of any such trade or business, or as a director of a company carrying on any such trade or business ;
- (e) particulars of any convictions during the five years preceding the making of the application—
  - (i) of the applicant ; and
  - (ii) of any other person as to whose activities particulars may be required to be given under paragraph (d) of this subsection,

being convictions such as are mentioned in subsection (4) of section 69 of this Act (taking references in that

## PART V

subsection to the holder of the licence as references to the applicant or, as the case may be, to that other person);

- (f) particulars of the financial resources which are or are likely to be available to the applicant;
- (g) where the applicant is a company, the names of the directors and officers of the company, and of any company of which the first-mentioned company is a subsidiary, and where the authorised vehicles are proposed to be operated by the applicant in partnership with other persons, the names of those other persons.  $\frac{2}{L}$

(5) Any statement or information to be given to a licensing authority under this section shall be given in such form as the authority may require.

Objections to grant of operators' licences.

63.—(1) Subject to subsection (2) of this section, the licensing authority shall publish in the prescribed manner notice of any application to the authority for an operator's licence.

(2) The licensing authority for any area shall not be obliged to publish notice of any application made by a person who is the holder of an operator's licence granted by the licensing authority for any other area if satisfied that the grant of the application will not result in any increase in the number of authorised vehicles under operators' licences held by the applicant which is substantial having regard to the existing number of such vehicles.

(3) Any of the following persons, that is to say—

- (a) a prescribed trade union or association, being a trade union or association whose members consist of or include—
  - (i) persons holding operators' licences or carriers' licences; or
  - (ii) employees of any such persons;
- (b) a chief officer of police;
- (c) a local authority,

may object to the grant of any application of which notice has been published under subsection (1) of this section on the ground that any of the requirements mentioned in section 64(2) of this Act are not satisfied in the case of the application.

(4) Any objection under this section shall be made within the prescribed time and in the prescribed manner (which shall be stated in the notice published under subsection (1) of this section) and shall contain particulars of the ground on which it is made.

**Annex 1002.** 1968. Pt. II. p. 2187. s. 63(6).

<sup>1/</sup> regional, islands or district

(Subst. (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 para. 18.)

**Annex 451.** 1968. Pt. II. pp. 2186/7. ss. 62(4A)(4B), 64(2)(a)(d)(e).

<sup>2/</sup> (4A) A person who has applied for an operator's licence shall forthwith notify the licensing authority if, in the interval between the making of the application and the date on which it is disposed of, a conviction occurs which, if the period of five years specified in paragraph (e) of subsection (4) of this section had not expired, would be a conviction falling within that paragraph ; and for the purposes of this subsection an application shall be taken to be disposed of,—

(a) if the licensing authority is required, by virtue of regulations under section 91 of this Act, to cause a statement containing his decision on the application to be issued, on the date on which that statement is issued, and

(b) in any other case, other on the date on which the applicant receives notice from the licensing authority of his decision on the application.





**Annex 451 (cont.). 1968. Pt. II. pp. 2186/7. ss. 62(4A)(4B), 64(2)(a)(d)(e).**

(4B) A person who knowingly fails to comply with subsection (4A) of this section shall be liable on summary conviction to a fine not exceeding £200, and section 180 of the Road Traffic Act 1972 (time for bringing summary proceedings for certain offences) shall apply in relation to an offence under this subsection as it applies in relation to the offences under that Act to which it is applied by virtue of Schedule 4 to that Act.

*(Added. (prosp.) by 1974. c. 50. s. 16, sch. 4 para. 1.)*

<sup>3/</sup> and to any conviction required to be notified in accordance with section 62 (4A) thereof,

<sup>4/</sup> and that the place which is to be the operating centre for those vehicles is suitable for that purpose, and

<sup>5/</sup> and of a suitable operating centre.

*(<sup>3/-5/</sup> Added (prosp.) by 1974. c. 50. s. 16, sch. 4 para. 2.)*



(5) The onus of proof of the existence of the ground on which an objection is made shall lie on the objector.

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(6) In this section—

“ local authority ” means—

(a) as respects England and Wales, the council of a county, county borough, county district or London borough, the Greater London Council and the Common Council of the City of London ;

(b) as respects Scotland, a county council and a town council ;

“ trade union ” has the same meaning as in the Trade Union Act 1913.

[ ] Rep (prop)  
-1972. C70  
S.272(1)  
Sch. 30.

1913 c. 30  
(2 & 3 Geo. 5).

64.—(1) On an application for an operator's licence, the licensing authority shall in every case consider whether the requirements mentioned in paragraphs (a) to (d) of subsection (2) of this section, and, if the licensing authority in any case thinks fit, paragraph (e) of that subsection, are satisfied, and in doing so shall have regard to any objection duly made under section 63 of this Act.

Decision on applications for operators' licences.

(2) The said requirements are as follows—

(a) that the applicant is a fit person to hold an operator's licence, having regard to the matters of which particulars may be required to be given under section 62(4)(d) and (e) of this Act ; 3/

(b) that the proposals in any statement furnished by the applicant under section 62(3) of this Act are satisfactory ;

(c) that there will be satisfactory arrangements for securing that Part VI of this Act (or, so long as those sections remain in force, sections 73 and 186 of the Act of 1960) will be complied with in the case of the authorised vehicles, and for securing that those vehicles are not overloaded ;

(d) that there will be satisfactory facilities and arrangements for maintaining the authorised vehicles in a fit and serviceable condition ; 4/

(e) that the provision of such facilities and arrangements as are mentioned in paragraph (d) of this subsection will not be prejudiced by reason of the applicant's having insufficient financial resources for that purpose.

(3) If the licensing authority determines that any requirement which he has taken into consideration in accordance with subsection (1) of this section is not satisfied, he shall refuse the

**PART V** application but, in any other case, he shall, subject to subsection (4) of this section, grant the application.

(4) In any case in which the licensing authority grants an application for an operator's licence, the licensing authority may issue that licence in the terms applied for or, if the authority thinks fit, subject to either or both of the following modifications or limitations, that is to say—

- (a) so that the licence is in respect of motor vehicles other than those of which particulars were contained in the application, or in respect of motor vehicles or trailers greater or less in number than, or differing in type from, those for the use of which authorisation was applied for;
- (b) so that the licence does not permit the addition of authorised vehicles under section 61(1)(c) of this Act.

(5) In exercising his functions under this section in relation to the requirement mentioned in subsection (2)(e) thereof, a licensing authority may be assisted by an assessor drawn from a panel of persons appointed by the Minister for that purpose; and there shall be paid by the licensing authority to any such assessor in respect of his services remuneration on a scale prescribed by the Minister with the approval of the Treasury.

Conditions as to transport managers.

**65.—(1)** In every operator's licence granted by a licensing authority on an application made after the appointed day for the purposes of this section there shall be specified, in relation to each place in the area of the authority which, when the licence is granted, will be an operating centre of the holder of the licence, a person (being the holder of the licence, if an individual, or a person employed by him) who is to be responsible for the operation and maintenance of the authorised vehicles normally used from that centre, and it shall be a condition of the licence—

- (a) that the person so specified shall be the holder of a transport manager's licence of the prescribed class; and
- (b) if the person so specified is an employee of the holder of the operator's licence, that that person is employed by him in a position of responsibility specified in the licence.

(2) Where, at any time after an operator's licence has been granted as mentioned in subsection (1) of this section by the licensing authority for any area, a place in that area becomes an operating centre of the holder of the licence, that subsection shall, at the expiration of the period of three months beginning at that time, apply to the new operating centre as it applies to any operating centre which the holder of the licence has when the licence is granted.

(3) Unless in any case the licensing authority in his discretion otherwise determines, the person specified in any licence for the purposes of subsection (1) of this section in relation to any operating centre of any person shall not be the same as the person specified for those purposes in relation to any other operating centre of that person, whether in that licence or in any other operator's licence which is then held by him.

(4) The licensing authority may, if he thinks fit, permit the responsibility for the operation and maintenance of the authorised vehicles normally used from any particular operating centre to be shared between two or more persons; and, in any such case, subsection (1) of this section shall have effect—

- (a) as if it required both or all of those persons to be specified in the licence, together with the manner in which the responsibility is to be shared between them; and
- (b) as if references in paragraphs (a) and (b) to the person specified in the licence were references to each of the persons so specified by virtue of this subsection.

(5) In specifying for the purposes of subsection (1) of this section a position of responsibility to be held by any person, the licensing authority shall secure that that person thereby carries direct responsibility for the operation and maintenance of the authorised vehicles normally used from the operating centre in question or such share of that responsibility as may have been allocated to him under the last foregoing subsection.

(6) For the purposes of subsection (1) of this section a director of a company shall be deemed to be employed by it; and where the authorised vehicles are to be operated by the holder of an operator's licence in partnership with other persons, any of those other persons may be specified in the licence for the purposes of that subsection, but, if any of them is so specified, it shall be an additional condition of the licence that the authorised vehicles are operated by the holder of the licence in partnership with the person so specified.

(7) Where at any time a person specified in an operator's licence for the purposes of any condition imposed by or under this section dies, or ceases to be employed by the holder of the licence in a position of responsibility specified therein, or ceases to hold a transport manager's licence of the prescribed class, or any other event occurs whereby such a condition is contravened, that condition shall nevertheless be deemed not to have been contravened—

- (a) during the period of three months beginning at that time or such longer period as the licensing authority who

## PART V

issued the operator's licence may in any particular case allow; and

- (b) if before the expiration of that period the holder of the operator's licence duly applies for the licence to be varied for the purpose of bringing the contravention to an end, during the period until the application, and any appeal arising out of it, have been disposed of.

(8) The Minister may by regulations—

- (a) modify the requirements of subsections (1) to (6) of this section in any respect, or substitute for any of them such other requirements relating to transport managers' licences as may be specified in the regulations;
- (b) substitute for the period of three months mentioned in subsection (7)(a) of this section such longer period as may be specified in the regulations;

and such regulations may make different provision for different cases and may contain such transitional and supplementary provisions as the Minister thinks necessary or expedient.

(9) Subject to subsection (7) of this section, any person who uses an authorised vehicle from an operating centre of his for a purpose for which it cannot lawfully be used without the authority of an operator's licence—

- (a) at a time when a condition under this section of an operator's licence held by him is contravened in relation to that operating centre; or
- (b) at a time when the matters required by virtue of subsection (1) or (2) of this section to be specified in relation to that operating centre in an operator's licence held by him are not so specified,

shall be liable on summary conviction to a fine not exceeding £200.

(10) Schedule 9 to this Act shall have effect in relation to transport managers' licences.

(11) In this section references to responsibility for the operation of any vehicles include (without prejudice to the generality of that expression) references to responsibility for securing that the drivers of the vehicles are properly licensed and comply with Part VI of this Act or, so long as those sections remain in force, sections 73 and 186 of the Act of 1960.

Conditions as to matters required to be notified to licensing authority.

**66.**—(1) A licensing authority, in granting an operator's licence, may attach thereto such conditions as he thinks fit for requiring the holder to inform him—

- (a) of any change, of a kind specified in the conditions, in the organisation, management or ownership of the trade

**Annex 452. 1968. Pt. II. p. 2191. s. 67(2), (3)(a)(i)(ii).**

**<sup>1/</sup> or prematurely terminated under section 69 of this Act**

**<sup>2/</sup> if it appears to the licensing authority to be appropriate in the case of any applicant**

**(<sup>1/</sup> Added (*prosp.*), <sup>2/</sup> replaced. (*prosp.*) by 1974. c. 50. s. 16, sch. 4 para. 3.)**





or business in the course of which the authorised vehicles are used ;

- (b) where the holder of the licence is a company, of any change, or of any change of a kind so specified, in the persons holding shares in the company ;
- (c) of any other event of a kind so specified affecting the holder of the licence which is relevant to the exercise of any powers of the authority in relation to the licence.

(2) Any person who contravenes any condition attached under this section to a licence of which he is the holder shall be liable on summary conviction to a fine not exceeding £200.

67.—(1) There shall be specified in every operator's licence the date on which the licence is to come into force.

Duration of operators' licences and grant of interim licences.

(2) Regulations may specify the dates in the year on which operators' licences shall expire, and, subject to subsections (4) and (5) of this section, an operator's licence shall, unless previously revoked, continue in force up till and including that one of the specified dates which occurs next before the expiration of the period of five years beginning with the date on which the licence came into force, or of such other period beginning with that date as the licensing authority may in accordance with the next following subsection direct.

(3) The licensing authority may, on granting an operator's licence, direct that in the case of that licence the period relevant for the purposes of subsection (2) of this section—

(a) shall be a period shorter than five years—

- (i) if the applicant for the licence so requests ; or
- (ii) if the application is made by a person who does not hold an operator's licence when the application is made ;

(b) shall be a period longer or shorter than five years if the licensing authority is of opinion that it is desirable so to direct in order to arrange a suitable and convenient programme of work for the licensing authority.

(4) If, at the date on which an operator's licence is due to expire, proceedings are pending before the licensing authority on an application by the holder of that licence for the grant to him of a new licence in substitution therefor, the existing licence shall continue in force until—

(a) the application ; and

(b) any appeal under section 70 of this Act arising out of the application,

## PART V

are disposed of, without prejudice, however, to the exercise in the meantime of the powers conferred by section 69 of this Act.

(5) If an applicant for an operator's licence so requests, a licensing authority may, if the applicant does not hold an operator's licence granted by that authority, grant to him, pending the determination of the application, an operator's licence expressed to continue in force until the date on which any licence granted on the application or on an appeal arising out of it is expressed to come into force or, if no licence is granted as aforesaid, until the application is refused; and a request for the grant of a licence under this subsection shall not for the purposes of section 63 or <sup>1</sup>/<sub>64</sub> of this Act be treated as an application for an operator's licence, <sup>2</sup>/<sub>and a licence granted under this subsection shall not for the purposes of section 65 of this Act be treated as an operator's licence.</sub>

## Variation of operators' licenses.

**68.**—(1) On the application of the holder of an operator's licence, the licensing authority by whom the licence was granted may at any time while it is in force vary the licence by directing—

- (a) that additional vehicles be specified therein, that the maximum number of trailers or of motor vehicles specified therein under paragraph (b) or (c) of section 61(1) of this Act be increased, or, if the licence does not permit the addition of authorised vehicles under the said paragraph (c), that it shall so permit and that a maximum be specified under that paragraph accordingly; or
- (b) that vehicles specified therein be removed therefrom or that any such maximum as is mentioned in paragraph (a) of this subsection be reduced; or
- (c) that an alteration or addition be made in or to any of the matters specified in the licence for the purposes of section 65 of this Act; or
- (d) that an alteration be made in any condition attached to the licence under section 66 of this Act or that any such condition be removed.

(2) A person applying for a direction under this section shall give to the licensing authority such information as he may reasonably require for the discharge of his duties in relation to the application.

(3) Any information or particulars to be given to a licensing authority under subsection (2) of this section shall be given in such form as the authority may require.

(4) Except in the following cases, that is to say—

- (a) where the application is for a direction under subsection (1)(a) of this section and the licensing authority is

**Annex 453. 1968. Pt. II. pp. 2192/3. ss. 67(5), 69(1).**

**1/ subsections (1) to (3) of section**

**2/ but shall be so treated for the purposes of section 64(4) of this Act**  
**(<sup>1/2/</sup> Added (*prosp.*) by 1974. c. 50. s. 16, sch. 4 para. 3.)**

**3/ terminated on a date earlier than that on which it would otherwise  
expire under section 67 of this Act**

**(Added (*prosp.*) by 1974. c. 50. s. 16, sch. 4 para. 4.)**



satisfied that, if the application were an application under section 63 of this Act, no notice of it would be required to be published by virtue of subsection (2) of that section ; or

- (b) where the application is for a direction under subsection (1)(b) of this section ; or
- (c) where the licensing authority is satisfied that the application is of so trivial a nature that it is not necessary that an opportunity should be given for objecting to it,

the licensing authority shall publish notice of any application under this section in the manner provided for the publication of notices under subsection (1) of the said section 63 ; and where notice of the application is published in pursuance of this subsection the other provisions of the said section 63 and the provisions of section 64 of this Act shall, so far as applicable and subject to any necessary modifications, apply to that application as they apply to an application for the grant of an operator's licence of which notice is published under subsection (1) of the said section 63.

(5) If an applicant under this section so requests, the licensing authority may, pending the determination of the application, give an interim direction under this section, that is to say, a direction expressed to continue in force only until the application, and any appeal arising out of it, have been disposed of ; and a request for such a direction shall not for the purposes of subsection (4) of this section be treated as an application under this section.

69.—(1) Subject to the provisions of this section, the licensing authority by whom an operator's licence was granted may direct that it be revoked, suspended or curtailed on any of the following grounds—

Revocation, suspension and curtailment of operators' licences.

- (a) that the holder of the licence has contravened section 65 of this Act or any condition attached to his licence under section 66 of this Act ;
- (b) that during the five years ending with the date on which the direction is given there has been (whether before or after the day on which this section comes into force)—
  - (i) any such conviction as is mentioned in paragraphs (a) to (f) of subsection (4) of this section or any such prohibition as is mentioned in paragraph (h) of that subsection ; or
  - (ii) any such conviction as is mentioned in paragraph (g) of that subsection on occasions appearing to the licensing authority to be sufficiently numerous to justify the giving of a direction under this subsection ;

## PART V

- (c) that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for the variation of the licence, a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled ;
- (d) that the holder of the licence has been adjudicated bankrupt or, where the holder is a company, has gone into liquidation (not being a voluntary liquidation for the purpose of reconstruction) ;
- (e) that there has been since the licence was granted or varied a material change in any of the circumstances of the holder of the licence which were relevant to the grant or variation of his licence ;
- (f) that the licence is liable to revocation, suspension<sup>4/</sup>or curtailment by virtue of a direction under subsection (6) of this section ;

and during any time of suspension the licence shall be of no effect.

(2) In any case in which a licensing authority has power to give a direction under the foregoing subsection in respect of any licence, the authority shall also have power to direct that there be attached to the licence any, or any additional, condition such as is mentioned in section 66 of this Act.

(3) Where the existence of any of the grounds mentioned in subsection (1) of this section is brought to the notice of the licensing authority in the case of the holder of any licence granted by him, the authority shall consider whether or not to give a direction under this section in respect of that licence.

(4) The convictions and prohibitions mentioned in subsection (1)(b) of this section are as follows—

- (a) a conviction, in relation to a goods vehicle, of the holder of the licence, or a servant or agent of his,<sup>5/</sup>of contravening any provision (however expressed) contained in or having effect under any enactment (including any enactment passed after this Act) relating to—
  - (i) the maintenance of vehicles in a fit and serviceable condition ;
  - (ii) limits of speed and weight laden and unladen, and the loading of goods vehicles ;
  - (iii) the licensing of drivers ;
- (b) a conviction of the holder of the licence under—
  - (i) this Part of this Act or Schedule 9 thereto ;
  - (ii) section 233 or 235 of the Act of 1960 so far as applicable (by virtue of Schedule 10 to this Act)

Annex 470. 1968. Pt. II. p. 2195. s. 69(4)(ee)(eee).

<sup>8/</sup> (ee) a conviction of the holder of the licence or a servant or agent of his of a contravention, in relation to an international road haulage permit, within the meaning of the Road Traffic Act 1972, of section 169 or 170 of that Act;

(eee) a conviction of the holder of the licence or a servant or agent of his under section 2 of the International Road Haulage Permits Act 1975

(Added by 1975. c. 46, s. 3(1).)

Annex 604. 1968. Pt. II. p. 2195. s. 69(4)(e).

<sup>1/</sup> or section 11 of the Hydrocarbon Oil (Customs and Excise) Act 1971.

(Added by 1971. c. 12. s. 24(1), sch. 6 para. 3.)

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Annex 853. 1967. Pt. II. p. 2195. s. 69(4)(f)(h).

<sup>2/</sup> or section 59 of the Road Traffic Act 1972

<sup>3/</sup> or section 57 of the Road Traffic Act 1972

(<sup>2/ 3/</sup> Subst. by 1972. c. 20. s. 203(1), sch. 7.)

Annex 454. 1968. Pt. II. pp. 2194/5. s. 69 (1)(f), (4)(a)(g).

<sup>4/</sup> premature termination

<sup>5/</sup> of an offence under section 46 of the Road Traffic Act 1972 (plating certificates and goods vehicle test certificates) or

<sup>6/</sup> (i)

<sup>7/</sup> (ii) any provision included in a traffic regulation order, within the meaning of section I of that Act, by virtue of subsection (3AA) of that section (lorry routes).

(<sup>4/-7/</sup> Added (prosp.) by 1974. c. 50. s. 16, sch. 14 para. 4.)





to licences, authorisations or means of identification under this Part of this Act or Schedule 9 thereto ;

(iii) any regulation made under this Act which is prescribed for the purposes of this subsection ;

- (c) a conviction, in relation to a goods vehicle, of the holder of the licence or a servant or agent of his under, or of conspiracy to contravene, Part VI of this Act or section 73 or 186 of the Act of 1960 ;
- (d) a conviction of the holder of the licence under section 7 of the Road Haulage Wages Act 1938 (which makes failure to pay the statutory remuneration under that Act an offence) ; 1938 c. 44.
- (e) a conviction, in relation to a goods vehicle, of the holder of the licence under, or of conspiracy to contravene, section 200 of the Customs and Excise Act 1952 (unlawful use of rebated fuel oil) ; 1952 c. 44.
- (f) a conviction of the holder of the licence under section 18 of the Road Safety Act 1967 (operator's duty to inspect, and keep records of inspection of, goods vehicles) ; 1967 c. 30.
- (g) a conviction, in relation to a goods vehicle, of the holder of the licence, or a servant or agent of his, of contravening any provision (however expressed) which prohibits or restricts the waiting of vehicles, being a provision contained in an order made under section 1, 6, 9 or 11 of the Road Traffic Regulation Act 1967 (including any such order made by virtue of section 84A(2) of that Act) or under any enactment repealed by that Act and re-enacted by any of those sections ; 1967 c. 76.
- (h) a prohibition of the use of a vehicle under section 184 of the Act of 1960 or of the driving of a vehicle under section 16 of the Road Safety Act 1967 being a vehicle of which the holder of the licence was the owner when the prohibition was imposed.

(5) Where the licensing authority directs that an operator's licence be revoked, the authority may order the person who was the holder thereof to be disqualified, indefinitely or for such period as the authority thinks fit, from holding or obtaining an operator's licence, and so long as the disqualification is in force—

- (a) notwithstanding anything in section 64 of this Act, no operator's licence shall be granted to him and any operator's licence obtained by him shall be of no effect ; and

## PART V

- (b) if he applies for or obtains an operator's licence he shall be liable on summary conviction to a fine not exceeding £200.

An order under this subsection may be limited so as to apply only to the holding or obtaining of an operator's licence in respect of the area of one or more specified licensing authorities and, if the order is so limited, paragraphs (a) and (b) of this subsection shall apply only to any operator's licence to which the order applies; but, notwithstanding section 61(2)(b) of this Act, no other operator's licence held by the person in question shall authorise the use by him of any vehicle at a time when its operating centre is in an area in respect of which he is disqualified by virtue of the order.

(6) Where the licensing authority makes an order under subsection (5) of this section in respect of any person, the authority may direct that if that person, at any time or during such period as the authority may specify—

- (a) is a director of, or holds a controlling interest in—
- (i) a company which holds a licence of the kind to which the order in question applies; or
  - (ii) a company of which such a company as aforesaid is a subsidiary; or
- (b) operates any goods vehicles in partnership with a person who holds such a licence,

that licence of that company, or, as the case may be, of that person, shall be liable to revocation, suspension<sup>1</sup>/or curtailment under this section.

(7) The powers conferred by subsections (5) and (6) of this section in relation to the person who was the holder of a licence shall be exercisable also, where that person was a company, in relation to any director of that company, and, where that person operated the authorised vehicles in partnership with other persons, in relation to any of those other persons.<sup>2</sup>

(8) A licensing authority who has made an order or given a direction under subsection (5), (6)<sup>3</sup>/or (7)<sup>4</sup> of this section may, in such circumstances as may be prescribed, cancel that order or direction.

(9) A licensing authority shall not—

- (a) give a direction under subsection (1) or (2) of this section in respect of any licence; or
- (b) make an order or give a direction under subsection (5), (6) or (7) of this section in respect of any person, without first holding an inquiry if the holder of the licence or that person, as the case may be, requests him to do so.<sup>4</sup>

Annex 455. 1968. Pt. II. pp. 2196/7. ss. 69(6)(7A)(8)(9)(c)(10), 70(1)(b).

<sup>1/</sup> premature termination

<sup>2/</sup> (7A) Where a licensing authority directs that an operator's licence be suspended or curtailed, the authority may order that—

(a) in the case of a suspension, any motor vehicle specified in the licence may not be used under any other operator's licence, notwithstanding any authorisation under section 61(1)(c) of this Act, or

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Annex 455 (cont.). 1968. Pt. II. pp. 2196/7. ss. 69(6)(7A)(8)(9)(c)(10), 70(1)(b).

(b) in the case of a curtailment having the effect of removing any motor vehicle from the licence, the motor vehicle may not be used as mentioned in paragraph (a) above and shall not be capable of being effectively specified in any other operator's licence,

and an order made under this subsection shall cease to have effect on such date, not being more than 6 months after the order is made, as may be specified therein or, if it is earlier, on the date on which the licence which is directed to be suspended or curtailed ceases to be in force.

<sup>3/</sup> or (7A)

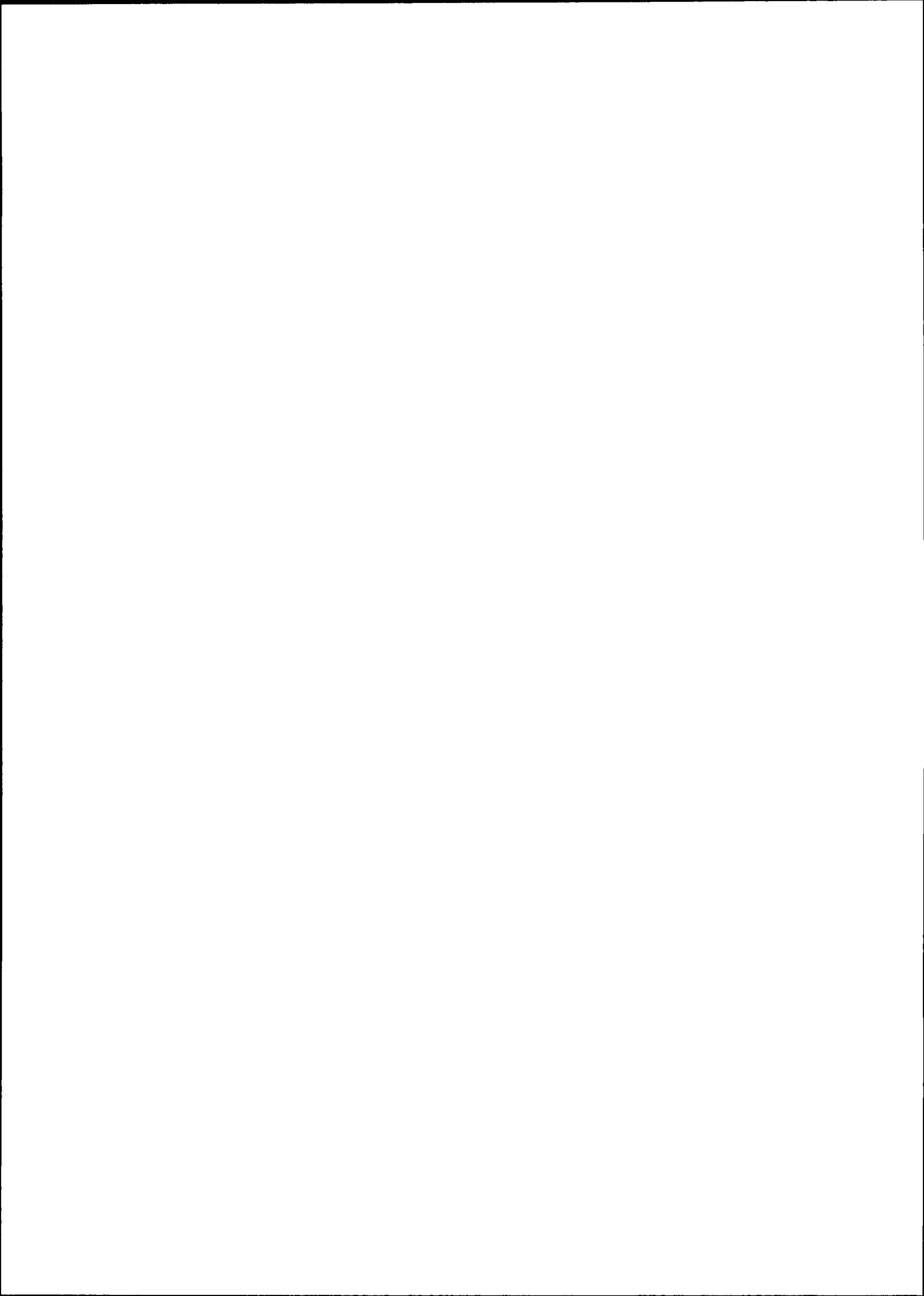
<sup>4/</sup> (c) make an order under subsection (7A) of this section in respect of any vehicle.

(<sup>1/2/4/</sup> Added (prosp.) <sup>3/</sup> subst. (prosp.) by 1974. c. 50. s. 16, sch. 4 para. 4.)

<sup>5/</sup> or the holder of an operator's licence which specifies a motor vehicle in respect of which

<sup>6/</sup> (7A)

(<sup>5/</sup> Added (prosp.) <sup>6/</sup> subst. (prosp.) by 1974. c. 50. s. 16, sch. 4 para. 5.)



(10) The licensing authority may direct that any direction or order given or made by him under subsection (1), (2), (5), (6) or (7) of this section shall not take effect until the expiration of the time within which an appeal may be made to the Transport Tribunal against the direction or order and, if such an appeal is made, until the appeal has been disposed of; and if the licensing authority refuses to give a direction under this subsection the holder of the licence, or, as the case may be, the person in respect of whom the direction or order was given or made under any of those subsections, may apply to the tribunal for such a direction, and the tribunal shall give its decision on the application within fourteen days.

(11) For the purposes of this section a person holds a controlling interest in a company if he is the beneficial owner of more than half its equity share capital as defined in section 154(5) of the Companies Act 1948.

1948 c. 38.

70.—(1) Subject to subsection (2) of this section, a person who—

Rights of appeal in connection with operators' licences.

- (a) being an applicant for, or for the variation of, an operator's licence, is aggrieved by the refusal of the application or, as the case may be, by the terms or conditions of the licence or of the variation; or
- (b) being the holder of an operator's licence in respect of which, or a person in respect of whom a direction or order has been given or made under section 61(6) or 69(1) to (7) of this Act, is aggrieved by that direction or order; or
- (c) having duly made an objection to an application for, or for the variation of, an operator's licence, is aggrieved by the grant of the application,

may appeal to the Transport Tribunal.

(2) No appeal shall lie under the foregoing subsection on the ground that a direction has been given under subsection (3) of section 67 of this Act if it has been given by virtue of paragraph (b) of the said subsection (3).

*Special authorisations for use of large goods vehicles*

71.—(1) Subject to the provisions of this section and to the other provisions of this Part of this Act, no person shall, after the appointed day for the purposes of this section, use a large goods vehicle on a road—

Control of the use of large goods vehicles.

- (a) to carry any goods on, or on any part of, a controlled journey; or
- (b) to carry an amount exceeding eleven tons in weight of any prescribed goods otherwise than on a controlled journey.

## PART V

except under a special authorisation granted under this Part of this Act.

(2) For the purposes of the foregoing subsection, a controlled journey is a journey between places in Great Britain separated by a distance exceeding one hundred miles, being—

- (a) in relation to goods to which paragraph (b) of this subsection does not apply, a journey for the whole of which the goods are carried on the same large goods vehicle without being taken off it;
- (b) in relation to goods in a container having a volume (ascertained by external measurement) of not less than six hundred cubic feet or on a pallet having a surface area of not less than fifty square feet, a journey for every part of which they are carried by a large goods vehicle (whether the same vehicle or successive vehicles) without being taken out of the container or off the pallet;

and, where the vehicle on which the goods are carried is a trailer, it is immaterial whether it is drawn on the journey by the same vehicle or different vehicles.

(3) For the purposes of this section goods shall be treated as carried on a vehicle notwithstanding the fact that the vehicle is itself being carried on a vessel, aircraft or other means of transport, but, in relation to a journey in the course of which a vehicle is so carried, the distance to be taken into account for the purposes of subsection (2) of this section shall be the aggregate of the distances separating the points between which the vehicle is not so carried on the journey.

(4) Where in the case of any controlled journey—

- (a) no one person uses a vehicle or vehicles to carry the goods in question between places separated by a distance exceeding one hundred miles; and
- (b) a special authorisation applicable to that journey is held by any one of the persons who use a vehicle or vehicles to carry those goods in the course of that journey,

then, if under that authorisation the journey is one which may be undertaken in part by persons other than the holder of the licence, it shall not be necessary for the purposes of subsection (1)(a) of this section for any of those other persons to hold a special authorisation.

(5) The Minister may by regulations direct—

- (a) that subsection (1) of this section shall not apply—
  - (i) to carriage on journeys in the case of which the distances specified in the regulations are not exceeded;

(ii) to carriage by vehicles of any class specified in the regulations ;

(b) that paragraph (a) of that subsection shall not apply to the carriage of any prescribed goods ;

and regulations under paragraph (b) of this subsection or prescribing goods for the purposes of subsection (1)(b) of this section may describe the goods in question by reference to their nature, to the amount in which, or the places between which, they are carried, or by reference to any other circumstances.

(6) For the purposes of this section and the subsequent provisions of this Part of this Act, a large goods vehicle is a goods vehicle (other than a hauling vehicle) which—

(a) has a relevant plated weight exceeding sixteen tons or (not having a relevant plated weight) has an unladen weight exceeding five tons ; or

(b) forms part of a vehicle combination (not being an articulated combination) which is such that—

(i) if all the vehicles comprised in the combination (or all of them except any small trailer) have relevant plated weights, the aggregate of the relevant plated weights of the vehicles comprised in the combination (exclusive of any such trailer) exceeds sixteen tons ;

(ii) in any other case, the aggregate of the unladen weights of those vehicles (exclusive of any such trailer) exceeds five tons ; or

(c) forms part of an articulated combination which is such that—

(i) if the trailer comprised in the combination has a relevant plated weight, the aggregate of the unladen weight of the motor vehicle comprised in the combination and the relevant plated weight of that trailer exceeds sixteen tons ;

(ii) in any other case, the aggregate of the unladen weights of the motor vehicle and the trailer comprised in the combination exceeds five tons.

In any provision of this subsection “relevant plated weight” means a plated weight of the description specified in relation to that provision by regulations ; and in paragraph (b) of this subsection “small trailer” means a trailer having an unladen weight not exceeding one ton.

(7) Subsection (1)(b) of this section shall apply to the carriage of an amount exceeding eleven tons in weight of any prescribed goods in two or more vehicles forming part of a vehicle combination such as is mentioned in subsection (6)(b) or (c) of this section as it applies to the carriage of such an amount in a

**PART V** single vehicle, whether forming part of such a combination or not.

(8) In this section—

“hauling vehicle” means a motor tractor, a light locomotive, a heavy locomotive or the motor vehicle comprised in an articulated combination ;

“pallet” means a moveable deck on which a quantity of goods can be assembled for the purpose of being handled, loaded or transported as a single unit, and “surface area” in relation to a pallet means the area on which the goods can be assembled as aforesaid.

(9) Nothing in this section shall apply to the use of a vehicle by any person for the carriage of goods otherwise than for hire or reward or for or in connection with any trade or business carried on by him.

(10) Any person who uses a vehicle in contravention of this section shall be liable on summary conviction to a fine not exceeding £200.

Applications  
for special  
authorisations.

**72.**—(1) An application for a special authorisation shall be made to the licensing authority for the area containing the operating centre or operating centres of the vehicles proposed to be used under the authorisation.

(2) An application for a special authorisation shall be made in such form as the licensing authority may require, and shall contain a statement giving such particulars as the licensing authority may require—

(a) of the vehicles proposed to be used under the authorisation ; and

(b) of the transport service proposed to be provided under the authorisation, that is to say—

(i) the goods proposed to be carried ;

(ii) the places between which they are to be carried ;

(iii) the person or persons (so far as known) for whom they are to be carried ; and

(iv) where applicable, the occasions on which or the circumstances in which they are to be carried.

(3) In subsection (2)(b)(iii) of this section references to the person or persons for whom any goods are to be carried are references, if the goods are to be carried for hire or reward, to the person or persons for whom they are to be so carried, and, if the goods are to be carried by any person for or in connection with any trade or business carried on by him, to that person.



**73.**—(1) Where a licensing authority receives an application for a special authorisation, the authority shall, subject to subsection (2) of this section and to section 75 of this Act, send a copy of the application to the Railways Board and, unless the application is made by the Freight Corporation, to that Corporation.

**PART V**  
Objections to  
grant of  
special  
authorisations.

(2) Where an application for a special authorisation is accompanied by a statement signed by a person on behalf of the Railways Board or the Freight Corporation to the effect that the body in question has no objection to the application, no copy of the application shall be sent to that body under subsection (1) of this section; and where an application for a special authorisation is made solely for the purpose of section 71(1)(b) of this Act, no copy of the application shall be sent to the Freight Corporation.

(3) Within fourteen days of the date on which a copy of an application for a special authorisation is sent to either of the said bodies under subsection (1) of this section that body may, by a notice sent to the licensing authority and the applicant, object to the grant of the application—

(a) in respect of the whole of the transport service proposed to be provided in pursuance of the special authorisation; or

(b) in respect of any part of that service,

on the ground that the service or part can be provided by that body, or by a subsidiary of that body, wholly or partly by rail.

(4) A service or part of a service to which an objection under this section relates is hereafter in this Part of this Act referred to as “the disputed service”.

(5) If an objection is duly made under this section—

(a) the body making the objection shall submit to the licensing authority a statement containing particulars of the manner in which, and the charges at which, the disputed service can be provided by that body, or by a subsidiary of that body, wholly or partly by rail, and of any other matters on which that body relies for the purposes of the objection;

(b) the applicant shall submit to the licensing authority a statement containing particulars of the grounds on which he relies in support of his application;

and, unless on a consideration of those statements it appears to the licensing authority that the application can, without further investigation, be granted in accordance with section 74 of this Act in respect of the whole of the disputed service, the licensing authority shall, before coming to a decision on the application,

**PART V** send to the applicant and the objector a copy of the statement submitted by the other party and hold an inquiry.

(6) Any statement to be submitted to a licensing authority under this section shall be submitted within such time and shall be in such form as the licensing authority may require.

**Decision on applications for special authorisations.**

**74.—**(1) If no objection to an application is duly made under section 73 of this Act, or if such an objection is duly made under subsection (3)(b) of that section, the licensing authority shall, subject to subsection (7) of this section, grant the application or, as the case may be, grant it in respect of the part of the transport service to which the objection does not relate.

(2) If an objection to an application is duly made under the said section 73, the licensing authority—

(a) shall grant the application in respect of the whole of the disputed service if satisfied that the condition mentioned in subsection (3) of this section is fulfilled in the case of the whole of the disputed service ;

(b) shall grant the application in respect of any part of the disputed service if satisfied that the said condition is fulfilled in the case of that part ;

but, save as aforesaid and subject to subsection (4) of this section, the licensing authority shall refuse the application.

(3) The condition referred to in subsection (2) of this section is that the provision of the disputed service, or of the part of that service in question, by the objector, or a subsidiary of the objector, wholly or partly by rail, as compared with its provision in pursuance of the special authorisation, will be less advantageous for the person for whom the goods in question are to be carried.

(4) If in the case of the whole or any part of the disputed service the licensing authority is not satisfied as mentioned in subsection (2) of this section, the authority shall nevertheless grant the application in respect of the disputed service or of any part of it if satisfied—

(a) that the provision of the service, or of that part of it, by the objector, or a subsidiary of the objector, wholly or partly by rail, as compared with its provision in pursuance of the special authorisation, will be equally advantageous for the person for whom the goods in question are to be carried ; and

(b) that, if a special authorisation is not granted for the provision of the service or the part of it in question, serious detriment will result to a person (whether the

applicant himself or some other person) for whom the applicant provides or proposes to provide a transport service other than the disputed service or other than the part of it in question.

(5) The factors relevant for making the comparison mentioned in subsections (3) and (4)(a) of this section shall be speed, reliability, cost, and such other matters relevant to the needs of the person for whom the goods in question are to be carried as may be prescribed; and the licensing authority shall assess the relative importance of those factors by reference to the needs of the person for whom the goods in question are to be carried and to the nature of those goods.

(6) In assessing the factors mentioned in subsection (5) of this section and the detriment mentioned in subsection (4)(b) of this section the licensing authority shall act in accordance with any directions contained in regulations made by the Minister.

(7) Where an application for a special authorisation is made by the Freight Corporation and no objection to it is made by the Railways Board, or where such an application is made by a subsidiary of that Corporation and no objection to it is made by that Board or by the Corporation, the licensing authority to whom the application is made shall grant the application only if and so far as he considers that it would have been granted if any objection reasonably open to the Board or, as the case may be, to the Board or the Corporation, had been made by them; and the licensing authority may for that purpose require the Board and the Corporation to give him such information and explanations as he may reasonably require.

(8) In exercising his functions under this section, a licensing authority may be assisted by an assessor drawn from a panel of persons appointed by the Minister for that purpose; and there shall be paid by the licensing authority to any such assessor in respect of his services remuneration on a scale prescribed by the Minister with the approval of the Treasury.

(9) In this section references to the person for whom any goods are to be carried are references, if the goods are to be carried for hire or reward, to the person for whom they are to be so carried, and, if the goods are to be carried by any person for or in connection with any trade or business carried on by him, to that person; and, subject to regulations under subsection (6) of this section, references to the cost of carrying any goods are references, where they are carried for hire or reward, to the charges made for their carriage and, where they are not so carried, to the cost of carrying them.

**PART V**  
**Expedited**  
**grant of**  
**special**  
**authorisation**  
**in cases of**  
**urgency.**

**75.—(1)** If, on an application to a licensing authority for a special authorisation, it appears to the authority—

(a) that the application is made solely for the purpose of enabling the applicant to provide a transport service in circumstances which he could not reasonably have foreseen ; and

(b) that by reason of the urgency of the case the purposes of the application would be defeated if it were dealt with in accordance with section 73 of this Act,

the licensing authority may grant that application without reference to that section if and so far as he considers that no objection to the application could reasonably have been made under that section or that any such objection could not reasonably have succeeded.

(2) Any special authorisation granted by virtue of this section shall expire at the end of the period of three months beginning with the date on which it comes into force or of such shorter period beginning with that date as the licensing authority may direct.

**Terms and**  
**conditions**  
**of special**  
**authorisations.**

**76.—(1)** In granting a special authorisation the licensing authority shall attach thereto such conditions as he thinks requisite for defining the transport service which is authorised by the special authorisation, and may attach thereto such other conditions as he thinks fit, including in particular conditions—

(a) as to the vehicles which may be used under the special authorisation ;

(b) requiring the holder of the authorisation to make and preserve records as to his operations in pursuance of the authorisation ;

(c) requiring the holder of the authorisation to secure that a copy of the conditions defining the transport service authorised by the authorisation is carried by the driver of any vehicle used by him for a purpose for which such an authorisation is required.

(2) In granting a special authorisation for the purposes of section 71(1)(a) of this Act the licensing authority shall include in the authorisation a statement as to whether any controlled journeys authorised by the authorisation may be undertaken in part by persons other than the holder of the authorisation ; and, if the statement permits such journeys to be undertaken as aforesaid, the licensing authority may specify conditions to be observed by persons other than the holder of the licence who undertake such journeys.

(3) Any person who contravenes any condition attached under this section to a special authorisation of which he is the

holder, or, being a person who undertakes part of a controlled journey by virtue of a statement included in a special authorisation under subsection (2) of this section, contravenes any condition specified under that subsection, shall be liable on summary conviction to a fine not exceeding £200.

77.—(1) There shall be specified in every special authorisation the date on which the authorisation is to come into force. Duration of special authorisations.

(2) Regulations may specify the dates in the year on which special authorisations shall expire, and, subject to subsections (3) and (4) of this section, a special authorisation shall, unless previously revoked, continue in force up till and including that one of the specified dates which occurs next before the expiration of the period of five years beginning with the date on which the authorisation came into force or of such shorter period beginning with that date as the licensing authority may direct.

(3) If at the date on which a special authorisation is due to expire, proceedings are pending before the licensing authority on an application by the holder of that authorisation for the grant to him of a new authorisation in substitution therefor, the existing authorisation shall continue in force until—

(a) that application ; and

(b) any appeal under section 80 of this Act arising out of the application,

are disposed of, without prejudice however to the exercise in the meantime of the powers conferred by section 79 of this Act.

(4) Nothing in this section shall preclude the grant of a special authorisation authorising the carriage of goods only on occasions or in circumstances specified in the authorisation: and subsection (2) of this section shall not apply to any special authorisation granted by virtue of section 75 of this Act.

78.—(1) The holder of a special authorisation may at any time while it is in force apply to the licensing authority by whom it was granted for a variation thereof so as to permit him to provide under it a transport service differing in any respect from that already authorised thereby or for a variation of any condition attached to the licence under subsection (1) of section 76 of this Act or of any statement included in it under, or of any condition specified by virtue of, subsection (2) of that section. Variation of special authorisations.

(2) Subsections (2) and (3) of section 72 of this Act shall, so far as applicable and subject to any necessary modifications, apply to any application under this section as they apply to an application for a special authorisation.

## PART V

(3) Where a licensing authority receives an application under this section, the authority (unless satisfied that the grant of the application would not result in any material change in the transport service already authorised by the special authorisation) shall send copies of the application to any body to which they would be required to be sent under subsection (1) of section 73 of this Act if the application were an application under that section; and where copies of the application are so sent in pursuance of this subsection, the other provisions of that section and the provisions of section 74 of this Act shall, so far as applicable and subject to any necessary modifications, apply to that application as they apply to an application for a special authorisation.

Revocation  
and suspension  
of special  
authorisations.

79.—(1) Subject to the provisions of this section, the licensing authority by whom a special authorisation was granted may direct that it be revoked or suspended on the ground—

- (a) that the holder has contravened section 71 of this Act by using a large goods vehicle otherwise than as permitted by the authorisation or has contravened any condition attached to the authorisation under section 76 of this Act;
- (b) that since the authorisation was granted the holder has been convicted under section 81(4) of this Act;
- (c) that the holder of the authorisation made or procured to be made for the purposes of his application for the authorisation, or for the purposes of an application for the variation of the authorisation, a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled; or
- (d) that there has been since the authorisation was granted or varied a material change in any of the circumstances of the holder of the authorisation which were relevant to the grant or variation of the authorisation;

and during any time of suspension the authorisation shall be of no effect.

(2) In any case in which a licensing authority has power to give a direction under subsection (1) of this section in respect of any authorisation, the authority shall also have power to direct that any alteration be made in its terms so as to restrict in any respect the transport service which it authorises, or that there be attached to the authorisation any, or any additional, condition such as is mentioned in section 76 of this Act, or that any such condition be altered.

(3) Where the licensing authority directs that a special authorisation be revoked, the authority may order the person who

was the holder thereof to be disqualified, indefinitely or for such period as the authority thinks fit, from holding or obtaining a special authorisation, and so long as the disqualification is in force—

- (a) notwithstanding anything in section 74 or 75 of this Act, no special authorisation shall be granted to him and any special authorisation obtained by him shall be of no effect; and
- (b) if he applies for or obtains a special authorisation he shall be liable on summary conviction to a fine not exceeding £200.

An order under this subsection may be limited so as to apply only to the holding or obtaining of a special authorisation in respect of the area of one or more specified licensing authorities and, if the order is so limited, paragraphs (a) and (b) of this subsection shall apply only to any special authorisation to which the order applies.

(4) A licensing authority who has made an order under subsection (3) of this section may, in such circumstances as may be prescribed, cancel that order.

(5) Where the licensing authority gives a direction under this section in respect of a special authorisation held by any person, the authority may also direct that any operator's licence held by that person be revoked, suspended or curtailed and, if he directs that it be revoked, may exercise the powers conferred by section 69(5) to (7) of this Act; and the provisions of section 69(8), (9) and (10) and of section 70(1)(b) of this Act shall apply to any direction or order given or made under or by virtue of this subsection as they apply to any direction or order given or made under any provision of section 69 of this Act.

(6) The licensing authority shall not exercise any of his powers under subsection (1), (2) or (3) of this section in respect of any authorisation or the holder of any authorisation without first holding an inquiry, if the holder of the authorisation requests him to do so.

(7) The licensing authority may direct that any direction or order given or made by him under subsection (1), (2) or (3) of this section shall not take effect until the expiration of the time within which an appeal may be made to the Transport Tribunal against the direction or order and, if such an appeal is made, until the appeal has been disposed of; and if the licensing authority refuses to give a direction under this subsection the holder of the authorisation may apply to the tribunal for such a direction, and the tribunal shall give its decision on the application within fourteen days.

**PART V**  
Rights of  
appeal in  
connection  
with special  
authorisations.

**80.**—(1) Subject to subsection (2) of this section, a person who—

- (a) being an applicant for, or for the variation of, a special authorisation, is aggrieved by the refusal of the application or, as the case may be, by the terms or conditions of the authorisation or of the variation ; or
- (b) being the holder of a special authorisation in respect of which, or a person in respect of whom, a direction or order has been given or made under section 79(1), (2) or (3) of this Act, is aggrieved by that direction or order ; or
- (c) having duly made an objection to an application for, or for the variation of, a special authorisation, is aggrieved by the grant of the application,

may appeal to the Transport Tribunal.

(2) No appeal shall lie under subsection (1) of this section on the ground that a direction has been given under section 77(2) of this Act in the case of a special authorisation granted to any person if the effect of the direction is that the authorisation will expire on the same day as an operator's licence held by that person.

*Enforcement*

Consignment  
notes.

**81.**—(1) Subject to subsection (2) of this section, no goods shall be carried on a large goods vehicle unless a document (in this section referred to as a "consignment note") in the prescribed form and containing the prescribed particulars has been completed and signed in the prescribed manner and is carried by the driver of the vehicle.

(2) Subsection (1) of this section shall not apply—

- (a) to the carriage of goods on any journey or in a vehicle of any class exempted from that subsection by regulations ; or
- (b) to any carriage of goods which is lawful without the authority of an operator's licence ;

and, subject to the provisions of regulations, a licensing authority may dispense with the observance, as respects the carriage of goods under an operator's licence granted by him, of any requirement of that subsection, and may grant such a dispensation either generally, or as respects a particular vehicle, or as respects the use of vehicles for a particular purpose, but he shall not grant such a dispensation unless satisfied that it is not reasonably practicable for the requirement dispensed with to be observed.

(3) The consignment note relating to the goods carried by a vehicle on any journey shall, at the conclusion of that journey,



be preserved for the prescribed period by the person who used the vehicle (or, if the journey was a controlled journey within the meaning of section 71 of this Act, the last vehicle) for carrying the goods on that journey.

(4) Any person who uses or drives a vehicle in contravention of subsection (1) of this section or who fails to comply with subsection (3) thereof shall be liable on summary conviction to a fine not exceeding £200.

82.—(1) An officer may, on production if so required of his authority, require any person to produce and permit him to inspect and copy— Powers of entry and inspection.

- (a) any record or other document which is required by or under section 76 or 81 of this Act to be carried by that person as driver of a vehicle ;
- (b) any record or other document which that person is required by or under either of those sections to preserve ;

and that record or document shall, if the officer so requires by notice in writing served on that person, be produced at the office of the licensing authority specified in the notice within such time (not being less than ten days) from the service of the notice as may be so specified.

(2) An officer may, on production if so required of his authority—

- (a) at any time, enter any large goods vehicle and inspect that vehicle and any goods carried by it ;
- (b) at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that such a vehicle is kept or that any such records or documents as are mentioned in subsection (1) of this section are to be found, and inspect any such vehicle, and inspect and copy any such record or document, which he finds there.

(3) For the purpose of exercising his powers under subsection (1)(a) or (2)(a) of this section, an officer may detain the vehicle in question during such time as is required for the exercise of that power.

(4) An officer may, at any time which is reasonable having regard to the circumstances of the case, enter any premises of an applicant for an operator's licence or of the holder of such a licence and inspect any facilities on those premises for maintaining the authorised vehicles in a fit and serviceable condition.

## PART V

## (5) Any person who—

- (a) fails to comply with any requirement under subsection (1) of this section ; or
- (b) obstructs an officer in the exercise of his powers under subsection (2), (3) or (4) of this section,

shall be liable on summary conviction to a fine not exceeding £100.

(6) If an officer has reason to believe that a document or article carried on or by the driver of a vehicle, or a document produced to him in pursuance of this Part of this Act or Schedule 9 thereto, is a document or article in relation to which an offence has been committed under—

- (a) section 83 of this Act ; or
- (b) section 233 or 235 of the Act of 1960 as amended by Schedule 10 to this Act,

he may seize that document or article ; and where a document or article is seized as aforesaid and within six months of the date on which it was seized no person has been charged since that date with an offence in relation to that document or article under any of those sections and that document or article is still detained, a magistrates' court shall, on an application made for the purpose by the driver or owner of the vehicle, by the person from whom the document was seized or by an officer, make such order respecting the disposal of the document or article and award such costs as the justice of the case may require.

(7) Any proceedings in Scotland under the last foregoing subsection shall be taken by way of summary application in the sheriff court ; and in the application of that subsection to Scotland references to costs shall be construed as references to expenses.

(8) In this section "officer" means an examiner appointed under ~~Part IV of the Act of 1960~~ and any person authorised for the purposes of this section by the licensing authority for any area.

(9) The powers conferred by this section on an officer as defined in subsection (8) of this section shall be exercisable also by a police constable who shall not, if wearing uniform, be required to produce any authority.

Falsification of  
consignment  
notes and  
records.

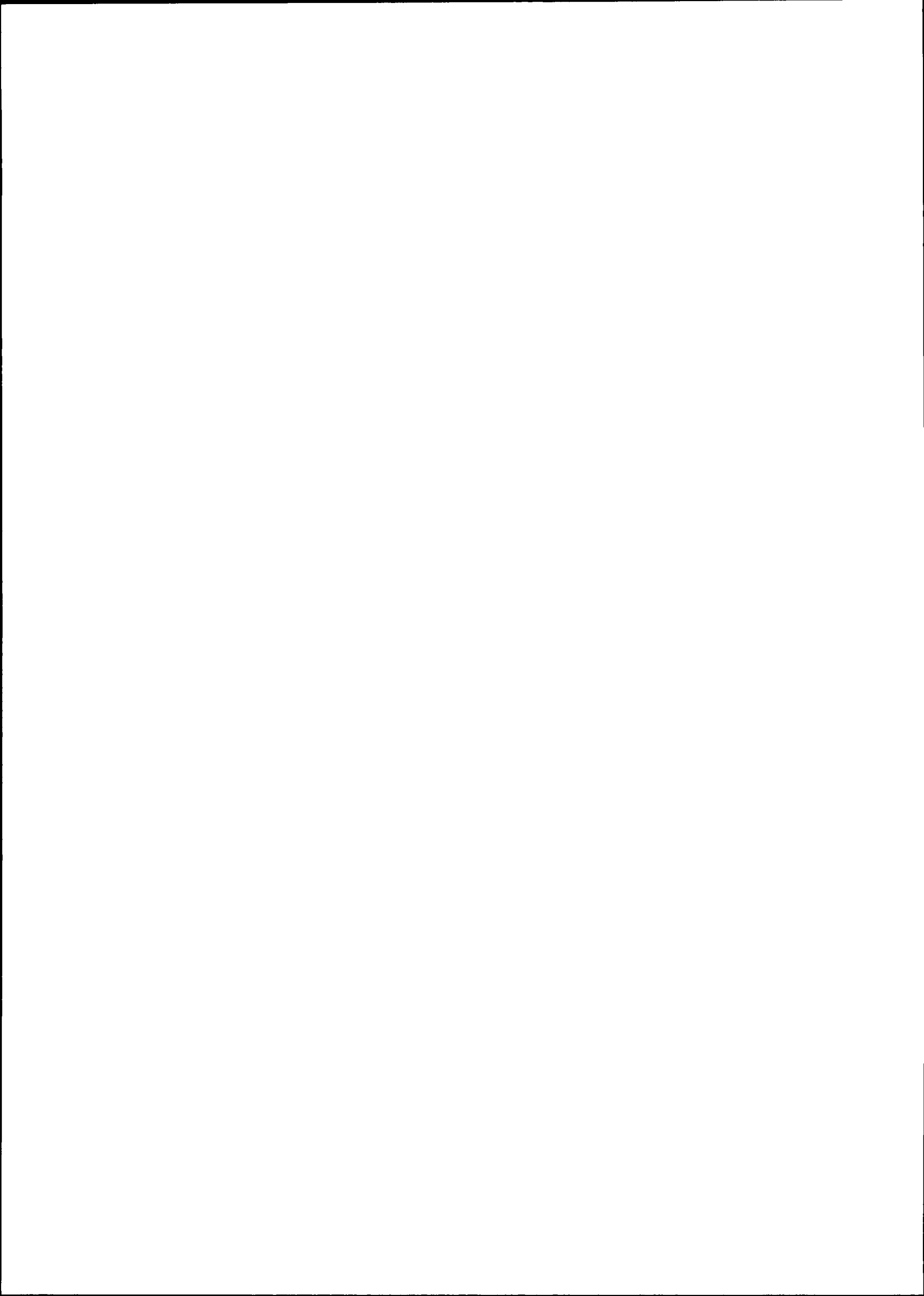
83. Any person who makes, or causes to be made, any record or other document required to be made under section 76 or 81 of this Act which he knows to be false or, with intent to deceive, alters or causes to be altered any such record or document shall be liable—

- (a) on summary conviction, to a fine not exceeding £200 ;

**Annex 854. 1968 Pt. II. p. 2210. s. 82(8).**

**<sup>1/</sup> section 56 of the Road Traffic Act 1972.**

**(Subst. by 1972. c. 20. s. 203(1), sch. 7.)**



- (b) on conviction on indictment, to imprisonment for a term not exceeding two years. PART V

84. In any proceedings for an offence under this Part of this Act or Schedule 9 thereto a certificate signed by or on behalf of a licensing authority and stating— Evidence by certificate.

- (a) that, on any date, a person was or was not the holder of an operator's licence, a special authorisation or a transport manager's licence granted by the authority;
- (b) the dates of the coming into force and expiration of any such licence or authorisation granted by the authority;
- (c) the terms and conditions of any operator's licence or special authorisation granted by the authority;
- (d) that a person is by virtue of an order of the authority disqualified from holding or obtaining an operator's licence, a special authorisation or a transport manager's licence indefinitely or for a specified period;
- (e) that a direction, having effect indefinitely or for a specified period, has been given by the licensing authority under section 69(6) of this Act in relation to any person;
- (f) that, on any date or during any specified period, any such licence or authorisation granted by the authority was of no effect by reason of a direction that it be suspended,

shall be evidence, and in Scotland sufficient evidence, of the facts stated; and a certificate stating any of the matters aforesaid and purporting to be signed by or on behalf of a licensing authority shall be deemed to be so signed unless the contrary is proved.

#### *Supplementary*

85.—(1) The Minister may by regulations make provision for the purpose of enabling any company, or other body corporate, which has one or more subsidiaries to hold— Holding companies and subsidiaries.

- (a) an operator's licence under which the authorised vehicles consist of or include vehicles belonging to or in the possession of any of its subsidiaries;
- (b) a special authorisation under which the transport service to which it relates may be provided by any of its subsidiaries.

(2) Regulations under this section may modify or supplement any of the provisions of this Part of this Act or Schedules 9 and 10 thereto so far as appears to the Minister to be necessary or

**PART V** expedient for the purpose mentioned in subsection (1) of this section or in connection therewith, and may contain such other supplementary and incidental provisions as appear to the Minister to be requisite.

Operators' licences and special authorisations not to be transferable.

**86.** Subject to any provision made by regulations under section 85 of this Act, an operator's licence and a special authorisation shall not be capable of being transferred or assigned, but provision may be made by regulations for treating a person carrying on the trade or business of the holder of an operator's licence or special authorisation as if he were the holder thereof (for such purposes, for such period and to such extent as may be specified in the regulations), in the event of the death, incapacity, bankruptcy or liquidation of the holder, or of the appointment of a receiver or manager in relation to the trade or business.

Inquiries.

**87.—(1)** A licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this Part of this Act or Schedule 9 thereto.

(2) Where an application by any person for an operator's licence and an application by him for a special authorisation are both pending before a licensing authority, the authority may hold a single inquiry for the purpose of both applications.

(3) Where, as respects the proposed exercise of his powers on any occasion under section 69 or 79 of this Act, a licensing authority receives a request for an inquiry from two or more persons he may hold a single inquiry in response to both or all of those requests.

(4) Subject to any provision made by regulations, any inquiry held by a licensing authority for the purposes of this Part of this Act or Schedule 9 thereto shall be held in public.

(5) Information with respect to any particular trade or business which is given at any such inquiry while admission to the inquiry is restricted in accordance with regulations shall not, so long as that trade or business continues to be carried on, be disclosed except—

- (a) with the consent of the person for the time being carrying on that trade or business; or
- (b) for the purpose of the discharge by any person of his functions under this Part of this Act or Schedule 9 thereto; or
- (c) with a view to the institution of, or otherwise for the purposes of, any legal proceedings pursuant to or arising out of this Part of this Act or Schedule 9

thereto (including proceedings before the Transport Tribunal); PART V

and any person who discloses any information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding £200.

88.—(1) On an appeal to the Transport Tribunal under this Part of this Act or Schedule 9 thereto against the decision of any licensing authority, the tribunal shall have power to make such order as it thinks fit and any such order shall be binding on the licensing authority. Provisions relating to Transport Tribunal.

(2) For the purpose of exercising the jurisdiction of the Transport Tribunal under this Part of this Act and Schedule 9 thereto—

(a) the Road Haulage Appeals Division of the tribunal shall consist of the president of the tribunal and two members of the tribunal of whom one shall be a person of experience in transport business or commercial affairs and the other a person of experience in financial matters or economics; and

(b) that Division or any person or persons appointed under section 57(5) of the Act of 1962 may be assisted by an assessor drawn from a panel of persons appointed by the Lord Chancellor for that purpose after consultation with the Minister and the Secretary of State;

and the provisions of paragraph 6(2) and (3) of Schedule 10 to the Act of 1962 shall apply to a member of that panel as they apply to a member of the special panel nominated by the Lord Chancellor, and paragraph 8(1) of that Schedule shall apply to a person giving such assistance as aforesaid as it applies to a person who is appointed from the special panel.

(3) The Transport Tribunal may remit the whole or any part of any fee in respect of an appeal to the tribunal under this Part of this Act or Schedule 9 thereto if the applicant satisfies the tribunal that by reason of his poverty it is reasonable so to do.

(4) An appeal to the Transport Tribunal from a decision of the licensing authority for an area in Scotland shall be heard in Scotland.

89.—(1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged by the licensing authority in respect of the grant or variation of operators' licences and special authorisations and in respect of the grant of transport managers' licences. Fees.

(2) All fees payable under this Part of this Act or Schedule 9 thereto shall be paid into the Consolidated Fund in such manner as the Treasury may direct.

**PART V**  
Appointment  
and  
remuneration  
of officers and  
servants.

**90.**—(1) Subject to the consent of the Treasury as to number, the Minister may appoint such officers and servants as he considers necessary for the operation of the provisions of this Part of this Act and Schedule 9 thereto.

(2) There shall be paid to licensing authorities and persons acting as officers or servants of a licensing authority such remuneration or salaries and such allowances, if any, as the Minister may, with the consent of the Treasury, determine.

(3) In every year there shall be paid out of moneys provided by Parliament such sums as the Minister may, with the consent of the Treasury, direct in respect of—

- (a) remuneration, salaries and allowances under subsection (2) of this section ; and
- (b) the establishment charges and other expenses of licensing authorities (including any remuneration paid by them to any assessor) and of any officers or servants appointed by the Minister for the purposes of this Part of this Act and Schedule 9 thereto.

Regulations  
and orders  
for purposes  
of Part V.

**91.**—(1) The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying this Part of this Act into effect and, in particular, but without prejudice to the generality of the foregoing provisions of this subsection, may make regulations with respect to the following matters—

- (a) the procedure on applications for, and the determination of questions in connection with, the grant and variation of operators' licences and special authorisations, and the procedure under, and the determination of questions for the purposes of, sections 69 and 79 of this Act ;
- (b) the issue of operators' licences and special authorisations and the issue on payment of the prescribed fee of copies of such licences or authorisations in the case of licences or authorisations lost or defaced ;
- (c) the means by which vehicles may be identified, whether by plates, marks or otherwise, as being authorised vehicles or as vehicles used under a special authorisation or under section 71(4) of this Act ;
- (d) the custody of operators' licences and special authorisations, the production, return and cancellation of such licences or authorisations on expiration or on the giving of a direction under section 69 or 79 of this Act, and



the custody, production and return of documents and plates ;

- (e) the notification to the licensing authority of vehicles which have ceased to be used under an operator's licence or special authorisation ;
- (f) the repayment in the prescribed circumstances of fees paid under this Part of this Act ;
- (g) the circumstances in which goods are to be treated for the purposes of this Part of this Act as carried for hire or reward and the circumstances in which goods are to be treated for those purposes as carried by any person for or in connection with a trade or business carried on by him ;

and different regulations may be made as respects different classes of vehicles.

(2) The power conferred by subsection (1) of this section to make regulations with respect to the means by which vehicles are to be identified as being authorised vehicles or as vehicles used under a special authorisation shall include power to require that any such means of identification prescribed for a vehicle shall be carried notwithstanding that for the time being the vehicle is not being used for a purpose for which an operator's licence or special authorisation is required.

(3) The Minister may by regulations substitute for any weight, distance, volume or area specified by or under this Part of this Act a weight, distance, volume or area expressed in terms of the metric system, being a weight, distance, volume or area which is equivalent to that for which it is substituted or does not differ from it by more than five per cent. thereof.

(4) The Minister may make regulations—

- (a) for providing that any provision of this Part of this Act shall, in relation to vehicles brought temporarily into Great Britain, have effect subject to such modifications as may be prescribed ;
- (b) for applying section 71 of this Act and the other provisions of this Part of this Act relating to special authorisations, subject to such modifications as may be prescribed, to the carriage of goods on journeys between places in Great Britain and places outside Great Britain ;

and different provision may be made by the regulations for different classes of case.

(5) A definition or description of a class of vehicles for the purposes of any regulation under this Part of this Act may be

**PART V** framed by reference to any characteristic of the vehicles or to any other circumstances whatsoever.

(6) Any person who contravenes a provision of regulations under this section, a contravention of which is declared by the regulations to be an offence, shall be liable on summary conviction to a fine not exceeding £20. [C]

(7) Any order or regulations made by the Minister under this Part of this Act or Schedule 9 thereto shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Before making any regulations under this Part of this Act or the said Schedule 9, the Minister shall consult with such representative organisations as he thinks fit.

Interpretation  
of Part V.

92.—(1) In this Part of this Act and Schedule 9 thereto, unless the context otherwise requires—

“articulated combination” means a combination made up of—

(a) a motor vehicle which is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, and

(b) a trailer attached to it as aforesaid ;

“authorised vehicle” means, in relation to an operator’s licence, a vehicle authorised to be used thereunder, whether or not it is for the time being in use for a purpose for which an operator’s licence is required and whether it is specified therein as so authorised or, being of a type so authorised subject to a maximum number, belongs to the holder of the licence or is in his possession under an agreement for hire-purchase, hire or loan ;

“carriage of goods” includes haulage of goods ;

“carrier’s licence” means a licence granted under Part IV of the Act of 1960 ;

“contravention”, in relation to any condition or provision, includes a failure to comply with the condition or provision, and “contravenes” shall be construed accordingly ;

“driver” means, in relation to a trailer, the driver of the vehicle by which the trailer is drawn and “drive” shall be construed accordingly ;

“goods” includes goods or burden of any description ;

[C] S.91 (b) am. (foreign vehicles) - 1972, c.27, s.1 sch.2.

**Annex 855. 1968. Pt. II. p. 2217. s. 92(5).**  
**<sup>1/</sup> section 198 of the Road Traffic Act 1972**  
**(Subst. by 1972. c. 20. s. 203(1), sch. 7.)**



## PART V

“ goods vehicle ” means, subject to subsection (5) of this section, a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted ;

“ large goods vehicle ” shall be construed in accordance with section 71 of this Act ;

“ operating centre ” means, in relation to any vehicles, the base or centre from which the vehicles are, or are intended to be, normally used ;

“ prescribed ” means prescribed by regulations ;

“ regulations ” means regulations made by the Minister under this Part of this Act ;

“ subsidiary ” means a subsidiary as defined by section 154 of the Companies Act 1948 ;

1948 c. 38.

“ vehicle combination ” means a combination of goods vehicles made up of one or more motor vehicles and one or more trailers all of which are linked together when travelling ;

and any expression not defined above which is also used in the Act of 1960 has the same meaning as in that Act.

(2) For the purposes of this Part of this Act, the driver of a vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan, and in any other case the person whose servant or agent the driver is, shall be deemed to be the person using the vehicle ; and references to using a vehicle shall be construed accordingly.

(3) In this Part of this Act references to directing that an operator's licence be curtailed are references to directing (with effect for the remainder of the duration of the licence or for any shorter period) all or any of the following, that is to say—

- (a) that any one or more of the vehicles specified in the licence be removed therefrom ;
- (b) that the maximum number of trailers or of motor vehicles specified in the licence in pursuance of section 61(1)(b) or (c) of this Act be reduced ;
- (c) that the addition of authorised vehicles under the said section 61(1)(c) be no longer permitted.

(4) In this Part of this Act, references to the bankruptcy of a person shall, as respects Scotland, be construed as references to an award of sequestration having been made of his estate.

(5) In this Part of this Act and Schedule 9 thereto, references to goods vehicles do not include references to tramcars or trolley vehicles operated under statutory powers within the meaning of ~~section 259 of the Act of 1960.~~

(6) Anything required or authorised by this Part of this Act to be done to or by a licensing authority by whom a licence

## PART V

or authorisation was granted may be done to or by any person for the time being acting as licensing authority for the area for which the first-mentioned authority was acting at the time of the granting of the licence or authorisation.

*Abolition of carriers' licensing for certain vehicles*

Carriers' licences not to be required for small vehicles or for medium vehicles covered by operators' licences.

**93.**—(1) Section 164 of the Act of 1960 (users of goods vehicles to hold carriers' licences) shall cease to apply to the use of any vehicle the unladen weight of which does not exceed thirty hundredweight, and any carrier's licence so far as it authorises the use of such a vehicle shall cease to have effect.

(2) The said section 164 shall not apply to the use of any vehicle for the use of which an operator's licence is required, unless that vehicle is a large goods vehicle.

*Transitional provisions and amendments*

Transitional provisions and amendments.

**94.**—(1) Where, before the day on which section 60 of this Act comes into force in relation to any vehicles, an application for an operator's licence is made in respect of those vehicles by a person who is the holder of a carrier's licence in respect of all or any of those vehicles, section 63 of this Act shall not apply to the application and section 64 of this Act shall apply to it with the omission of subsection (2)(b), (c) and (e).

(2) Notwithstanding section 171(3) of the Act of 1960 (which requires an application for a C licence under Part IV of that Act to be made to the licensing authority for the area in which the principal place of business of the applicant or his head office is situated), any application for such a licence in respect of vehicles which consist of or include vehicles in relation to which section 60 of this Act has come into force shall be made to the licensing authority (within the meaning of the said Part IV) for the area containing the operating centre or operating centres of the vehicles proposed to be used under the licence.

(3) The Minister may, if he thinks fit, by order provide for section 65 of this Act to have effect in relation to any, or any class of, persons who on any day appointed for the purposes of that section under section 166(2) of this Act hold, or have applied for, operators' licences, and may by that order make such provisions as he thinks necessary or expedient for securing that the necessary matters are specified in those licences for giving effect to that section as aforesaid.

(4) If, on the appointed day for the purposes of section 71 of this Act, a person is the holder of a relevant carrier's licence, that is to say, a carrier's licence under which a large goods vehicle is an authorised vehicle, that section shall not apply to the use

by him of any vehicle which is an authorised vehicle under that licence—

(a) until the expiration of the period of three weeks beginning with—

(i) the date on which he ceases to hold that licence ;  
or

(ii) the date on which he ceases to hold any other relevant carrier's licence of which he is the holder on that appointed day and which was granted to him by the same licensing authority,

whichever is the earlier ; and

(b) if before the expiration of that period he duly applies—

(i) for a special authorisation covering the use of that vehicle ; or

(ii) if he already holds a special authorisation which does not cover the use of that vehicle, for a variation thereof so that it does cover the use of that vehicle,

until that application, and any appeal under section 80 of this Act arising out of the application, are disposed of ;

but, during any time for which the said section 71 does not by virtue of this subsection apply to the use by him of that vehicle, the relevant carrier's licence shall be deemed to be held by him and to be in force notwithstanding that he has ceased to be the holder thereof.

(5) Without prejudice to so much of subsection (4) of this section as provides that a licence is to be deemed during any period to be held by a person and to be in force—

(a) regulations may make provision for enabling a licensing authority, in such circumstances and subject to such conditions as may be specified in regulations, to direct that any carrier's licence granted by the authority which is held by any person on the appointed day for the purposes of section 71 of this Act shall expire on a date earlier than that on which it would have expired under the provisions of section 169 of the Act of 1960 (which relates to the duration of carrier's licences) ; and

(b) a person who is the holder of a carrier's licence on the appointed day aforesaid may, by notice to the licensing authority by whom the licence was granted, surrender that licence from such date as may be specified in the notice, and as from that date the licence shall cease to have effect.

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(6) Where a carrier's licence granted by the licensing authority for any area expires by virtue of a direction given under subsection (5)(a) of this section, then, if on an application for a special authorisation made to the licensing authority for that area by the person who was the holder of the licence, it appears to the licensing authority—

- (a) that the application could not be granted, or could not be granted in full, if it were determined in accordance with section 74 of this Act; but
- (b) that the applicant would suffer financial hardship if the powers of the authority under this subsection were not exercised,

the licensing authority may, notwithstanding anything in that section, grant the applicant a special authorisation which is such as to permit him to continue to provide, until the date on which the licence would apart from that direction have expired, or for any shorter period, a transport service corresponding to that which he was entitled to provide under the licence.

(7) The enactments specified in Part I of Schedule 10 to this Act shall have effect subject to the amendments there specified.

(8) On the appointed day for the purposes of this subsection—

- (a) the enactments specified in Part II of Schedule 10 to this Act shall have effect subject to the amendments there specified; and \*
- (b) the enactments specified in Part IV of Schedule 18 to this Act shall cease to have effect to the extent specified in the third column of that Part;

but, if the appointed day for the purposes of this subsection is the same as that for the purposes of section 71 of this Act, this subsection shall not affect the operation of those enactments in relation to any carrier's licence held by any person on that day during the period for which it is, or by virtue of subsection (4) of this section is deemed to be, in force after that day.

(9) Regulations may provide for the repayment in the prescribed circumstances of fees paid under section 182 of the Act of 1960 in respect of carriers' licences which are in force on the appointed day for the purpose of the last foregoing subsection.

(10) If on the appointed day for the purposes of subsection (8) of this section—

- (a) the operation of a wages regulation order in force under Part II of the Wages Councils Act 1959 depends on whether or not a vehicle is, or is deemed to be, specified in an A licence or a B licence granted under Part IV of the Act of 1960; or
- (b) the description of the workers in relation to whom the Road Haulage Wages Council operates under that

\* REP. - 1974.  
c. 22. S.L.  
(REPEALS)



**Annex 856. 1968. Pt. II. p. 2221. s. 95(1).**

<sup>1/</sup> but the Secretary of State may by regulations make such provision supplemental or incidental to, or by way of adaptation of, this Part of this Act as is in his opinion called for to take account, in relation to journeys and work to which the international rules apply, of the operation of those rules and to ensure compatibility of operation between section 96(1) to (9) as they apply to other journeys and work and the international rules; and regulations made under this subsection—

(a) may in particular make exceptions from the operation of section 96(1) to (6), and include provision as to the circumstances in which a period of driving or duty to which the international rules apply is to be included or excluded in reckoning any period for purposes of section 96(1) to (6); and

(b) may contain such transitional and supplementary provisions as the Secretary of State thinks necessary or expedient;

and a reference to the international rules shall be deemed to be included in any reference to this Part of this Act in sections 35(2)(b), 62(4)(b) and 64(2)(c) of this Act and in paragraph 2(5) of Schedule 9 thereto.

*(Added by 1972. c. 68. s. 4, sch. 4 para. 9(3).)*



Act is such as to depend on whether or not a vehicle is, or is deemed to be, specified as aforesaid,

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then, for the purposes of that order and that description, any vehicle which immediately before that day is, or for those purposes is deemed to be, specified as aforesaid, shall be treated as so specified on and after that day; and if on or after the day on which section 93 of this Act comes into force the operation of any such order depends on the matters mentioned in paragraph (a) of this subsection, or the description of the workers in relation to whom the said Council operates is such as mentioned in paragraph (b) of this subsection, then, for the purposes of that order and that description, any vehicle not specified as aforesaid shall be treated as so specified if used wholly or mainly for a purpose for which, but for the said section 93, an A licence or a B licence would be required.

## PART VI

## DRIVERS' HOURS

95.—(1) This Part of this Act shall have effect with a view to securing the observance of proper hours of work by persons engaged in the carriage of passengers or goods by road and thereby protecting the public against the risks which arise in cases where the drivers of motor vehicles are suffering from fatigue.

Vehicles and drivers subject to control under Part VI.

(2) This Part of this Act applies to—

(a) passenger vehicles, that is to say—

(i) public service vehicles; and

(ii) motor vehicles (other than public service vehicles) constructed or adapted to carry more than twelve passengers;

(b) goods vehicles, that is to say—

(i) heavy locomotives, light locomotives, motor tractors and any motor vehicle so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle; and

(ii) motor vehicles (except those mentioned in paragraph (a) of this subsection) constructed or adapted to carry goods other than the effects of passengers.

(3) This Part of this Act applies to any such person as follows (in this Part of this Act referred to as "a driver"), that is to say—

(a) a person who drives a vehicle to which this Part of this Act applies in the course of his employment (in this Part of this Act referred to as "an employee-driver"); and

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(b) a person who drives such a vehicle for the purposes of a trade or business carried on by him (in this Part of this Act referred to as "an owner-driver");

and in this Part of this Act references to driving by any person are references to his driving as aforesaid.

Permitted driving time and periods of duty.

96.—(1) Subject to the provisions of this section, a driver shall not on any working day drive a vehicle or vehicles to which this Part of this Act applies for periods amounting in the aggregate to more than ten hours. [9]

(2) Subject to the provisions of this section, if on any working day a driver has been on duty for a period of, or for periods amounting in the aggregate to, five and a half hours and—

(a) there has not been during that period, or during or between any of those periods, an interval of not less than half an hour in which he was able to obtain rest and refreshment; and

(b) the end of that period, or of the last of those periods, does not mark the end of that working day,

there shall at the end of that period, or of the last of those periods, be such an interval as aforesaid.

(3) Subject to the provisions of this section, the working day of a driver—

(a) except where paragraph (b) or (c) of this subsection applies, shall not exceed eleven hours;

(b) if during that day he is off duty for a period which is, or periods which taken together are, not less than the time by which his working day exceeds eleven hours, shall not exceed twelve and a half hours;

(c) if during that day—

(i) all the time when he is driving vehicles to which this Part of this Act applies is spent in driving one or more express carriages or contract carriages; and

(ii) he is able for a period of not less than four hours to obtain rest and refreshment, shall not exceed fourteen hours.

(4) Subject to the provisions of this section, there shall be, between any two successive working days of a driver, an interval for rest which—

(a) subject to paragraph (b) of this subsection, shall not be of less than eleven hours;

(b) if during both those days all or the greater part of the time when he is driving vehicles to which this Part of this Act applies is spent in driving one or more passenger vehicles, may, on one occasion in each

[9] S. 96(1) am. (foreign vehicles) - 1972 c. 27 - s. 1 sch. 2.

working week, be of less than eleven hours but not of less than nine and a half hours ;

and for the purposes of this Part of this Act a period of time shall not be treated, in the case of an employee-driver, as not being an interval for rest by reason only that he may be called upon to report for duty if required.

(5) Subject to the provisions of this section a driver shall not be on duty in any working week for periods amounting in the aggregate to more than sixty hours.

(6) Subject to the provisions of this section, there shall be, in the case of each working week of a driver, a period of not less than twenty-four hours for which he is off duty, being a period either falling wholly in that week or beginning in that week and ending in the next week ; but—

(a) where the requirements of the foregoing provisions of this subsection have been satisfied in the case of any week by reference to a period ending in the next week, no part of that period (except any part after the expiration of the first twenty-four hours of it) shall be taken into account for the purpose of satisfying those requirements in the case of the next week ; and

(b) those requirements need not be satisfied in the case of any working week of a driver who on each working day falling wholly or partly in that week drives one or more stage carriages if that week is immediately preceded by a week in the case of which those requirements have been satisfied as respects that driver or during which he has not at any time been on duty.

(7) If in the case of the working week of any driver the following requirement is satisfied, that is to say, that, in each of the periods of twenty-four hours beginning at midnight which make up that week, the driver does not drive a vehicle to which this Part of this Act applies for a period of, or periods amounting in the aggregate to, more than four hours, the foregoing provisions of this section shall not apply to him in that week, except that the provisions of subsections (1), (2) and (3) shall nevertheless have effect in relation to the whole of any working day falling partly in that week and partly in a working week in the case of which that requirement is not satisfied.

(8) If on any working day a driver does not drive any vehicle to which this Part of this Act applies—

(a) subsections (2) and (3) of this section shall not apply to that day, and

(b) the period or periods of duty attributable to that day for the purposes of subsection (5) of this section shall, if amounting to more than eleven hours, be treated as amounting to eleven hours only.

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(9) For the purposes of subsections (1) and (7) of this section no account shall be taken of any time spent driving a vehicle elsewhere than on a road if the vehicle is being so driven in the course of operations of agriculture or forestry.

(10) For the purpose of enabling drivers to deal with cases of emergency or otherwise to meet a special need, the Minister may by regulations—

(a) create exemptions from all or any of the requirements of subsections (1) to (6) of this section in such cases and subject to such conditions as may be specified in the regulations ;

(b) empower the traffic commissioners or licensing authority for any area, subject to the provisions of the regulations—

(i) to dispense with the observance of all or any of those requirements (either generally or in such circumstances or to such extent as the commissioners or authority think fit) in any particular case for which provision is not made under paragraph (a) of this subsection ;

(ii) to grant a certificate (which, for the purposes of any proceedings under this Part of this Act, shall be conclusive evidence of the facts therein stated) that any particular case falls or fell within any exemption created under the said paragraph (a) ;

and regulations under this subsection may enable any dispensation under paragraph (b)(i) of this subsection to be granted retrospectively and provide for a document purporting to be a certificate granted by virtue of paragraph (b)(ii) of this subsection to be accepted in evidence without further proof.

(11) If any of the requirements of subsections (1) to (6) of this section, or any condition having effect by virtue of regulations made under subsection (10) thereof, is contravened in the case of any driver—

(a) that driver ; and

(b) any other person (being that driver's employer or a person to whose orders that driver was subject) who caused or permitted the contravention,

shall be liable on summary conviction to a fine not exceeding £200 ; but a person shall not be liable to be convicted under this subsection if he proves to the court—

(i) that the contravention was due to unavoidable delay in the completion of a journey arising out of circumstances which he could not reasonably have foreseen ;  
or

Annex 857. 1968. Pt. II. p. 2225. s. 96(11A).

<sup>1/</sup> (11A) Where, in the case of a driver or member of the crew of a motor vehicle, there is in Great Britain a contravention of any requirement of the international rules as to periods of driving, or distance driven, or periods on or off duty, then the offender and any other person (being the offender's employer or a person to whose orders the offender was subject) who caused or permitted the contravention shall be liable on summary conviction to a fine not exceeding £200.

*(Added by 1972. c. 68. s. 4, sch. 4 para. 9(2).)*





- (ii) in the case of a person charged under paragraph (b) of this subsection, that the contravention was due to the fact that the driver had for any particular period or periods driven or been on duty otherwise than in the employment of that person or, as the case may be, otherwise than in the employment in which he is subject to the orders of that person, and that the person charged was not, and could not reasonably have become, aware of that fact. 'L

(12) The Minister may by order—

- (a) direct that subsection (1) of this section shall have effect with the substitution for the reference to ten hours of a reference to nine hours, either generally or with such exceptions as may be specified in the order ;
- (b) direct that paragraph (a) of subsection (3) of this section shall have effect with the substitution for the reference to eleven hours of a reference to any shorter period, or remove, modify or add to the provisions of that subsection containing exceptions to the said paragraph (a) ;
- (c) remove, modify or add to any of the requirements of subsections (2), (4), (5) or (6) of this section or any of the exemptions provided for by subsections (7), (8) and (9) thereof ;

and any order under this subsection may contain such transitional and supplementary provisions as the Minister thinks necessary or expedient, including provisions amending any definition in section 103 of this Act which is relevant to any of the provisions affected by the order.

97.—(1) Subject to the provisions of this section, no driver shall drive a vehicle to which this Part of this Act applies unless—

- (a) there is installed in the vehicle in the prescribed place and manner equipment for recording information as to the use of the vehicle, being equipment of such type or design as may be prescribed or approved by the Minister for the purposes of this section ; and
- (b) that equipment is in working order.

(2) Subsection (1) of this section shall not apply to—

- (a) a small goods vehicle as defined in section 103(6) of this Act ; or
- (b) a vehicle of any class exempted from that subsection by regulations made by the Minister ;

and paragraph (b) of that subsection shall not apply in such cases as may be specified by regulations made by the Minister.

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(3) The Minister may make regulations—

(a) imposing on the owner and driver of any vehicle in which equipment is installed for the purposes of this section, and the employer of an employee-driver, duties—

(i) as to the working of the equipment and for preventing misuse thereof ;

(ii) as to any keys or other appliances used in connection with the equipment, including the keeping and preservation of records in connection with such keys or appliances ;

(b) imposing on the owner of any vehicle in which equipment is installed for the purposes of this section duties as to the preservation of any records produced by means of the equipment.

(4) Any person who—

(a) contravenes subsection (1) of this section ; or

(b) being the employer of any other person, or a person to whose orders any other person is subject, causes or permits that other person to contravene that subsection ; or

(c) contravenes any regulations made under subsection (3) of this section,

shall be liable on summary conviction to a fine not exceeding £200 ; but a person shall not be liable to be convicted by virtue of paragraph (a) or (b) of this subsection by reason of a contravention of subsection (1)(b) of this section if he proves to the court that the equipment in the vehicle in question ceased to be in working order in the course of a journey being undertaken by that vehicle, that neither he nor (if a different person) the driver of the vehicle was responsible for the equipment ceasing to be in working order and that the journey was not continued after it had become reasonably practicable in all the circumstances for the equipment to be restored to working order. [A]

(5) A record produced by means of equipment installed for the purposes of this section in any vehicle shall, in any proceedings under this Part of this Act, be evidence of the matters appearing from the record.

Written records.

98.—(1) The Minister may make regulations—

(a) for requiring drivers to keep, and employers of employee-drivers to cause to be kept, in such books as may be specified in the regulations records with respect to such matters relevant to the enforcement of this Part of this Act as may be so specified ; and

[C] 3.97(4) am. (foreign vehicles) - 1972. c.27 s. 1. sch2

**Annex 858. 1968. Pt. II. p. 2227. s. 98(2)(4).**

<sup>1/</sup> including provisions supplementary and incidental to the requirements of the international rules as to books and records

<sup>2/</sup> or of the international rules

<sup>3/</sup> or any requirement as to books or records of the international rules

*(<sup>1/-3/</sup> Added by 1972. c. 68. s. 4. sch. 4 para. 9(2).)*



- (b) for requiring owner-drivers and the employers of employee-drivers to maintain such registers as may be so specified with respect to any such books as aforesaid which are in their possession or in that of any employee-drivers in their employment.

(2) Regulations under this section may contain such supplementary and incidental provisions as the Minister thinks necessary or expedient, including in particular provisions—

- (a) specifying the person or persons from whom books and registers required for the purposes of the regulations are to be obtained and, if provision is made for them to be obtained from the Minister, charging a fee for their issue by him (which shall be payable into the Consolidated Fund);
- (b) as to the form and manner of making of entries in such books and registers;
- (c) as to the issue by and return to the employers of employee-drivers of books required to be kept by the latter for the purposes of the regulations;
- (d) requiring any book in current use for the purposes of the regulations to be carried on, or by the driver of, any vehicle, as to the preservation of any books and registers used for those purposes, and otherwise as to the manner in which those books and registers are to be dealt with;
- (e) for exemptions from all or any of the requirements of the regulations in respect of drivers of small goods vehicles as defined in section 103(6) of this Act and for other exemptions from all or any of those requirements.

(3) Subject to the provisions of any regulations made by the Minister, the traffic commissioners or licensing authority for any area may dispense with the observance by any employee-driver or his employer, or by any owner-driver, of any requirement imposed under this section, either generally or in such circumstances or to such extent as the commissioners or authority think fit, but the traffic commissioners or licensing authority shall not grant such a dispensation unless satisfied that it is not reasonably practicable for the requirement dispensed with to be observed.

(4) Any person who contravenes any regulations made under this section shall be liable on summary conviction to a fine not exceeding £200; but the employer of an employee-driver shall not be liable to be convicted under this subsection by reason of contravening any such regulation whereby he is required to cause any records to be kept if he proves to the court that he has given proper instructions to his employees with

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respect to the keeping of the records and has from time to time taken reasonable steps to secure that those instructions are being carried out. [C]

(5) Any entry made by an employee-driver for the purposes of regulations under this section shall, in any proceedings under this Part of this Act, be admissible in evidence against his employer.

Inspection of records and other documents.

99.—(1) An officer may, on production if so required of his authority, require any person to produce, and permit him to inspect and copy—

- (a) any book or register which that person is required by regulations under section 98 of this Act to carry or have in his possession for the purpose of making in it any entry required by those regulations or which is required under those regulations to be carried on any vehicle of which that person is the driver ;
- (b) any record, book or register which that person is required by regulations under section 97 or 98 of this Act to preserve ;
- (c) if that person is the owner of a vehicle to which this Part of this Act applies, any other document of that person which the officer may reasonably require to inspect for the purpose of ascertaining whether the provisions of this Part of this Act or of regulations made thereunder have been complied with.

and that record, book, register or document shall, if the officer so requires by notice in writing served on that person, be produced at the office of the traffic commissioners or licensing authority specified in the notice within such time (not being less than ten days) from the service of the notice as may be so specified.

(2) An officer may, on production if so required of his authority—

- (a) at any time, enter any vehicle to which this Part of this Act applies and inspect that vehicle and any equipment installed in it for the purposes of section 97 of this Act and inspect and copy any record on the vehicle which has been produced by means of that equipment ;
- (b) at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that such a vehicle is kept or that any such records, books, registers or other documents as are mentioned in subsection (1) of this section are to be found, and inspect any such vehicle, and inspect and copy any such record, book, register or document, which he finds there.

[C] s.98(4) am. (foreign vehicles) - 1972. c.27. st. sch 2.

Annex 859. 1968 Pt. II. pp. 2228/9. ss. 98(5), 99(1)(d), (3), (5), (8)

1/ or of the international rules

2/ (d) any corresponding book, register or document required by the international rules or which the officer may reasonably require to inspect for the purpose of ascertaining whether the requirements of the international rules have been complied with.

3/ or (d)

4/ or the international rules

(1/-4/ Added by 1972. c. 68. s. 4. sch. 4 para. 9(2).)

5/ section 56 of the Road Traffic Act 1972

(Subst. by 1972. c. 20. s. 203(1), sch. 7.)





(3) For the purpose of exercising his powers under subsection (2)(a) and, in respect of a document carried on, or by the driver of, a vehicle, under subsection (1)(a) of this section, an officer may detain the vehicle in question during such time as is required for the exercise of that power.

(4) Any person who—

(a) fails to comply with any requirement under subsection (1) of this section ; or

(b) obstructs an officer in the exercise of his powers under subsection (2) or (3) of this section,

shall be liable on summary conviction to a fine not exceeding £100. [C]

(5) Any person who makes, or causes to be made, any such record as is mentioned in section 97 of this Act or any entry in a book or register kept for the purposes of regulations under section 98 thereof which he knows to be false or, with intent to deceive, alters or causes to be altered any such record or entry shall be liable—

(a) on summary conviction, to a fine not exceeding £200 ;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years.

(6) If an officer has reason to believe that an offence under subsection (5) of this section has been committed in respect of any record or document inspected by him under this section, he may seize that record or document ; and where a record or document is seized as aforesaid and within six months of the date on which it was seized no person has been charged since that date with an offence in relation to that record or document under that subsection and the record or document has not been returned to the person from whom it was taken, a magistrate's court shall, on an application made for the purpose by that person or by an officer, make such order respecting the disposal of the record or document and award such costs as the justice of the case may require.

(7) Any proceedings in Scotland under subsection (6) of this section shall be taken by way of summary application in the sheriff court ; and in the application of that subsection to Scotland references to costs shall be construed as references to expenses.

(8) In this section " officer " means a certifying officer appointed under Part III of the Act of 1960, a public service vehicle examiner, an examiner appointed under ~~Part IV of that Act~~ and any person authorised for the purposes of this section by the traffic commissioners or licensing authority for any area.

[C] S. 99(4) am. (foreign vehicles) § 972 - c. 27. S. 1. sch. 2.

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(9) The powers conferred by this section on an officer as defined in subsection (8) of this section shall be exercisable also by a police constable, who shall not, if wearing uniform, be required to produce any authority.

(10) In this section references to the inspection and copying of any record produced by means of equipment installed for the purposes of section 97 of this Act in a vehicle include references to the application to the record of any process for eliciting the information recorded thereby and to taking down the information elicited from it.

Power to give effect to international agreements.

**100.**—(1) The Minister may by order make, in relation to Great Britain, such provision as appears to him to be requisite for enabling the United Kingdom to become a party to any international agreement relating to the drivers or crews of vehicles used on international journeys, and, without prejudice to the generality of the foregoing provisions of this subsection, an order under this subsection may—

- (a) modify or exclude any of the provisions contained in or having effect under this Part of this Act or contained in or having effect under any other enactment passed before or after this Act;
- (b) provide for exemptions from all or any of the provisions of the order;
- (c) provide for the punishment of contraventions of any provision of the order; [C]
- (d) contain such supplementary, incidental or consequential provisions as appear to the Minister to be necessary or expedient.

(2) The Governor of Northern Ireland may, by Order in the Privy Council of Northern Ireland, make provision in relation to Northern Ireland for any purpose for which provision may be made in relation to Great Britain under subsection (1) of this section, and in relation to any such Order the provisions of that subsection shall apply accordingly as if for references to the Minister there were substituted references to the Governor of Northern Ireland; and any such Order may authorise the Ministry of Home Affairs for Northern Ireland to make regulations for any of the purposes of the Order.

Orders and regulations under Part VI.

**101.**—(1) In relation to orders or regulations made under this Part of this Act, the provisions of this section shall have effect in addition to the provisions of section 157 of this Act.

(2) Any order or regulations under this Part of this Act may make different provision for different classes of case.

[C] S. 100 (1) (c) am. (foreign vehicles), - 1972 . c. 27 s. 1 sch 2

**Annex 860. 1968. Pt. II. p. 2331. s. 102(A).**

<sup>1/</sup> 102A.—(1) This Part of this Act and section 255 of the Road Traffic Act 1960 in its application thereto shall not apply to tramcars or trolley vehicles operated under statutory powers.

(2) In this section “ operated under statutory powers ” means, in relation to tramcars or trolley vehicles, that their use is authorised or regulated by special Act of Parliament or by an order having the force of an Act.

(3) Subsection (1) above shall have effect subject to any such Act or order as is mentioned in subsection (2) above, and any such Act or order may apply to the tramcars or trolley vehicles to which it relates any of the provisions excluded by the said subsection (1).

*(Added by 1972. c. 20. s. 203(1), sch. 7.)*



PART VI

(3) No order shall be made under section 96(12) or 100(1) of this Act unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament; and any regulations made under this Part of this Act (except regulations made by virtue of an Order under section 100(2)) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) No recommendation shall be made to the Governor of Northern Ireland in Council to make an Order under subsection (2) of section 100 of this Act unless a draft thereof has been laid before the Parliament of Northern Ireland and has been approved by resolution of each House of Parliament of Northern Ireland; and an Order under that subsection which authorises the making of regulations may make provision for the laying of such regulations before the Parliament of Northern Ireland and for their annulment in such circumstances as may be specified in the Order.

(5) A definition or description of a class of vehicles for the purposes of any order or regulation under this Part of this Act may be framed by reference to any characteristic of the vehicles or to any other circumstances whatsoever.

(6) Before making any order or regulations under this Part of this Act the Minister shall consult with such representative organisations as he thinks fit.

102.—(1) Subject to subsection (2) of this section, this Part of this Act shall apply to vehicles and persons in the public service of the Crown.

Application to the Crown and exemption for police and fire brigade.

(2) This Part of this Act shall not apply in the case of motor vehicles owned by the Secretary of State for Defence and used for naval, military or air force purposes or in the case of vehicles so used while being driven by persons for the time being subject to the orders of a member of the armed forces of the Crown.

(3) For the purpose of proceedings for an offence under this Part of this Act in connection with a vehicle in the public service of the Crown, being proceedings against a person other than the driver of the vehicle, the person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver only was responsible.

(4) This Part of this Act shall not apply in the case of motor vehicles while being used for police or fire brigade purposes. <sup>1</sup>

**PART VI**  
 Interpretation,  
 supplementary  
 provisions, etc.,  
 for Part VI.  
 1947 c. 48.  
 1948 c. 45.

**103.—(1) In this Part of this Act—**

“agriculture” has the meaning assigned by section 109(3) of the Agriculture Act 1947 or, in relation to Scotland, section 86(3) of the Agriculture (Scotland) Act 1948 ;

“driver”, “employee-driver” and “owner-driver” have the meaning assigned by section 95(3) of this Act ;

“employer”, in relation to an employee-driver, means the employer of that driver in the employment by virtue of which that driver is an employee-driver ;

“licensing authority” has the same meaning as in Part V of this Act ;

“prescribed” means prescribed by regulations made by the Minister ;

“working day”, in relation to any driver, means—

(a) any period during which he is on duty and which does not fall to be aggregated with any other such period by virtue of paragraph (b) of this definition ; and

(b) where a period during which he is on duty is not followed by an interval for rest of not less than eleven hours or (where permitted by virtue of section 96(4)(b) of this Act) of not less than nine and a half hours, the aggregate of that period and each successive such period until there is such an interval as aforesaid, together with any interval or intervals between periods so aggregated ;

“working week” means, subject to subsection (5) of this section, a week beginning at midnight between Saturday and Sunday ;

and any expression not defined above which is also used in the Act of 1960 has the same meaning as in that Act.

(2) For the purposes of this Part of this Act a director of a company shall be deemed to be employed by it.

(3) In this Part of this Act references to a person driving a vehicle are references to his being at the driving controls of the vehicle for the purpose of controlling its movement, whether it is in motion or is stationary with the engine running.

(4) In this Part of this Act references to a driver being on duty are references—

(a) in the case of an employee-driver, to his being on duty (whether for the purpose of driving a vehicle to which this Part of this Act applies or for other purposes) in the employment by virtue of which he is an employee-driver, or in any other employment under the person who is his employer in the first-mentioned employment ; and

**Annex 861. 1968. Pt. II. p. 2232. s. 103(1).**

<sup>1/</sup> 'the international rules' means any directly applicable  
Community provision relating to the driving of road  
vehicles on international journeys.

*(Added by 1972. c. 68. s. 4, sch. 4 para. 9(2).)*





(b) in the case of an owner-driver, to his driving a vehicle to which this Part of this Act applies for the purposes of a trade or business carried on by him or being otherwise engaged in work for the purposes of that trade or business, being work in connection with such a vehicle or the load carried thereby.

(5) The traffic commissioners or licensing authority for any area may, on the application of an owner-driver or of the employer of an employee-driver, from time to time direct that a week beginning at midnight between two days other than Saturday and Sunday shall be, or be deemed to have been, a working week in relation to that owner-driver or employee-driver; but where by virtue of any such direction a new working week begins before the expiration of a previous working week then, without prejudice to the application of the provisions of this Part of this Act in relation to the new working week, those provisions shall continue to apply in relation to the previous working week until its expiration.

(6) In sections 97(2)(a) and 98(2)(e) of this Act "a small goods vehicle" means a goods vehicle which has a plated weight of the prescribed description not exceeding three and a half tons or (not having a plated weight) has an unladen weight not exceeding thirty hundredweight; but the Minister may by regulations direct that the foregoing provisions of this subsection shall have effect, in relation to either or both of those sections—

(a) with the substitution for either of the weights there specified of such other weight as may be specified in the regulations;

(b) with the substitution for either of those weights or for any other weight for the time being specified as aforesaid of a weight expressed in terms of the metric system, being a weight which is equivalent to that for which it is substituted or does not differ from it by more than five per cent. thereof.

(7) Without prejudice to any jurisdiction of any court under any other enactment, proceedings for an offence under this Part of this Act may be commenced in any court having jurisdiction in the place where the person charged with the offence is for the time being.

(8) The enactments specified in Schedule 11 to this Act shall have effect subject to the amendments there specified.

(9) Any order made under section 166(2) of this Act appointing a day for the purposes of any of the provisions of this Part of this Act may contain such transitional provision as the Minister thinks necessary or expedient as respects the application of any particular provision of this Part of this Act to a working week or working day falling partly before and partly after the date on which that provision comes into operation.

## PART VII

## INLAND WATERWAYS

*The Board's waterways*

Classification  
of the Board's  
waterways.

**104.**—(1) For the purposes of sections 105 to 111 of this Act the inland waterways comprised in the undertaking of the Waterways Board shall be divided into—

- (a) the waterways for the time being specified in Part I of Schedule 12 to this Act, being waterways (in this Part of this Act referred to as “the commercial waterways”) to be principally available for the commercial carriage of freight ;
- (b) the waterways for the time being specified in Part II of that Schedule, being waterways (in this Part of this Act referred to as “the cruising waterways”) to be principally available for cruising, fishing and other recreational purposes ; and
- (c) the remainder.

(2) The description contained in the said Schedule 12 of any waterway shall be read subject to any order made by the Minister for giving greater precision to that description by reference to a map.

(3) The Minister may by order transfer any waterway from one Part of the said Schedule 12 to the other Part, remove any waterway from either of those Parts or add to either of those Parts any inland waterway for the time being comprised in the undertaking of the Board which is not for the time being a commercial waterway or a cruising waterway.

(4) Schedule 13 to this Act shall have effect in relation to the making of any order under subsection (3) of this section, and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) In subsection (3) of this section references to any waterway include references to any part of that waterway.

Maintenance  
of the Board's  
waterways.

**105.**—(1) With a view to securing the general availability of the commercial and cruising waterways for public use, it shall be the duty of the Waterways Board, subject to the provisions of this section—

- (a) to maintain the commercial waterways in a suitable condition for use by commercial freight-carrying vessels ; and

(b) to maintain the cruising waterways in a suitable PART VII condition for use by cruising craft, that is to say, vessels constructed or adapted for the carriage of passengers and driven by mechanical power.

(2) Neither paragraph (a) nor paragraph (b) of subsection (1) of this section shall impose on the Board any duty to maintain a waterway, or any part of a waterway, in a suitable condition for use by any vessel of the kind mentioned in that paragraph unless the dimensions of the vessel (that is to say, its length, width, height of superstructure and draught)—

(a) correspond to, or are less than, those of a vessel of that kind which customarily used that waterway or part during the period of nine months ending with 8th December 1967; or

(b) if the waterway or part has been restored or improved since that date, are such as to make it suitable for use on that waterway or part;

but, save as aforesaid, the duty imposed by that paragraph shall extend to any vessel of the kind therein mentioned as respects the dimensions of which paragraph (a) or (b) of this subsection is satisfied.

(3) If it appears to the Minister that, having regard to any change in the size, design or type of vessel customarily using any commercial waterway or cruising waterway, or any part thereof, it is desirable to exercise his powers under this subsection, he may (after consultation with the Board) by order substitute for the duty imposed on the Board by the foregoing provisions of this section in respect of that waterway or part such duty in respect of the maintenance thereof as he considers appropriate having regard to that change, and may by that order make such incidental or transitional provision as he thinks necessary or expedient in connection therewith.

(4) Schedule 13 to this Act shall have effect in relation to the making of any order under subsection (3) of this section, and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Section 17 of the Regulation of Railways Act 1873 (which 1873 c. 48. requires the Board to maintain certain inland waterways) shall cease to apply to any inland waterway which on the date on which this section comes into force is comprised in the undertaking of the Board; and any local enactment passed with respect to any such inland waterway, so far as that enactment—

(a) confers any public or private right of navigation over the waterway; or

## PART VII

(b) imposes any duty to maintain that waterway for the purpose of navigation (including any duty to supply, or maintain a supply of, water for the waterway for that purpose),

shall cease to have effect.

(6) If the Board acquire any inland waterway after the date on which this section comes into force any local enactment passed with respect thereto shall, so far as it confers or imposes any such right or duty as is mentioned in paragraph (a) or (b) of subsection (5) of this section, cease to have effect on the date on which the waterway is so acquired.

(7) Any person who suffers loss by reason of the extinguishment by virtue of subsection (5) or (6) of this section of any private right shall be entitled to be paid by the Board compensation to be determined, in case of dispute, by the appropriate tribunal; and the tribunal shall, in determining the compensation, take into account any contractual right offered by the Board in substitution for the right which is extinguished.

(8) Where by virtue of subsection (5) of this section a statutory right of navigation ceases to be exercisable as respects a waterway of which the Waterways Board are not the owner, the Board shall have power to authorise any use of the waterway which would have been authorised by that statutory right.

Enforcement of  
maintenance  
duty.

**106.**—(1) If, on an application by any person under this section to the High Court or, in Scotland, the Court of Session, the court determines that there has been, in respect of any waterway, a serious and persistent failure by the Waterways Board to discharge the duty imposed on them by—

(a) subsection (1) of section 105 of this Act; or

(b) any order made under subsection (3) of that section,

the court may, subject to the provisions of this section, require the Board to remedy that failure; but, save as aforesaid, neither the said subsection (1) nor any order under the said subsection (3) shall be construed as imposing any duty or liability enforceable by proceedings before any court to which the Board would not otherwise be subject.

(2) The fact that proceedings on an application under subsection (1) of this section (hereafter in this section referred to as “enforcement proceedings”) are in progress in respect of any waterway or any part of a waterway, or that the court has in any such proceedings imposed any requirement on the Board, shall not prevent the Minister from making an order in respect

of that waterway or part under section 104(3) or 105(3) of this Act; but— PART VII

- (a) except as provided in subsection (3) of this section, where such an order is made while enforcement proceedings are in progress, the court shall nevertheless determine those proceedings on the basis of the duty of the Board as it stood when the proceedings were instituted; and
- (b) the making of such an order shall in no case absolve the Board from complying with any requirement which is imposed by the court in any enforcement proceedings.

(3) If a relevant order is pending at the time when enforcement proceedings are instituted, or if, at any time after enforcement proceedings have been instituted and before the court has imposed any requirement on the Board in the proceedings, the Minister notifies the Board that he is considering the making of a relevant order and gives the court such a certificate as is mentioned in subsection (4) of this section—

- (a) the court shall not, so long as the order is pending, impose any requirement on the Board in those proceedings; and
- (b) if the order is made, the court shall, in determining in those proceedings whether there has been a failure by the Board to discharge their duty, have regard only to the duty (if any) to which the Board are subject in consequence of the making of the order.

(4) The said certificate is a certificate in writing to the effect that it appears to the Minister that the imposition of any requirement on the Board on the basis of their existing duty would result in their incurring substantial expense and that, having regard to their financial position and their duty under section 18 of the Act of 1962 and section 41 of this Act, it would be unreasonable for them to bear that expense without a grant or further grant under section 43 of this Act.

(5) In subsection (3) of this section "relevant order" means, in relation to any enforcement proceedings, an order under section 104(3) or 105(3) of this Act in relation to the waterway or part of a waterway which is the subject of the proceedings; and for the purposes of that subsection an order is pending during the period of three months beginning with the day on which the Minister notifies the Board that he is considering the making of the order and, if before the expiration of that period notice of the proposed order is published under Schedule 13

## PART VII

to this Act, during any further period until the order is made or the Minister notifies the Board that it will not be made.

(6) As soon as may be after giving the Board any such notification as is mentioned in the last foregoing subsection, the Minister shall give notice thereof in the London Gazette or, if the waterway or the part of the waterway in question is situated in Scotland, the Edinburgh Gazette.

(7) For the purposes of this section enforcement proceedings shall be treated as instituted at the time when the writ or summons beginning the proceedings is served on the Board.

Amendments  
as to general  
duties of  
Board.

**107.**—(1) The duty of the Waterways Board under subsection (1) of section 10 of the Act of 1962 to provide services and facilities on the inland waterways owned or managed by them shall extend only to the commercial waterways and cruising waterways.

(2) It shall be the duty of the Board—

(a) to secure that each of the inland waterways comprised in their undertaking which is not a commercial waterway or cruising waterway is dealt with in the most economical manner possible (consistent, in the case of a waterway which is retained, with the requirements of public health and the preservation of amenity and safety), whether by retaining and managing the waterway, by developing or eliminating it, or by disposing of it; and

(b) to secure that the best possible financial return is obtained from any asset of the Board which is not an inland waterway or harbour and is not required in connection with the provision of services and facilities by the Board, whether by exploiting it, by developing it, or by disposing of it.

(3) Subsection (4) of the said section 10 (which provides that the duties of the Board under that section are not to be legally enforceable) shall apply also to the duty imposed on the Board by subsection (2) of this section.

(4) Subsection (2) of the said section 10 (which requires the Board to carry out a review of the manner in which the best use can be made of those of their inland waterways which are not required for discharging their duties under subsection (1) of that section) shall cease to have effect.

S. 107 (4) REP.  
-1974 .c. 22.  
S.L.  
(REPEALS)

**108.**—(1) Subject to subsection (3) of this section, any inland waterway in England or Wales comprised in the undertaking of the Waterways Board which is not a commercial waterway or cruising waterway shall be deemed to be—

(a) a watercourse for the purposes of section 259 of the Public Health Act 1936; and

Prevention  
of nuisance  
as respects  
certain  
waterways.

Annex 605. 1968. Pt. II. p. 2239. s. 108(1)(3).

<sup>1/</sup> section 65 of the Town and Country Planning Act 1971

<sup>2/</sup> the said Act of 1971

<sup>3/</sup> the said section 65

<sup>4/</sup> the Town and Country Planning Act 1962

(<sup>1/-4/</sup> *Subst. by 1971. c. 78. s. 291(1), sch. 23 Pt. II.*)

Annex 862. 1968. Pt. II. p. 2239. s. 108(2)(3).

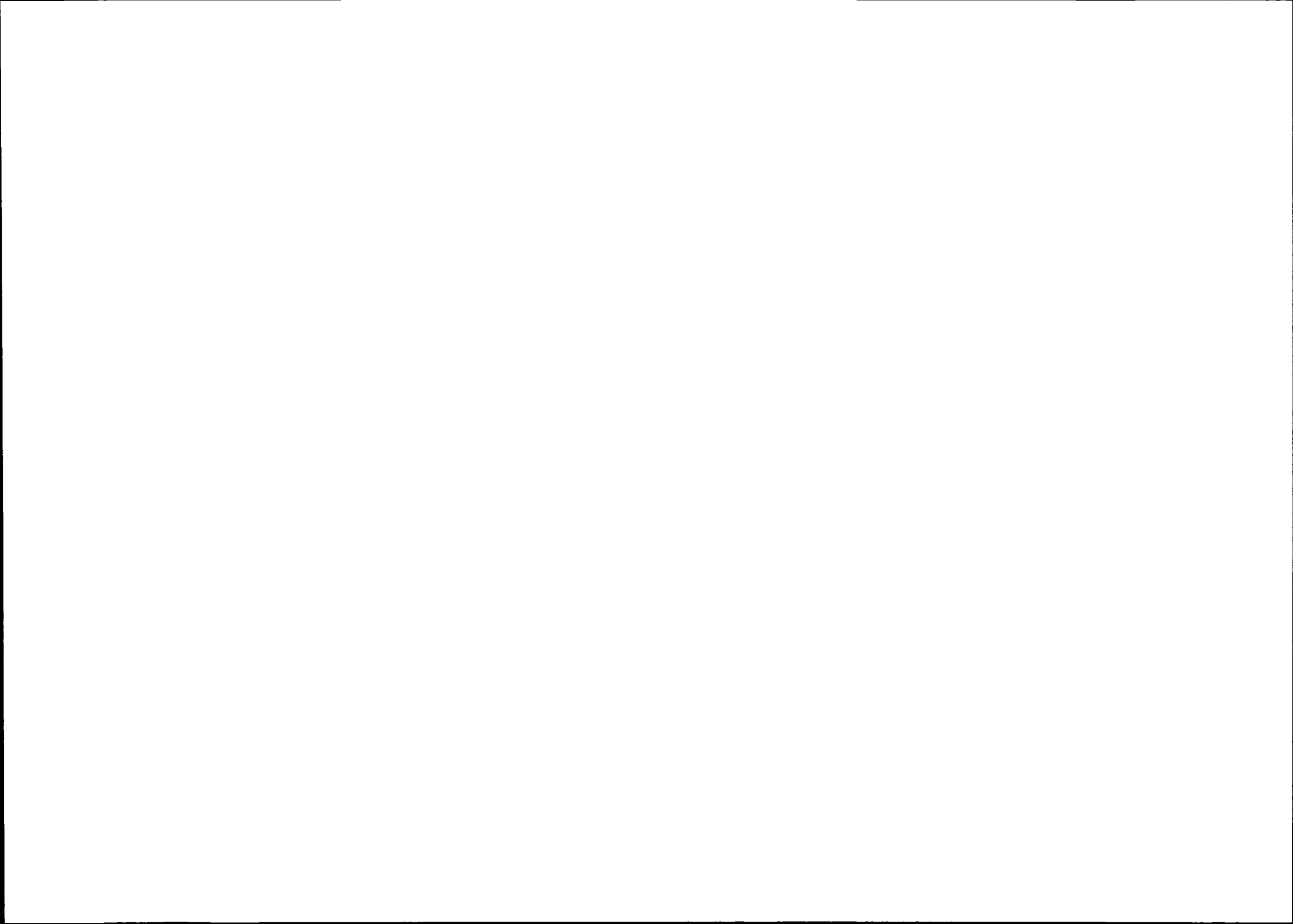
<sup>5/</sup> section 63 of the Town and Country Planning (Scotland) Act 1972.

<sup>6/</sup> said Act of 1972

<sup>7/</sup> said section 63

<sup>8/</sup> the Town and Country Planning (Scotland) Act 1947

(<sup>5/-8/</sup> *Subst. by 1972. c. 52. s. 276(1), sch. 21 Pt. II.*)





(b) a vacant site for the purposes of ~~section 36 of the Town and Country Planning Act 1962~~; PART VII  
1962 c. 38.

and the provisions of Part III of the said Act of 1936, as they apply by virtue of this subsection, may be enforced by a county council as well as by a local authority as defined in that Act, and any local authority within the meaning of ~~the said Act of 1962~~ (and not only the local planning authority) shall be entitled to enforce the provisions of ~~the said section 36~~ as it applies by virtue of this subsection.

(2) Subject to subsection (3) of this section, any inland waterway in Scotland comprised in the undertaking of the Board which is not a commercial waterway or cruising waterway shall be deemed to be—

(a) a watercourse for the purposes of section 16 of the Public Health (Scotland) Act 1897; and 1897 c. 38.

(b) derelict land for the purposes of ~~section 31 of the Town and Country Planning (Scotland) Act 1947~~; 1947 c. 53.

and any local authority within the meaning of ~~the said Act of 1947~~ (and not only the local planning authority) shall be entitled to enforce the provisions of ~~the said section 31~~ as it applies by virtue of this subsection.

(3) This section shall not apply to any waterway which has been closed to navigation under any local enactment before the date on which this section comes into force if the use of the waterway has been changed between the passing of that enactment and that date, in pursuance of planning permission granted under Part III of ~~the said Act of 1962~~ or Part II of ~~the said Act of 1947~~; and this section shall cease to apply to any waterway if the use thereof is changed after that date in pursuance of such permission as aforesaid.

(4) This section shall have effect to the exclusion of any provision for similar purposes in any local enactment passed before the date on which this section comes into force in relation to any waterway to which this section applies.

109.—(1) Without prejudice to their powers apart from this section, but subject to subsection (3) of this section, the Waterways Board shall have power— Power of certain bodies to maintain or take over waterways and connected works.

(a) to enter into an agreement with any body to which this section applies for the maintenance by that body of any inland waterway comprised in the undertaking of the Board which is not a commercial waterway or cruising waterway, or of any part of, or of any works connected with, any such waterway;

## PART VII

- (b) by agreement with any such body, to transfer to it any such waterway, part of a waterway or works as aforesaid belonging to the Board, together with any powers or obligations (whether statutory or otherwise) of the Board in respect thereof ;

and any body to which this section applies shall have all such powers as are required to enable it to enter into and carry out any such agreement as aforesaid or as are required to be exercised by it in consequence of any such transfer as is mentioned in this subsection.

- (2) The bodies to which this section applies are as follows—

- (a) a local authority ;
- (b) a river authority ;
- (c) a highway authority, not being a local authority ;
- (d) an Area Gas Board ;
- (e) an Area Electricity Board ;
- (f) the North of Scotland Hydro-Electric Board ;
- (g) the South of Scotland Electricity Board ;
- (h) any statutory water undertakers as defined in section 59(1) of the Water Act 1945 otherwise than for the purposes of Part II of that Act only ;
- (j) a regional water board ;
- (k) a water development board,

1945 c. 42.

and, as respects any particular agreement or transfer, any other body having public or charitable objects which is certified by the Minister as a body appearing to him to be capable of discharging the responsibilities falling on the body in consequence of that agreement or transfer.

- (3) Subject to subsection (5) of this section, no such agreement or transfer as is mentioned in subsection (1) of this section shall be made with or to—

- (a) any local authority unless what is to be maintained or transferred—
  - (i) is situated in the area of the authority ; or
  - (ii) though not situated in that area, is so situated that persons residing in that area have convenient access to it ;
- (b) any river authority unless—
  - (i) what is to be maintained or transferred is situated in the area of the authority ; and
  - (ii) the Ministers (as defined in section 82(9) of the Water Resources Act 1963) have consented to the agreement or transfer ;

1963 c. 38.

and the powers under this section of any statutory water undertakers or of any regional water board or water development

board shall be exercisable only for the purposes of their water undertaking and with the consent of the Minister of Housing and Local Government or, as respects anything to be done in Scotland or in Wales, the Secretary of State.

(4) Any agreement under this section whereby a waterway or part of a waterway is to be maintained by, or transferred to, a body to which this section applies may include provision for securing that the body in question makes the waterway or part available for public use.

(5) The Board may make an agreement for maintenance or transfer under this section with two or more bodies jointly on such terms as to the sharing of expenses between those bodies and otherwise as those bodies may agree; and, notwithstanding subsection (3)(a)(i) or (b)(i) of this section (but without prejudice, in the case of a local authority, to subsection (3)(a)(ii) of this section), a local authority or river authority may be a party to such an agreement if part of what is to be maintained or transferred is situated in their area and the remainder in the area or areas of one or more other authorities (whether local authorities or river authorities) who are also parties to the agreement.

110.—(1) There shall be a body to be known as the Inland Waterways Amenity Advisory Council consisting of a chairman and not less than twelve members appointed by the Minister after consultation with the chairman of the Waterways Board; and the members so appointed—

The Inland  
Waterways  
Amenity  
Advisory  
Council.

(a) shall include persons who appear to the Minister to have wide knowledge of, and interest in, the use of inland waterways for amenity or recreational purposes, including fishing; and

(b) may include not more than four persons who are members of the Waterways Board.

(2) In addition to their functions under Schedule 13 to this Act, it shall be the function of the Council—

(a) to advise the Waterways Board and the Minister on any proposal to add to or reduce the cruising waterways;

(b) to consider, and, where it appears to them to be desirable, to make recommendations to the Waterways Board or the Minister with respect to, any other matter—

(i) affecting the use or development for amenity or recreational purposes, including fishing, of the cruising waterways;

## PART VII

(ii) with respect to the provision for those purposes of services or facilities in connection with those waterways or the commercial waterways,

being a matter which has been referred to the Council by the Board or the Minister, which has been the subject of representations to the Council by any other person or which appears to the Council to be a matter to which consideration ought to be given.

(3) The Council shall not make recommendations to the Minister with respect to any matter under this section without first consulting with the Board about that matter.

(4) The persons appointed to be members of the Council shall hold and vacate office in accordance with their terms of appointment and shall, on ceasing to hold office, be eligible for reappointment; but any such person may at any time by notice in writing to the Minister resign his office.

(5) The Council may, with the approval of the Minister, appoint such regional committees, and may appoint such other committees, as they think fit; and the procedure of the Council and of any such committee, including the quorum at meetings, shall be such as may be determined by the Council.

(6) The Waterways Board shall provide the Council with such officers and servants and such accommodation as appear to the Board to be requisite for the proper discharge of the Council's functions or as may be directed by the Minister; and the said Board may pay to the members of the Council allowances in respect of loss of remunerative time in accordance with a scale approved by the Minister with the consent of the Treasury and such travelling allowances and allowances in respect of out-of-pocket expenses as the Board may determine.

Access  
agreements  
and orders as  
respects canals  
other than  
commercial  
waterways  
and cruising  
waterways.  
1968 c. 41.  
1949 c. 97.

111. Subsections (2) and (3) of section 16 of the Countryside Act 1968 (which enable access agreements and access orders to be made under Part V of the National Parks and Access to the Countryside Act 1949 in respect of canals and of certain land held therewith) shall apply as respects, and as respects land held with, any canal or part of a canal owned or managed by the Waterways Board which is not for the time being a commercial waterway or a cruising waterway; and accordingly in subsection (6)(c) of that section (which prevents the said subsections (2) and (3) from applying where the canal or part of a canal is owned or managed by the Board) there shall be added at the end the words "which is for the time being a commercial waterway or a cruising waterway within the meaning of section 104 of the Transport Act 1968".

**Annex 606. 1968. Pt. II. p. 2243. s. 112(3)(d).**  
**<sup>1/</sup> section 65 of the Town and Country Planning Act 1971**  
**(Subst. by 1971. c. 78. s. 291(1), sch. 23 Pt. II.)**

**Annex 863. 1968. Pt. II. p. 2243. s. 112(3)(d).**  
**<sup>2/</sup> section 63 of the Town and Country Planning (Scotland) Act 1972**  
**(Subst. by 1972. c. 52. s. 276(1), sch. 21 Pt. II.)**



*Other inland waterway provisions*

PART VII

**112.**—(1) In the case of any canal which is not comprised in the undertaking of the Waterways Board, the Minister may by order direct all or any of the following, that is to say—

Power to extinguish statutory rights and obligations in respect of canals not comprised in undertaking of Board.

- (a) that any local enactment passed with respect to that canal shall cease to have effect so far as it confers any public or private right of navigation over that canal;
- (b) that any such enactment shall cease to have effect so far as it imposes any duty to maintain that canal for the purpose of navigation (including any duty to supply, or maintain a supply of, water for the canal for that purpose);
- (c) that section 17 of the Regulation of Railways Act 1873 if applicable to that canal, shall cease to apply to it.

(2) An order under this section in respect of any canal may be made on the application of the person who owns or manages the canal, on the application of any local authority or river authority in whose area the canal is situated, or without any application being made.

(3) An order under this section in respect of any canal—

- (a) shall specify the person, whether the person who owns or manages the canal, a local authority, a river authority or the Minister, by whom any such compensation as is mentioned in subsection (4) of this section is to be paid;
- (b) may confer on a person specified in the order power to authorise any use of the canal which would have been authorised by a statutory right of navigation which by virtue of the order ceases to be exercisable as respects the canal;
- (c) may make provision, in relation to the canal or any works connected therewith, for purposes corresponding to those of section 109 of this Act; and
- (d) may include such incidental or supplementary provisions as the Minister thinks fit, including provisions for applying section 259 of the Public Health Act 1936 and ~~section 36 of the Town and Country Planning Act 1962~~, or, as the case may be, section 16 of the Public Health (Scotland) Act 1897 and ~~section 31 of the Town and Country Planning (Scotland) Act 1947~~, to the canal.

(4) Any person who suffers loss by reason of the extinguishment by virtue of an order under this section of any private right shall be entitled to be paid by the person specified in that

**PART VII** behalf in the order compensation to be determined, in case of dispute, by the appropriate tribunal; and the tribunal shall, in determining the compensation, take into account any contractual right offered by the person who owns or manages the canal in substitution for the right which is extinguished.

(5) Schedule 13 to this Act shall have effect in relation to the making of any order under this section, and any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

S. 112 (7) REP.  
-1974. C. 22.  
S. L.  
(REPEALS)

(6) In this section "canal" includes any navigation which has been made under, or in respect of which tolls may be levied by virtue of, any enactment, and references to a canal include references to part of a canal.

1888 c. 25.

(7) Section 45 of the ~~Railway and Canal Traffic Act 1888~~ (which is superseded by this section) shall cease to have effect.

Byelaws in respect of waterways owned or managed by certain bodies.

**113.**—(1) The Minister may, on the application of any qualified body which owns or manages an inland waterway and after consultation with the relevant authority, by order confer on that body power to make byelaws in relation to that waterway for such purposes as may be specified in the order.

(2) Byelaws made by virtue of an order under this section shall not have effect until confirmed by the Minister, and before applying to the Minister for the confirmation of any byelaws the body concerned shall take such steps as may be specified in the order for securing that persons affected by the byelaws have an opportunity of making representations thereon to the Minister.

(3) If any person contravenes, or fails to comply with, any byelaws made by virtue of an order under this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £20, and if the contravention or failure to comply is continued after the conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding £5 for each day on which it is so continued.

(4) An order under this section may contain such supplementary provisions as the Minister thinks necessary or expedient.

(5) In this section—

"qualified body" means any navigation authority as defined in section 135(1) of the Water Resources Act 1963, a body mentioned in any of the paragraphs of section 109(2) of this Act (except paragraph (c) thereof) and any other body having public or charitable objects;

"relevant authority", in relation to any order, means any local authority or river authority (except any such

1963 c. 38.



authority which is itself the applicant for the order) in whose area the waterway in question is wholly or partly situated.

PART VII

(6) Section 40 of the Railway and Canal Traffic Act 1888 1888 c. 25. (which makes provision as to the byelaws of canal companies) shall not apply to byelaws made by virtue of an order under this section.

114. Without prejudice to section 109 of this Act, a local authority may assist any other person (whether financially, by the provision of services or facilities, or otherwise) in maintaining or improving for amenity or recreational purposes, including fishing—

Power of local authorities to assist in maintaining waterways for amenity purposes.

- (a) any inland waterway situated wholly or partly in the area of the authority ; and
- (b) any other inland waterway which is so situated that it can conveniently be used for those purposes by persons residing in the area of the authority.

*Supplementary*

115.—(1) In sections 105 and 112 of this Act—

Interpretation of Part VII.

- (a) references to any right of navigation over a waterway or canal include references to any right to use or keep any vessel or craft on the waterway or canal ;
- (b) “ the appropriate tribunal ” means, as respects England and Wales, the Lands Tribunal and, as respects Scotland, the Lands Tribunal for Scotland or, until sections 1 to 3 of the Lands Tribunal Act 1949 come into force as regards Scotland, an official arbiter appointed under Part I of the Land Compensation (Scotland) Act 1963 ;

1949 c. 42.

1963 c. 51.

and sections 3 and 5 of the said Act of 1963 shall apply, subject to any necessary modifications, in relation to the determination of any question under either of those sections by an arbiter so appointed.

(2) Nothing in section 105 or in any order under section 112 of this Act shall be construed as abrogating any rights of navigation which subsist otherwise than by virtue of the enactments referred to in subsections (5) and (6) of the said section 105 or subsection (1) of the said section 112 ; and in those subsections references to rights conferred by an enactment do not include references to rights which are merely confirmed by it and which, if that enactment had not been passed, would subsist otherwise than by virtue of any such enactments as aforesaid.

PART VII

(3) In sections 109, 112, 113 and 114 of this Act, "local authority" means—

[ ] Rep. (prop).  
and s. 11b(5) rep. (E)  
(prop) - 1972 c. 70  
s. 272 (1) sch 30

- (a) as respects England and Wales, the council of a county, [County borough] county district or London borough, The Greater London Council and the Common Council of the City of London ;
- (b) as respects Scotland, a county council and a town council. 1/2

(4) In sections 109, 112 and 113 of this Act, "river authority" includes any body on which functions corresponding to the functions of river authorities are conferred under section 125 of the Water Resources Act 1963 (provisions as to Thames, Lee and London areas) and any reference to the area of any such body shall be construed as a reference to the area in relation to which any such functions are conferred on that body as aforesaid.

1963 c. 38.  
S 115(4) rep. -  
1973. c. 37.  
s. 40(3), sch.  
9.

PART VIII

BRIDGES, LEVEL CROSSINGS, ETC.

Bridges

Transfer of responsibility for maintenance of highways on bridges over Boards' railways, inland waterways, etc.

[a]

116.—(1) Where a highway is carried by a bridge over one or more of the following, that is to say, a railway of the Railways Board, a railway of the London Board, an inland waterway of the Waterways Board or any other installation or land used by any of those Boards in connection with a railway or inland waterway, and immediately before the appointed day—

- (a) the Board or Boards concerned are responsible for maintaining the highway carried by the bridge, or that highway together with the highway giving access to the bridge ; and
- (b) the highway at each end—
  - (i) of the bridge ; or
  - (ii) if the Board or Boards are also responsible for maintaining the highway giving access to the bridge, of the bridge and any such highway,

is a highway maintainable at the public expense, the highway carried by the bridge, together with any such highway as is mentioned in paragraph (b)(ii) of this subsection, shall on that day become a highway maintainable at the public expense.

(2) Any agreement between any of the Boards mentioned in subsection (1) of this section and a highway authority, so far as it provides for that authority to carry out after the appointed day, at the expense of the Board, any maintenance for which

[a] s. 116 am. (L.T.E.) - 1969 c. 35. s 17(1), Sch. 3 para. 1(1)(2).

Annex 1003. 1968. Pt. II. p. 2246. s. 115(3).

<sup>1/</sup> (3) In sections 109, 112 and 113 of this Act "local authority" means a regional or islands council and in section 114 of this Act means a regional, islands or district council.

(Subst. (S.) (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 para. 19.)



the Board cease to be responsible by virtue of that subsection, shall cease to have effect on that day. PART VIII

(3) Where by virtue of any agreement or order made before the appointed day—

- (a) a highway authority is responsible for maintaining the highway carried by or giving access to a bridge such as is mentioned in subsection (1) of this section ; and
- (b) but for that agreement or order, any of the Boards mentioned in that subsection would by virtue thereof have ceased to be responsible for maintaining that highway on that day.

that Board shall not by virtue of that agreement or order be liable to make to that highway authority in respect of the maintenance of that highway any annual or other periodical payment (not being an instalment of a lump sum) which falls due after that day.

(4) Where paragraphs (a) and (b) of subsection (1) of this section are not satisfied immediately before the appointed day in the case of any such bridge as is mentioned in that subsection, or such a bridge as aforesaid is constructed after that day, then, if those paragraphs are satisfied in the case of that bridge on any subsequent day, the highway carried by the bridge, together with any highway giving access to the bridge for the maintenance of which the Board or Boards concerned are also responsible, shall on that subsequent day become a highway maintainable at the public expense.

(5) A highway which by virtue of this section on any day becomes a highway maintainable at the public expense shall—

- (a) if and so far as it is in any county, be a county road if on that day the highway at one or both ends of it is in relation to that county a county road ; and
- (b) if and so far as it is in a non-county borough or urban district, be a claimed county road if on that day the highway at one or both ends of it is in relation to that borough or district a claimed county road ;

but this subsection shall be without prejudice to any provision by virtue of which a highway may at any time cease to be a county road or a claimed county road.

(6) This section shall not affect the responsibility of any of the Boards for the maintenance of any part of a bridge or its approaches other than the surface of the highway, and a highway authority—

- (a) shall not by virtue of this section be under any duty to make good, or incur any liability by reason of, any

## PART VIII

defect in the surface of the highway so far as attributable to the failure of any of the Boards to discharge that responsibility ;

- (b) shall permit the Board or Boards concerned to carry out on or in relation to the surface of the highway any works reasonably required to be carried out by them for discharging that responsibility or for inspecting, maintaining or altering any apparatus of the Board or Boards incorporated in or attached to the bridge ; and
- (c) shall not, without the consent of the Board or Boards concerned, increase to a significant extent the weight of the materials constituting the surface of the highway.

(7) Nothing in this section shall affect any liability incurred by any of the Boards by reason of any act or omission in relation to any highway before the day on which they cease by virtue of this section to be responsible for its maintenance.

Duty of  
Boards as  
respects  
bridges  
carrying  
highways.

[a] 117.—(1) This section applies to any bridge which—

- (a) carries a highway over one or more of the following that is to say, a railway of the Railways Board, a railway of the London Board, an inland waterway of the Waterways Board or any other installation or land used by any of those Boards in connection with a railway or inland waterway ; and
- (b) belongs to the Board or Boards whose railway, waterway, installation or land is crossed by the bridge.

(2) It shall be the duty of each of the Boards mentioned in subsection (1) of this section—

- (a) in constructing a bridge which, on completion, will belong to the Board and be a bridge to which this section applies, or in reconstructing a bridge which belongs to the Board and to which this section applies, to secure that it has the required load-bearing capacity ;
- (b) to maintain and, if necessary, to improve or strengthen any bridge which belongs to the Board and to which this section applies so that it has the required load-bearing capacity, and, if at any time it is not reasonably practicable to secure that it has that capacity by means of maintenance, improvement or strengthening, to reconstruct the bridge or to replace it by a new bridge.

(3) For the purposes of subsection (2) of this section a bridge has the required load-bearing capacity—

- (a) in the case of a bridge in relation to which load-bearing standards are prescribed by an order made by the appropriate Minister, if it complies with those standards ; and

[a] S. 117 am (L.T.F.) 1969 c. 35 s. 17(1), Sch. 3 para. 1(1)(2).

(b) in the case of any other bridge, if it is such as to be capable of bearing the weight of the traffic which ordinarily uses, or may reasonably be expected to use, the highway carried by the bridge on or about the day on which this section comes into force in relation to bridges of the Board concerned or, if the bridge is constructed subsequently, when it is opened for traffic.

(4) An order made for the purposes of subsection (3)(a) of this section—

- (a) may prescribe standards for a particular bridge or for any class or description of bridges ;
- (b) may, in prescribing standards for a particular bridge or for any class or description of bridges, at the same time prescribe different standards for any bridge or bridges resulting from the reconstruction or replacement of that bridge or of any of those bridges ;
- (c) may prescribe standards by reference to any document published by the British Standards Institution, any government department or any other body or authority, and provide that where standards are prescribed as aforesaid any question as to the requirements to be fulfilled by a particular bridge in order to comply with those standards shall be determined, in case of dispute, by a certificate of the appropriate Minister ;
- (d) shall not, so long as a bridge is not reconstructed or replaced, be such as to require the bridge to comply with standards higher than those prescribed in relation thereto by a previous order under this section.

(5) For the purposes of subsection (3)(b) of this section, no account shall be taken of any traffic which cannot use the highway carried by the bridge in question without infringing a prohibition for the time being in force under section 1, 6, 12 or 17 of the Road Traffic Regulation Act 1967.

1967 c. 76.

(6) The requirements of this section shall be in addition to, and, so far as inconsistent therewith, shall prevail over, any requirements applicable to the bridge in question under section 46, 50, 51, 52, or 66 of the Railways Clauses Consolidation Act 1845 c. 20. 1845, section 39, 43, 44, 45, or 58 of the Railways Clauses Consolidation (Scotland) Act 1845 or under any similar enactment. 1845 c. 33.

(7) In subsection (2) of this section references to a bridge being constructed by or belonging to a Board include references to its being constructed by or belonging to any two or more of the Boards mentioned in subsection (1) of this section, and in any such case the duties imposed by the said subsection (2) shall be duties of both or all of those Boards.

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(8) In this section "the appropriate Minister" means, as respects bridges in England, the Minister and as respects bridges in Scotland or Wales, the Secretary of State.

Duty of  
highway  
authorities,  
etc., as respects  
bridges over  
Boards'  
railways or  
inland  
waterways.

[a] 118.—(1) This section applies to any bridge, including a bridge constructed after the day on which this section comes into force, which—

- (a) carries a highway over one or more of the following, that is to say, a railway of the Railways Board, a railway of the London Board or an inland waterway of the Waterways Board; and
- (b) belongs to the Minister, the Secretary of State, a local highway authority or some other person not being the Board or Boards whose railway or waterway is crossed by the bridge.

(2) Subject to subsections (4) and (5) of this section, it shall be the duty of the person to whom a bridge to which this section applies belongs (in this section referred to as "the owner") to maintain it in such a condition that it is not a source of danger to, and does not interfere with, or require any restriction to be placed on, the traffic from time to time using the railway or inland waterway crossed by the bridge.

(3) Any of the said Boards whose railway or inland waterway is crossed by a bridge to which this section applies (in this section referred to as "the relevant Board") shall be entitled at all reasonable times to inspect and survey that bridge and for that purpose to place on or against it such apparatus as may be reasonably required; and subject to subsection (5) of this section, the Board may—

- (a) at any time serve on the owner a notice requiring him to carry out, within such reasonable time as may be specified in the notice, any works so specified which are required to maintain the bridge in, or to restore it to, the condition mentioned in subsection (2) of this section; and
- (b) if all or any of those works are not satisfactorily carried out by the owner in accordance with the notice, themselves carry out all or any of those works and recover the reasonable expenses of so doing from the owner;

and, if, in the opinion of the Board, it is necessary so to do by reason of the urgency of the matter, the Board may, without giving any such notice, themselves carry out any works which are required as aforesaid and, subject to subsection (5) of this section, recover the reasonable expenses of so doing from the owner.

[a] S. 118 am (L.T.E.) - 1969 c. 35 s. 17(1), Sch. 3, para. (1) (e).



## PART VIII

(4) The relevant Board shall afford to the owner of a bridge to which this section applies such access to land occupied by them as he may reasonably require for maintaining the bridge in, or restoring it to, the condition mentioned in subsection (2) of this section, except that the Board shall not be obliged to afford access for any works the carrying out of which would, in the opinion of the Board, involve danger to or interference with, or require any restriction to be placed on, traffic using the railway or inland waterway crossed by the bridge, and where the Board refuse access as aforesaid—

(a) the owner of the bridge shall not by virtue of subsection (2) of this section be under any duty to carry out those works ; but

(b) the Board may themselves carry out those works and, subject to subsection (5) of this section, recover the reasonable expenses of so doing from the owner.

(5) The owner of a bridge shall not by virtue of the foregoing provisions of this section be under any duty to carry out or pay for works for making good any defect—

(a) caused by the withdrawal of support from land in connection with the working or getting of minerals or with brine pumping ; or

(b) for which the relevant Board are themselves responsible ; but nothing in this subsection shall affect any agreement between the owner of the bridge and the relevant Board and, subject to any such agreement, the relevant Board shall be entitled to carry out any works which are required to make good any such defect as aforesaid.

(6) The owner of any bridge to which this section applies shall afford to the relevant Board such access to land occupied by him as they may reasonably require for exercising their powers under this section ; but the Board shall not claim such access as of right unless they have given the owner not less than seven days previous notice in writing stating the purpose of the proposed entry, except that they shall not be obliged to give such a notice if, in their opinion, it is impracticable to do so by reason of the urgency of the matter, in which case they shall take such steps as are reasonably practicable (before or after they enter the land) for informing the owner of the purpose of the entry.

(7) Where, in exercising their powers under this section in relation to any bridge, a Board cause damage to the bridge or to any land occupied by the owner of the bridge, they shall pay to the owner such compensation as may be just.

(8) The duty imposed by subsection (2) of this section on the owner of a bridge shall be in addition to any duty of the

**PART VIII** owner to maintain the bridge which arises under any other enactment or any order or agreement passed or made before the day on which this section comes into force or the date on which the bridge became a bridge to which this section applies, as the case may be; and, if under any such enactment, order or agreement there are subsisting as between the owner and the relevant Board any rights or liabilities as respects the making of payments in connection with the maintenance of the bridge, those rights and liabilities may be abrogated or modified by agreement between them or, in default of agreement, on the application of either of them, by arbitration.

(9) Any dispute arising out of this section between the owner of a bridge and a Board shall be referred to arbitration, but this subsection—

- (a) shall be without prejudice to any provision of this section whereby any matter is to be determined by the opinion of a Board; and
- (b) shall not preclude the carrying out by a Board of any works pending the determination of any arbitration proceedings.

(10) The provisions of this section shall have effect in relation to any bridge subject to any agreement made between the owner of the bridge and the relevant Board after the date on which those provisions became applicable to the bridge.

(11) Where any cable, pipe or other apparatus is incorporated in or attached to a bridge to which this section applies, then—

- (a) if the apparatus belongs to the owner of the bridge, it shall be treated for the purposes of this section as forming part of the bridge; and
- (b) if the apparatus belongs to some other person, the provisions of subsections (2) to (10) of this section shall have effect in relation to the apparatus and to that person as they have effect in relation to a bridge to which this section applies and to the owner of such a bridge;

but none of the said Boards shall by virtue of this subsection interfere with the use of any such apparatus for providing any supply or service if the apparatus is so used by its owner under statutory powers and he has not consented to that interference.

(12) Nothing in this section shall be taken as authorising any person to interfere with traffic lawfully using any bridge, or as authorising the disregard of any of the provisions of the Public Utilities Street Works Act 1950.

**[c]** 119.—(1) Where after the appointed day any bridge belonging to the Railways Board, the London Board or the Waterways Board is transferred to the Minister or the Secretary of State under section 229 of the Highways Act 1959 or section 7 of the Trunk Roads Act 1946 (bridges carrying highways which become trunk roads) or to a special road authority by an order made by virtue of section 230 of the said Act of 1959 or section 8 of the Special Roads Act 1949 (bridges carrying highways which are included in special road schemes), the Board—

**PART VIII**  
Ending of liability of Boards to make payments on being relieved of responsibility for bridges carrying trunk or special roads.

(a) shall not be liable under the provisions of section 58(2) of the said Act of 1959, section 7(3) of the said Act of 1946 or section 8(2) of the said Act of 1949, to pay any sum in respect of the value to the Board of the extinguishment of their liability for the maintenance, repair or improvement of the bridge or the highway carried thereby; but

(b) shall not be entitled to receive under section 229(3) or 230(2) of the said Act of 1959 or the said section 7(3) or 8(2) any sum in respect of the value to them of the bridge as an asset productive of revenue except to the extent (if any) by which that sum exceeds the sum which, apart from paragraph (a) of this subsection, the Board would be liable to pay under the provisions mentioned in that paragraph.

(2) None of the Boards mentioned in subsection (1) of this section shall be liable to pay any instalment or make any annual payment under the provisions mentioned in paragraph (a) of that subsection if the obligation to pay that instalment or to make that payment arises from the transfer of any bridge before the appointed day and that instalment or payment falls due after that day.

**[a]** 120.—(1) The Minister may by order prescribe a minimum height for the parapets of any specified bridge carrying a road over a railway or of any class or description of such bridges, and it shall be the duty of the person who constructs any bridge to which such an order applies, or, if the bridge is already in existence, who is responsible for maintaining it, to secure that it has parapets of a height not less than that prescribed by the order.

Minimum height for bridge parapets.

(2) Any bridge having parapets of a height not less than that for the time being prescribed for that bridge by an order under this section shall be deemed to comply with any requirements as to the height of those parapets imposed by or under section 50 or 66 of the Railways Clauses Consolidation Act 1845, section 43 or 58 of the Railways Clauses Consolidation (Scotland) Act 1845 or any similar enactment.

**[a]** Ss. 119, 120 am. (L.T.E.)—1969. C. 35. S. 17(1), Sch. 3 para. 1(1) (2).

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(3) It is hereby declared that an order may be made under this section in respect of any such bridge as is mentioned in subsection (1) of this section notwithstanding that it carries a highway for which the Minister or the Secretary of State is the highway authority.

Application of foregoing sections to undertakers other than Railways Board, London Board and Waterways Board.

121.—(1) In the foregoing sections of this Part of this Act any reference to the Railways Board, the London Board or the Waterways Board includes a reference to any subsidiary of that Board; and sections 116 and 117 of this Act, so far as they relate to installations and land used in connection with a railway, shall apply to the Freight Corporation and any subsidiary of that Corporation as they apply to any of those Boards.

(2) The Minister may by order apply—

(a) all or any of the provisions of section 116 or 117 of this Act to bridges over railways or inland waterways of persons other than the Boards mentioned in those sections or their subsidiaries, or over installations or land used in connection with a railway or inland waterway by persons other than those Boards or subsidiaries, the Freight Corporation or the subsidiaries of that Corporation;

(b) all or any of the provisions of section 118 of this Act to bridges over railways or inland waterways of persons other than the Boards mentioned in that section or their subsidiaries.

(3) An order under subsection (2) of this section may make such modifications in the provisions applied by it, and in any other enactment or instrument relating to the bridge, railway, inland waterway, installation or land to which it relates, as appear to the Minister to be appropriate.

1896 c. 48.

(4) An order under the Light Railways Act 1896 may make provision for any matter for which provision can be made by an order made under subsection (2) of this section in relation to a railway or to any installation or land used in connection with a railway.

(5) Before making an order under subsection (2) of this section or by virtue of subsection (4) thereof, the Minister shall consult with the highway authority concerned (unless he is himself that authority); and, before making an order under the said subsection (2), the Minister shall consult with the owner of the railway, inland waterway, installation or land concerned.

(6) Where an order made under subsection (2) or by virtue of subsection (4) of this section applies all or any of the provisions of section 117 of this Act to any bridge to which

that section has not at any previous time applied, paragraphs 15, 16, 18, 19 and 20 of Schedule 11 to the Highways Act 1959 (which relate to the apportionment of expenses) shall apply in relation to that bridge as if—

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1959 c. 25.

- (a) the provisions of the said section 117 so applied were an order to which the said paragraph 15 applies; and
- (b) the bridge were such a bridge as is mentioned in the said paragraph 15; and
- (c) the highway authorities referred to in those paragraphs of the said Schedule 11 were the highway authority or highway authorities for the highway carried by the bridge;

but if the order made as aforesaid also applies to the bridge all or any of the provisions of section 116 of this Act and the highway carried by or giving access to the bridge has under the provisions of the said section 116 so applied become a highway maintainable at the public expense instead of by the owners of the bridge, then, for the purposes of paragraph (iii) of the proviso to the said paragraph 15, the share of the expense there referred to of those owners shall be increased by an amount equivalent to the amount of any saving to those owners, in consequence of those provisions of the said section 116, of expense in maintaining that highway.

(7) In the application of the last foregoing subsection to Scotland, references therein to paragraphs 15, 16, 18, 19 and 20 of Schedule 11 to the Highways Act 1959 and to paragraph (iii) of the proviso to the said paragraph 15 shall be construed as references to the following provisions respectively of the Bridges Act 1929, namely, sections 6(1), 6(2), 6(3), 7(2) and 15(b) and paragraph (c) of the proviso to the said section 6(1).

1929 c. 33.

(8) In subsections (2) and (3) of this section, and in subsection (5) thereof so far as it relates to subsection (2), references to the Minister shall, as respects bridges in Scotland or Wales, be construed as references to the Secretary of State.

**122.**—(1) Where a railway or an inland waterway passes under a highway by means of a tunnel, or runs in a cutting over which a highway is superimposed, the foregoing provisions of this Part of this Act (except sections 119 and 120) shall, so far as applicable and subject to any necessary modifications, have effect in relation to the highway as if it were carried by a bridge and to the structure of the tunnel or, as the case may be, the structure by means of which the highway is superimposed as aforesaid, as if that structure were a bridge.

Interpretation  
of sections 116  
to 121.

(2) In sections 116, 117 and 120 of this Act, and in section 121 thereof so far as it relates to the said sections 116 and 117,

PART VIII references to a railway include references to a railway which has ceased to carry any traffic and to the site of a railway from which the track has been removed.

(1) and s. 123

(2) rep. (S.)

(16.5.1975) -

1973 c. 65. ss.

133(1), 237(1),

Sch. 14 para. 74,

Sch. 29.

(3) In sections 117 and 118 of this Act, and in section 121 thereof so far as it relates to those sections, references to a bridge include references to any abutments or other parts of a bridge and, if the person to whom the bridge belongs is responsible for the maintenance thereof—

(a) to the surface of the highway carried by, or giving access to, the bridge ;

(b) to any embankment, retaining wall or other work or substance supporting or protecting the surface of that highway.

(4) In the foregoing provisions of this Part of this Act, and in this section, references to a highway do not include references to a waterway.

#### Level crossings

Power of highway and other authorities to contribute to cost of barriers, etc., at level crossings.

123.—(1) Contributions to the expenses incurred by the Railways Board in providing lifting or other barriers, lights, signs, or other devices or appliances for the protection or convenience of the public at or near any level crossing where a road is crossed by a railway of the Board may be made by—

(a) the highway authority, if any, for that road ; and

(b) any local authority, not being the highway authority, in whose area the level crossing is situated. }

[ ] Rep. (prosp) 1972. c. 70. s. 272(1) sch 30

(2) In this section “local authority” means, as respects England and Wales, the council of a county, county borough, London borough or county district, the Greater London Council and the Common Council of the City of London and, as respects Scotland, a county council and a town council.

Board's obligations at level crossings with roads other than public carriage roads.

124.—(1) The Minister may by order require the Railways Board—

(a) to provide, maintain and operate, at or near any level crossing where a road other than a public carriage road is crossed by a railway of the Board, such lifting or other barriers, lights, signs or other devices or appliances ; and

(b) to comply with such other requirements in relation to the level crossing,

as he considers necessary or desirable for the protection or convenience of the public.

**Annex 1004. 1968. Pt. II. p. 2257. s. 124(4).**

<sup>1/</sup> regional or islands

*(Subst. (16.5.1975) by 1973. c. 65. s. 133(1), sch. 14 para. 75.)*





(2) The obligations imposed on the Board in respect of any level crossing by an order under this section shall be in substitution for any obligations imposed on them in respect of that crossing by section 68 of the Railways Clauses Consolidation Act 1845 (which requires gates and other works to be provided for the benefit of adjacent land), section 60 of the Railways Clauses Consolidation (Scotland) Act 1845 (which makes corresponding provision for Scotland) or any other enactment for purposes similar to either of those sections.

1845 c. 20.

1845 c. 33.

(3) Not less than two months before making an order under this section in respect of any level crossing (other than an order varying or revoking a previous order under this section) the Minister shall send a draft of the proposed order to the Board and to each local authority in whose area the level crossing is situated, and if the Board or any such authority makes representations to the Minister with respect to the proposed order he shall consider the representations and may then make the order in the form of the draft or in that form with such modifications as he thinks fit.

(4) In this section "local authority" means, as respects England and Wales, the council of a county, [county borough], London borough or county district, the Greater London Council and the Common Council of the City of London and, as respects Scotland, a [County council and a town] council.

*Inspectors of railways*

[a] 125.—(1) The powers of an inspector of railways under paragraph (1) of section 4 of the Regulation of Railways Act 1871 (entry to and inspection of railway premises and equipment) shall also be exercisable in respect of—

Powers of inspectors of railways as respects persons other than railway companies and their staff.

- (a) any bridge over or under which any railway passes, being a bridge not belonging to a railway company ;
- (b) any premises occupied by a person to whom paragraph (a), (c) or (d) of subsection (2) of this section applies and used for the purposes of any such work as is mentioned in that paragraph.

1871 c. 78.

(2) The power of such an inspector under paragraph (2) of the said section 4 (summoning, questioning and obtaining of returns from railway companies and their staff) shall also be exercisable in respect of—

- (a) any person (other than a person mentioned in the said paragraph (2)) who, in pursuance of a contract with a railway company, is carrying or has carried out any work on, over or under a railway or in respect of any premises or equipment used in connection with a railway ;

[a] S. 125 am. (L.T.E.) - 1967 c. 35 s. 17(1), Sch 3 para. 1(1)(2). <sup>4 C 2</sup>

## PART VIII

- (b) any person who is the owner, or responsible for the maintenance, of any such bridge as is mentioned in subsection (1)(a) of this section;
- (c) any person who, in pursuance of a contract with a person to whom paragraph (b) of this subsection applies, is carrying or has carried out any work in connection with any such bridge as aforesaid;
- (d) any person who, in pursuance of a contract with a person to whom paragraph (a) or (c) of this subsection applies, is carrying or has carried out any such work as is mentioned in that paragraph;
- (e) any employee of a person to whom any of the foregoing paragraphs of this subsection applies, being an employee whose duties are connected with any such work or bridge as is mentioned in that paragraph, and, where a person to whom any of the foregoing paragraphs of this subsection applies is a body corporate, any director or other person engaged in the management of that body.

(3) The power of any such inspector under paragraph (3) of the said section 4 (production of books, papers and documents of a railway company) shall also be exercisable in respect of the books, papers and documents of a person to whom paragraph (a), (b), (c) or (d) of subsection (2) of this section applies which relate to any such work or bridge as is mentioned in that paragraph.

(4) In this section references to a railway company include references to any of the Boards whose undertaking includes a railway and to the Freight Corporation.

## PART IX

## REGULATION OF ROAD TRAFFIC

Amendment of provisions as to regulation of traffic.  
1967 c. 76.

126.—(1) In the Road Traffic Regulation Act 1967 (hereafter in this Part of this Act referred to as “the principal Act”), in section 1(1) (which specifies the purposes for which a traffic regulation order may be made as respects any road outside Greater London)—

- (a) in paragraph (a) (which enables such an order to be made for avoiding danger to persons or other traffic using the road or any other road) after the words “other road” there shall be inserted the words “or for preventing the likelihood of any such danger arising”;
- (b) for paragraph (c) (which enables such an order to be made for facilitating the passage of vehicular traffic

on the road or any other road) there shall be substituted the following:—

“(c) for facilitating the passage on the road or any other road of any class of traffic (including foot passengers) or of vehicles, or”;

(c) at the end of paragraph (e) there shall be added the words “ or

(f) for preserving or improving the amenities of the area through which the road runs”.

(2) After subsection (3) of the said section 1 there shall be inserted the following subsection:—

“(3A) The provision which may be made by a traffic regulation order shall include any provision prohibiting, restricting or regulating the use of a road or any part of the width thereof by, or by any specified class of, foot passengers, either generally or subject to exceptions specified in the order, and either at all times or at times, on days or during periods so specified”;

and in subsection (8) of the said section 1 (which imposes penalties on a person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of such an order) after the word “person” there shall be inserted the words “who contravenes a traffic regulation order or”.

(3) In the said section 1, after the subsection (3A) inserted by subsection (2) of this section there shall be inserted the subsections set out in Part I of Schedule 14 to this Act, being subsections making with respect to an order under the said section 1 relating to an area outside Greater London the like provision as is made with respect to an order under section 6 of the principal Act relating to Greater London by subsections (4) to (6) of the said section 6 as amended by subsection (7) of this section.

(4) In subsection (5) of the said section 1 (which prohibits the making of an order under that section with respect to any road which would have the effect of preventing such access as may be reasonably required for vehicles of any class to any premises situated on, adjacent to, or accessible for vehicles of that class from, and only from, that road)—

(a) for the words “preventing such access as may be reasonably required for vehicles of any class” there shall be substituted the words “preventing at any time access for foot passengers, or preventing for more than eight hours in any period of twenty-four hours access for vehicles of any class”;

## PART IX

- (b) for the words "vehicles of that class" there shall be substituted the words "traffic of that class";
- (c) the words from "but" onwards (which provide that a restriction on the loading or unloading of goods shall not be treated as preventing access) shall cease to have effect.

(5) In subsection (6) of the said section 1 (which provides that subsection (5) of that section shall not have effect in so far as the authority making the order is satisfied that, for avoiding danger to persons or other traffic using the road to which the order relates or any other road or for preventing damage to the road or buildings on or near it, it should not apply)—

- (a) after the words "subsection (5) above" there shall be inserted the words "so far as it relates to vehicles";
- (b) after the words "other road" there shall be inserted the words "or for preventing the likelihood of any such danger arising";
- (c) after the words "near it" there shall be inserted the words "or for facilitating the passage of vehicular traffic on the road".

(6) In subsection (1) of section 6 of the principal Act (which relates to the purposes for which a traffic regulation order may be made as respects Greater London) after the word "Act" there shall be inserted the words "and for any other purpose which is a purpose mentioned in any of paragraphs (a) to (f) of section 1(1) of this Act".

(7) In subsection (4) of the said section 6 (which provides that an order under that section may be so made as to prescribe any part of any street specified therein, or any time at which or period during which any provision contained therein is to apply, by reference to any traffic sign mentioned in the order)—

- (a) for the words from "may" to "the order" there shall be substituted the words "may make provision for identifying any part of any road to which, or any time at which or period during which, any provision contained in the order is for the time being to apply by means of a traffic sign of a type or character specified in the order (being a type prescribed or character authorised under section 54 of this Act)";
- (b) for the words "for the time being placed by the Minister or the Greater London Council" (which relates to the placing of any such traffic sign) there shall be substituted the words "for the time being lawfully in place";

- (c) for the words "deemed to have been placed by the Minister or that Council" (which relate to the proof of the placing of any such traffic sign) there shall be substituted the words "deemed to be lawfully in place";

and for the avoidance of doubt it is hereby declared that the said subsection (4) shall be deemed always to have had the like effect as if it had been enacted with the substitution provided for by paragraph (a) of this subsection.

(8) In section 9(3) of the principal Act—

- (a) in paragraph (a) (which provides that an experimental traffic order made by a local authority shall not continue in force for longer than three months) for the word "three" there shall be substituted the word "six";

- (b) for the words from "but" onwards (which enable the appropriate Minister to direct that such an experimental traffic order shall continue in force for a further period ending not later than eighteen months after the order came into force) there shall be substituted the words "but, subject to sections 84A, 84B and 84C of this Act, where an experimental traffic order made by a local authority has not ceased to be in force, the authority may from time to time by order under this subsection direct that it shall continue in force for a further period not exceeding six months from the date when it would otherwise cease to be in force and ending not later than eighteen months after it first came into force".

(9) In section 12 of the principal Act (which enables a highway authority to impose a temporary prohibition or restriction on the use of a road by vehicles or by vehicles of any class in certain circumstances)—

- (a) in subsections (1) and (2), after the words "vehicles of any class" there shall in each case be inserted the words "or by foot passengers";
- (b) in subsection (1) (which enables such a prohibition or restriction to be imposed by reason of any works being executed or proposed to be executed on or near the road) after the words "near the road" there shall be inserted the words "or by reason of the likelihood of danger to the public or of serious damage to the highway";

## PART IX

- (c) in subsection (3), after the words " section 1(3) ", and in subsection (4) after the words " section 1(3)(a), (b) or (c) ", there shall in each case be inserted the words " or (3A) " ;
- (d) at the end of subsection (3) there shall be added the words " but no such order or notice shall be made or issued with respect to any road which would have the effect of preventing at any time access for foot passengers to any premises situated on or adjacent to the road, or any other premises accessible for foot passengers from, and only from, the road " ;
- (e) in subsection (9) (which imposes penalties on a person who uses or permits the use of a vehicle in contravention of such a prohibition or restriction) after the word " person " there shall be inserted the words " who contravenes or " ;

and in Schedule 3 to the principal Act (which relates to the notification of the exercise or proposed exercise of the powers conferred by the said section 12 and otherwise in relation thereto), in paragraph 2, after the word " vehicles " there shall be inserted the words " or, as the case may be, foot passengers " .

(10) With a view to facilitating the amendments to the principal Act made by the subsequent provisions of this Part of this Act—

- (a) at the end of section 26 of the principal Act there shall be added the following subsection:—

" (10) Without prejudice to section 26A of this Act, this section shall not apply to Greater London " ;

- (b) after the said section 26 there shall be inserted the section 26A set out in Part II of Schedule 14 to this Act, being a section setting out the effect of the provisions of the said section 26 as they applied in Greater London immediately before the passing of this Act with minor modifications necessary in consequence of other provisions of this Part of this Act.

(11) In section 77 of the principal Act (which relates to temporary speed limits)—

- (a) in subsection (1) (which provides that a speed limit may be imposed by an order under that subsection for a period not exceeding four months), for the words " four months " there shall be substituted the words " eighteen months " ;

(b) subsection (4) (which provides that where any provisions of an order under the said subsection (1) having effect as respects any road cease at any time to have effect as respects that road, no order under the said subsection (1) shall make provision which would have effect as respects that road earlier than two months after that time) shall cease to have effect.

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(12) In subsection (2) of section 97 of the principal Act (which sets out the provisions of that Act which, subject to the provisions of that section, are to apply to vehicles and persons in the public service of the Crown) at the end there shall be added the words "and, except in relation to vehicles and persons in the armed forces of the Crown when on duty, section 6"; and any order made, or having effect as if made, under section 6 of that Act and in force at the commencement of this subsection shall apply accordingly.

127.—(1) After section 35(1) of the principal Act (which enables orders to be made designating parking places on highways for vehicles or vehicles of any class specified in the order and authorises the making by the local authority of charges for vehicles left in any parking place so designated) there shall be inserted the following subsection:—

Amendment of provisions as to parking places.

"(1A) Any order under this section, whether made under subsection (1) above or under subsection (5) below, may designate any parking place for use, either at all times or at times specified in the order, only by such persons or vehicles, or such persons or vehicles of any class specified in the order, as may be authorised for the purpose by a permit from the authority operating the parking place; and that authority may, in the case of any particular parking place and any particular vehicle, or any vehicle of a particular class, instead of making a charge as mentioned in the said subsection (1) or (5), issue a permit for that vehicle to be left in that parking place while the permit remains in force either at all times or at such times as may be specified in the permit and make such charge in connection with the issue or use of that permit of such amount payable in such manner as the authority by whom the designation order was made may by order prescribe; but no charge shall be made by virtue of this subsection in respect of a public service vehicle."

(2) In section 36(2) of the principal Act (which specifies certain matters which may be included in orders making provision for or in connection with the operation of parking places

**PART IX** designated under the said section 35) at the end there shall be added the following paragraphs:—

“(i) for regulating the grant, revocation and surrender of any permit such as is mentioned in section 35(1A) of this Act and the issue, use and surrender of tokens indicating the holding of such a permit or the payment of any charge in connection with the issue or use of the permit, for requiring a vehicle to which such a permit applies to display the permit or such a token when left in any parking place to which the permit applies, and for treating the display of or failure to display the permit or such a token on any vehicle left at a parking place as evidence, and in Scotland sufficient evidence, of such facts as may be provided by the order ;

(j) for the refund in such circumstances and in such manner as may be prescribed by the order of the amount of any charge paid in advance by virtue of the said section 35(1A).”

(3) In section 37 of the principal Act, after subsection (5) (which relates to the inspection and testing of parking meters) there shall be added the following subsection:—

“(6) Where provision is made for the use of apparatus other than parking meters, subsection (5) above shall apply to such apparatus as it applies to a parking meter.”

(4) In section 42(1)(a) of the principal Act (which imposes a penalty for leaving a vehicle in a parking place designated by an order under the said section 35 otherwise than as authorised by an order relating to the parking place) after the words “authorised by” there shall be inserted the words “or under”.

(5) After section 42(4) of the principal Act there shall be inserted the following subsection:—

“(4A) Where, in the case of any vehicle with respect to which there has been issued any authorisation by way of such a certificate, other means of identification or device as is referred to in section 1(3C) or (3D) or section 6(5) or (6) or such a permit or token as is referred to in section 36(2)(i) of this Act, the authority by whom any parking place designated by a designation order is controlled is satisfied that, in accordance with the terms on which the authorisation was issued, a charge has become payable and has not been paid in respect of any period for which that vehicle has been left in that parking place, acceptance by that authority of payment of the amount of that charge shall be a bar to proceedings for an offence



under subsection (1)(a) above of failing duly to pay the charge."

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(6) In section 44(3) of the principal Act (which sets out the purposes for which the Greater London Council or any other local authority may apply any surplus in the account of their income and expenditure in respect of parking places designated under section 35 of that Act) at the end there shall be added the following paragraph:—

"(d) if it appears to the local authority that the provision in their area of further parking accommodation for vehicles otherwise than on highways is for the time being unnecessary or undesirable, the following purposes, namely—

(i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services ;

(ii) purposes of a project connected with the carrying out by the appropriate highway authority (whether or not the local authority) of any operation which within the meaning of the Highways Act 1959 1959 c. 25. constitutes the improvement of a highway in the local authority's area or, in the case of an authority in Scotland, of any work or operation on any highway in the local authority's area which is authorised by any of the enactments specified in subsection (3A) below."

(7) After the said section 44(3) there shall be inserted the following subsection:—

"(3A) The enactments referred to in subsection (3)(d)(ii) above are—

(a) sections LXXXIV, LXXXV, XCIV and C of Schedule C to the Roads and Bridges (Scotland) 1878 c. 51. Act 1878 ;

(b) section 130 of the Burgh Police (Scotland) Act 1892 c. 55. 1892 ;

(c) section 8(5) of the Development and Road 1909 c. 47. Improvement Funds Act 1909 ;

(d) section 58 of the Road Traffic Act 1930 ; 1930 c. 43.

(e) section 4 of the Restriction of Ribbon Develop- 1935 c. 47. ment Act 1935 ;

(f) section 3(2) of the Trunk Roads Act 1946 ; 1946 c. 30.

(g) the Highways (Provision of Cattle Grids) Act 1950 ; 1950 c. 24.

(h) section 45 of the Road Traffic Act 1956." 1956 c. 67.

## PART IX

(8) In section 85(2)(a)(ii) of the principal Act (under which, where the driver of a vehicle is alleged to be guilty of an offence against section 42 of that Act in connection with a parking place, the owner of the vehicle must give such information as to the identity of the driver as may be required, in writing, by or on behalf of the local authority for that parking place) after the word "offence" there shall be inserted the words "under section 31(3) or".

(9) In section 86(1) (which relates to the forgery of, and certain other offences in connection with, a ticket issued by a parking meter)—

(a) in paragraph (a), after the words "meter, or" there shall be inserted the words "any authorisation by way of such a certificate, other means of identification or device as is referred to in section 1(3C) or (3D) or section 6(5) or (6) or such a permit or token as is referred to in section 36(2)(i) of this Act, or";

(b) in paragraph (b), after the words "such ticket" there shall be inserted the words "or authorisation".

(10) At the end of the said section 86, there shall be added the following subsections:—

"(3) A person who knowingly makes a false statement for the purpose of procuring the grant or issue to himself or any other person of any such authorisation as aforesaid shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding four months or to both such fine and such imprisonment.

(4) If any person authorised in that behalf by or under a designation order has reasonable cause to believe that a document or article carried on a vehicle or by the driver or person in charge thereof is a document or article in relation to which an offence has been committed under subsection (1) above (so far as that subsection relates to such authorisations as are referred to in that subsection) or under subsection (3) above, he may detain that document or article and may for that purpose require the driver or person in charge of the vehicle to deliver up the document or article; and if the driver or person in charge of the vehicle fails to comply with that requirement he shall be liable on summary conviction to a fine not exceeding £50.

(5) When a document or article has been detained under subsection (4) above and at any time after the expiration of six months from the date when that detention began no person has been charged since that date with an offence in

relation to the document or article under subsection (1) or (3) above, and the document or article has not been returned to the person to whom the authorisation in question was issued or to the person who at that date was the driver or person in charge of the vehicle, then, on an application made for the purpose to a magistrates' court (or, in Scotland, on a summary application made for the purpose to the sheriff court) by one of the following persons, namely, the person to whom the authorisation was issued, the person who at the said date was the driver or person in charge of the vehicle, or the person for the time being having possession of the document or article, the court shall make such order respecting disposal of the document or article and award such costs (or, in Scotland, expenses) as the justice of the case may require".

(11) So much of section 97(2) of the principal Act as limits the extent to which section 42 of that Act is to apply to vehicles and persons in the public service of the Crown shall cease to have effect.

(12) Section 26 of the Greater London Council (General Powers) Act 1967 (which makes in the enactments re-enacted by sections 35 and 36 of the principal Act and in sections 233, 235 and 237 of the Act of 1960 amendments as respects Greater London for purposes similar to those of subsections (1), (2), (9) and (10) of this section) shall cease to have effect.

**128.**—(1) In subsection (1) of section 15 of the principal Act (which enables a local authority to make orders for determining the highways which may or may not be used by public service vehicles and for fixing stands for such vehicles and places at which such vehicles may stop otherwise than to take up or set down passengers) at the end there shall be added the words "and any such order may be made—

Powers as to parking, etc., of public service vehicles.

(a) so as to apply only to such vehicles of a specified class; or

(b) so as to have effect as respects a limited period only or as respects only limited periods in the year,

and may make different provision for different classes of such vehicles."

(2) So much of subsection (6) of the said section 15 as limits the period for which an order under the said subsection (1) may remain in operation, that is to say, the words "unless previously revoked shall remain in operation for three years, but may be renewed from time to time for a like period, and", shall cease to have effect.

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(3) In subsection (1)(a) of section 33 of the principal Act (which provides that where a local authority provide a parking place which may be used by public service vehicles, they may by order appoint that parking place as a station for such vehicles) after the word "for" there shall be inserted the words "or for a specified class of".

(4) In subsection (2)(a) of the said section 33 (which empowers a local authority, with the consent of the Minister, to do all such things as are necessary to adapt a parking place appointed under that section as a station for public service vehicles for use as such a station) the words "with the consent of the Minister" shall cease to have effect.

(5) In subsection (3) of the said section 33 (under which the charges for the use of a parking place by public service vehicles are to be such as may be determined by the Minister) for the words "the Minister" there shall be substituted the words "the appropriate traffic commissioners".

Traffic signs,  
bollards, etc.

**129.**—(1) In section 13 of the principal Act (which relates to traffic regulation on special roads) after subsection (3) there shall be inserted the following subsection:—

"(3A) Where by regulations made under subsection (2) above a limit of speed is to be observed, then, if it is to be observed—

- (a) on all special roads ; or
- (b) on all special roads provided for the use of particular classes of traffic ; or
- (c) on all special roads other than special roads of such description as may be specified in the regulations ; or
- (d) as mentioned in paragraph (a), (b) or (c) above except for such lengths of special road as may be so specified,

section 75 of this Act shall not apply in relation to that limit without prejudice to its application in relation to any lower limit of maximum speed or, as the case may be, higher limit of minimum speed required by any such regulations to be observed on any specified length of any specified special road."

(2) In section 56(3) of the principal Act (which imposes upon the Greater London Council certain duties as respects traffic signs placed by the Minister or the Council in the

exercise of the powers conferred by subsection (1) of that section)—

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- (a) for the words from “placed” to “by subsection (1) above” there shall be substituted the words “lawfully in place in Greater London which is required in connection with an order under section 6 or 9 of this Act”;
- (b) in paragraph (a), for the words “the order in connection with which it was placed” there shall be substituted the words “any such order in connection with which it is required”;
- (c) in paragraph (b), for the words “upon that order ceasing to have effect” there shall be substituted the words “if it ceases to be required in connection with any such order”.

(3) After the said section 56 there shall be inserted the section 56A set out in Part III of Schedule 14 to this Act, being a section to confer in connection with certain orders made by traffic authorities powers with respect to traffic signs.

(4) In section 62(1) of the principal Act (which relates to the power of the appropriate Minister with respect to traffic signs in default of compliance by a highway authority or bridge authority with certain directions) and in section 63 of the principal Act (which confers upon a highway authority or bridge authority certain powers to enter upon land for the purpose of their powers in connection with traffic signs) for the words “or bridge authority” there shall be substituted the words “bridge authority or authority to whom section 56A of this Act applies”.

(5) In section 68 of the principal Act (which empowers the appropriate Minister to make advances to certain authorities in respect of expenditure incurred in connection with traffic signs) at the end there shall be added the following subsection:—

“(4) The power of the appropriate Minister under this section to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred under section 56A of this Act by an authority to whom that section applies or by a highway authority.”

(6) In section 69(1) of the principal Act (which makes provision for the placing of bollards or other obstructions where the passage of vehicles is prohibited at any point of a road by an order made under section 1 of that Act)—

- (a) after the word “road” there shall be inserted the words “outside Greater London”; and

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(b) after the words "section 1" there shall be inserted the words "or 9".

(7) After the said section 69(1) there shall be inserted the following subsection:—

"(1A) The bollards or other obstructions which may be placed under subsection (1) above—

(a) shall include obstructions of any description whatsoever ;

(b) may be either fixed or movable ; and

(c) may be placed so as to prevent the passage of vehicles either at all times or at certain times only ;

and where the powers conferred by that subsection have been exercised with respect to two or more points of a road so that the passage of vehicles along a stretch of that road is prevented, those powers shall extend to placing, or authorising the placing, of further obstructions on that stretch of road ; but any obstructions placed under those powers shall not be so placed as to prevent at any time the passage of foot passengers past the point or along the stretch of road in question and shall not be of such a nature that the reopening of the road in question to vehicles would be unreasonably difficult or as to alter the nature of the surface of the road."

(8) After section 70(1) of the principal Act (which makes provision for the placing of bollards or other obstructions where the passage of vehicles at any point of a road in Greater London is prohibited by an order made under section 6 or 9 of that Act) there shall be inserted the following subsection:—

"(1A) Subsection (1A) of section 69 of this Act shall apply in relation to the placing of bollards or other obstructions under subsection (1) above as if for any reference in the said subsection (1A) to subsection (1) of that section there were substituted a reference to subsection (1) above."

(9) In section 82 of the principal Act (which relates to the exercise with respect to boundary roads of powers conferred by certain provisions)—

(a) in subsection (1) (which relates to roads where any part of the width of the road is in Greater London), after the sectional reference "9" there shall be inserted the sectional reference "56";

(b) in subsection (3) (which relates to roads outside Greater London in the case of which different parts of the

width of the road are in the area of different local authorities), after the sectional reference "46(1)" there shall be inserted the sectional reference "56A".

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**130.**—(1) The provisions of this section shall have effect with a view to conferring greater freedom and responsibility with respect to the regulation of road traffic on local authorities subject to reserve powers for the appropriate Minister to ensure the discharge of that responsibility.

Increase of responsibility of local authorities in connection with road traffic.

(2) Sections 35 to 40 of the principal Act (which relate to parking places on highways where charges are made) shall have effect subject to the amendments specified in Part IV of Schedule 14 to this Act, being amendments which, together with the relevant consequential amendments and repeals provided for by subsection (6)(a) and (b) of this section, are designed, subject to the provision made by subsection (5) of this section—

- (a) to make permanent the transfer of functions under those sections outside Greater London from the appropriate Minister to the local authority which was effected by the orders made, or having effect as if made, under sections 35(8) and 39(3) of the principal Act in force immediately before the passing of this Act ;
- (b) to restate the respective functions of the Minister and the Greater London Council under the said sections 35 to 40 in terms of a corresponding transfer of functions instead of in terms of functions exercisable concurrently by the Minister and that Council but, in the case of the Minister, only in certain special circumstances.

(3) In section 84(1) of the principal Act and in section 9(2) of the London Government Act 1963 (which provide that it shall be the duty of the Greater London Council so to exercise the functions conferred on them by the principal Act or, as the case may be, by sections 14 to 19 of the said Act of 1963 as, so far as practicable having due regard to—

- (a) the desirability of securing and maintaining reasonable access to premises,
- (b) the effect on the amenities of any locality affected, and
- (c) any other matters appearing to the Council to be relevant,

to secure the expeditious, convenient and safe movement of vehicular and other traffic (including foot passengers) and the provision of suitable and adequate parking facilities on and

PART IX off the highway), after the word "affected" in paragraph (b) there shall in each case be inserted the following:—

"(bb) the importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles".

(4) With a view to imposing upon any other local authority upon whom functions are conferred by or under the principal Act the like duty with respect to the exercise of those functions as is imposed upon the Greater London Council by the said section 84(1), in the said section 84(1)—

(a) after the words "Greater London Council" there shall be inserted the words "and every other local authority upon whom functions are conferred by or under this Act";

(b) in paragraph (c), after the word "Council" there shall be inserted the words "or, as the case may be, the authority".

(5) After the said section 84, there shall be inserted the sections 84A, 84B, 84C, 84D and 84E set out in Part V of Schedule 14 to this Act, which—

(a) by the said section 84A, empower the appropriate Minister to give directions or make orders for the purpose of securing compliance with the duty imposed upon the Greater London Council and other local authorities by subsection (1) of the said section 84 as amended by subsections (3) and (4) of this section;

(b) by the said section 84B, require the consent of the appropriate Minister to the inclusion of certain provisions in orders proposed to be made by the said Council or other authorities;

(c) by the said section 84C, make provision as to procedure in connection with the making of certain orders by the said Council or other authorities and the obtaining of any consent of a Minister required to those orders;

(d) by the said section 84D, make provision as to the variation or revocation, and as to the making by Ministers, of certain orders;

(e) by the said section 84E, extend to further orders the provisions of section 41 of the principal Act with respect to the right to challenge certain orders in legal proceedings.



(6) In consequence of the foregoing provisions of this section or of other provisions of this Part of this Act or of the provisions of section 25 of the Civic Amenities Act 1967— PART IX  
1967 c. 69.

(a) the principal Act shall have effect subject to the further amendments specified in Part VI of Schedule 14 to this Act;

(b) the provisions of the principal Act specified in Part II of Schedule 18 to this Act shall cease to have effect, being provisions which are superseded by the provision made by subsection (5) of this section and which relate to—

(i) the exercise of certain functions by the appropriate Minister concurrently with their exercise by local authorities;

(ii) the requirement of the appropriate Minister's confirmation of, or consent to, certain orders;

(iii) the procedure to be followed in connection with certain orders; or

(iv) the variation or revocation, or the making by Ministers, of certain orders,

or which are otherwise rendered unnecessary by the provisions of this Part of this Act;

(c) in section 153(4) of the Act of 1960, for the words from "advising the Minister" onwards there shall be substituted the words "advising a local authority on the making of an order under section 15 or 33 of the Road Traffic Regulation Act 1967 or determining the charges referred to in subsection (3) of the said section 33"; 1967 c. 76.

(d) in paragraph 18 of Schedule 1 to the Road Traffic Act 1962 as amended by Schedule 6 to the principal Act, after the words "26(6)" there shall be inserted the words "or 26A(5)"; 1962 c. 59.  
S. 130(b) (d)  
rep. - 1972.  
c. 20. s. 205(1)  
SCH. 9 PART I.

(e) in section 14(2) of the London Government Act 1963 as amended by the said Schedule 6, at the end there shall be added the words "or by virtue of section 84A(2) or (4) of that Act". 1963 c. 33.

131.—(1) In subsection (1) of section 80 of the principal Act (which provides for the provisions of that section with respect to punishment without prosecution to apply, subject to the proviso to that subsection, to the offences specified in paragraphs (a) to (c) thereof)— Enforcement—  
fixed penalties  
and traffic  
wardens.

(a) in paragraph (a) (which specifies the offence committed in respect of a vehicle by its being left or parked on

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a road during the hours of darkness without the lights or reflectors required by law), the words "left or parked" shall cease to have effect;

(b) at the end of paragraph (c) there shall be inserted the words "or

(d) by its being used in contravention of any provision of an order made or having effect as if made under section 1, 6 or 9, or of regulations made or having effect as if made under section 11, of this Act, being a provision—

(i) as to the route to be followed by vehicles of the class to which that vehicle belongs; or

(ii) as to roads which are not to be used for traffic by such vehicles; or

(iii) as to the places where such vehicles may not turn so as to face in the opposite direction to that in which they were proceeding or as to the conditions under which such vehicles may so turn; or

1960 c. 16.

(e) by any such use of the vehicle in contravention of section 64(2) of the Road Traffic Act 1960 (which relates to the contravention of construction and use regulations) as the Secretary of State may by order specify, not being a use which constitutes an offence specified in Part II of Schedule 1 to the Road Traffic Act 1962 (which relates to offences involving disqualification); or

1962 c. 59.

1962 c. 13.

(f) by its being used or kept on a public road within the meaning of the Vehicles (Excise) Act 1962 without a licence under that Act being exhibited on the vehicle in the manner prescribed under that Act".

1949 c. 101.

(2) In subsection (5) of the said section 80 (which provides for payment of a fixed penalty under that section to be made to such justices' clerk within the meaning of section 27 of the Justices of the Peace Act 1949 as may be prescribed) at the end there shall be added the words "and where, in England or Wales, by virtue of regulations made for the purposes of this subsection, a justices' clerk for a petty sessions area comprised in the area of one responsible authority within the meaning of the said section 27 discharges functions in connection with a fixed penalty for an offence alleged to have been committed in a petty sessions area comprised in the area of another such authority—

(a) that other authority shall make to the first-mentioned authority such payment in connection with the discharge of those functions as may be agreed between

them or, in default of such agreement, as may be determined by the Secretary of State ; and PART IX

- (b) any such payment between responsible authorities shall be taken into account in determining for the purposes of subsection (2) of the said section 27 the net cost to those authorities respectively of the functions referred to in that subsection ”.

(3) In subsection (6) of the said section 80 (which provides that a notice under subsection (2) of that section shall specify the offence alleged, and give such particulars of the offence as are necessary for giving reasonable information of the allegation) for the words from “ specify ” to “ allegation ” there shall be substituted the words “ give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information thereof ”.

(4) In subsection (1) of section 81 of the principal Act (by virtue of which traffic wardens may be appointed to discharge in aid of the police such functions normally undertaken by the police in connection with the control and regulation of road traffic or with the enforcement of the law relating to road traffic as may be prescribed by an order under subsection (3) of that section) for the words from “ in connection ” to “ relating to road traffic ” there shall be substituted the words “ in connection with the control and regulation of, or the enforcement of the law relating to, traffic (including foot passengers) or vehicles ”.

(5) In subsection (2) of the said section 81, for the words “ road traffic or road vehicles ” there shall be substituted the words “ traffic (including foot passengers) or vehicles ”.

(6) After subsection (4) of the said section 81 there shall be inserted the following subsections:—

“ (4A) An order under subsection (3) above may provide that, for the purposes of any functions which traffic wardens are authorised to discharge by the order and subject to the provisions of subsection (4B) below, references to a constable or police constable in all or any of the following enactments shall include references to a traffic warden, that is to say—

- (a) section 52 of the Metropolitan Police Act 1839, 1839 c. 47. so far as it relates to the giving by the commissioner of directions to constables for preventing obstruction ;
- (b) section 22 of the local Act of the second and third year of the reign of Queen Victoria, chapter

## PART IX

1960 c. 16.

94, so far as it makes similar provision with respect to the City of London;

(c) in the Road Traffic Act 1960—

(i) sections 14 and 15 (which relate to compliance with traffic directions given by police constables);

(ii) section 223 (which relates to the power of a constable to stop vehicles);

(iii) section 225(1) and (4) (which relate to the power of a constable to require the production of a driving licence in certain circumstances);

(iv) sections 226 and 229 (which relate to the powers of constables to obtain names and addresses of drivers and others and to require production of evidence of insurance or security and test certificates);

(v) section 242 (which relates to the giving of certain evidence by certificate);

(d) section 89 of this Act.

(4B) Any power of a constable for the purposes of the following provisions of the Road Traffic Act 1960, namely, sections 223, 225(1) and (4) and 226, shall be exercisable by a traffic warden under an order made by virtue of subsection (4A) above only where—

(a) the traffic warden is assisting a constable; or

(b) the traffic warden has reasonable cause to believe that an offence has been committed of a description specified in relation to the section in question for the purposes of this paragraph by the order and, in the case of a power for the purposes of the said section 226, the order authorises the use of that power in relation to that offence; or

(c) in the case of a power for the purposes of the said section 223, the traffic warden is exercising functions in connection with the control and regulation of traffic (including foot passengers) or vehicles.”

Application of principal Act to Isles of Scilly.

132. After section 108 of the principal Act there shall be inserted the following section:—

“ Application to Isles of Scilly.

108A.—(1) The Minister may, after consultation with the Council of the Isles of Scilly, by order provide that any provision of this Act specified in the order shall apply to the Isles, subject to such

modifications as may be so specified, as if the Isles were a separate county or a county district.

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(2) The power to make orders conferred by this section shall be exercisable by statutory instrument and shall include power to make an order varying or revoking any previous order under this section."

133.—(1) A copy of the Road Traffic Regulation Act 1967 as amended by this Part of this Act, by the Police (Scotland) Act 1967 and by the Hovercraft Act 1968 shall be prepared and certified by the Clerk of the Parliaments and deposited with the rolls of Parliament; and, except for the purposes of any volume containing the Public General Acts and Measures of 1967, any copy of the first-mentioned Act to be printed by Her Majesty's printer after the last of the appointed days for the purposes of the provisions of this Part of this Act shall be printed in accordance with the copy so certified and be marked with a statement to the effect that in pursuance of this section it is printed as amended as aforesaid.

Principal Act to be printed as amended by this Act.  
1967 c. 76.  
1967 c. 77.  
1968 c. 59.

S 133 REP.—  
1974. c. 22.  
S L.  
(REPEALS)

(2) If any copy of the principal Act as amended as aforesaid prepared in accordance with the copy certified as aforesaid is printed and published by Her Majesty's printer after the passing of this Act but before the last of the appointed days aforesaid, it shall be marked both with such a statement as aforesaid and with a statement to the effect that it represents the principal Act as it will have effect after the last of those days.

PART X

MISCELLANEOUS AND GENERAL

134.—(1) This section applies to the following authorities, namely, the Boards, the new authorities, and the Executive for any designated area within the meaning of section 9(1) of this Act.

Duty to act in certain cases as body engaged in commercial enterprise.

(2) Every authority to whom this section applies who engage, either directly or through a subsidiary, in any activities authorised by any of the provisions specified in subsection (3) of this section shall in carrying on those activities act as if they were a company engaged in a commercial enterprise or, as the case may be, shall exercise their control over that subsidiary so as to ensure that the subsidiary in carrying on those activities acts as a company so engaged.

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(3) The provisions referred to in subsection (2) of this section are—

- (a) the following provisions of the Act of 1962, namely, subsections (2) to (4) of section 11 (which relate to certain development or acquisition of land);
- (b) the following provisions of this Act, namely, sections 2(1)(g)(ii) and (m), 10(1)(viii), (xi), (xx)(b) and (xxii), 25(e) and (f), 26(1)(e)(ii), (f) and (k), 48(2), 49(1) to (4), 50(1) (so far as it relates to the provision of facilities at additional premises), and 50(2) to (5).

Compensation  
for loss of  
employment  
etc.

**135.**—(1) The Minister shall by regulations require the payment by such person as may be determined by or under the regulations, in such cases and to such extent as may be so determined, of compensation to or in respect of any person who is on the date of the happening of any of the following events, namely—

- (a) a transfer of any property, rights or liabilities under section 4, 5, 7, 8, 28, 29, 53 or 144 of this Act; or
- (b) any change in the manner in which the carrying on of the activities of the Railways Board or the Freight Corporation is organised made—
  - (i) in pursuance of a direction under section 6(1) or 45(5) of this Act; or
  - (ii) with the consent of the Minister in order to give effect to conclusions reported under the said section 45; or
- (c) the making of any adaptations such as are mentioned in paragraph 5(4) of Schedule 16 to this Act; or
- (d) the revocation under paragraph 10(1) of Schedule 6 to this Act of a consent granted under that Schedule,

or who has before that date been, in any employment so determined and who suffers any loss of employment, or loss or diminution of emoluments or pension rights, or worsening of his position, which is properly attributable to the happening of that event.

(2) Any such regulations may apply in relation to any such person whether or not he continues in the employment determined as aforesaid until the date of the happening of the relevant event aforesaid, and whether or not he is a party to an agreement for the rendering of personal services which is affected by the happening of that event.

(3) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect from a date prior to the making thereof, so, however, that so much of any such regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the person required to pay the compensation in a worse position than he would have been in if the regulations had been made to have effect only as from the making thereof.

(4) Regulations under this section—

- (a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined; and
- (b) may in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, before a tribunal established under section 12 of the Industrial Training Act 1964.

1964 c. 16.

(5) No regulations shall be made under this section unless a draft thereof has been approved by a resolution of each House of Parliament.

(6) Where any of the following authorities, namely the Boards, the new authorities and the Holding Company, are required by any such regulations to pay compensation thereunder, any other of those authorities may arrange to make to the compensating authority payments by way of contributions towards their liability under the regulations; and if the compensating authority satisfy the Minister that any of the other authorities have not made a proper contribution towards that liability, whether by payment of money or by finding employment for persons to or in respect of whom the compensation has become payable, the Minister may require that other authority to make such payment to the compensating authority as appears to the Minister to be just.

(7) In relation to regulations under this section in connection with a transfer such as is mentioned in paragraph (a) of subsection (1) thereof to or from the Scottish Group or a subsidiary of theirs, references in the said subsection (1) to the Minister shall be construed as references to the Minister and the Secretary of State acting jointly; and for the purposes of any payment by the Scottish Group under subsection (6) of this section, references to the Minister in the said subsection (6) shall be construed as references to the Secretary of State.

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**Pensions.**

**136.**—(1) Subject to subsection (3) of this section, sections 73 and 74 of the Act of 1962 (which relate respectively to the powers of the Boards and the Holding Company as regards pensions and pension schemes and to the Minister's power to make orders about pensions) shall have effect—

- (a) as if the expression "Board" in each of those sections included each of the new authorities; and
- (b) as if the reference in subsection (2)(a) of the said section 74 to a pension scheme in which employees of the Commission or a subsidiary of the Commission participated before the vesting date included a reference to a pension scheme in which employees of, or of a subsidiary of, the Railways Board or the Holding Company participated before any relevant transfer date such as is mentioned in subsection (4) of this section.

(2) If in the case of any transfer such as is mentioned in subsection (4) of this section an order under the said section 74 as applied by this section is made before the transfer date which provides for the transfer on that date from the transferor to some other person of property, rights and liabilities of the transferor relating to any pensions or pension schemes—

- (a) that order may apply to the transfer under the order such of the provisions of Schedule 4 to this Act subject to such modifications as the Minister may consider appropriate; and
- (b) save as may be provided by that order, the provisions of this Act with respect to the transfer mentioned in the said subsection (4) shall not apply in relation to the property, rights and liabilities to which the order relates.

(3) In relation to the Scottish Group, references to the Minister—

- (a) in the said section 73 and, for the purposes of orders relating only to that Group, in the said section 74 and in subsection (2) of this section shall be construed as references to the Secretary of State;
- (b) in the said section 74 and subsection (2), for the purposes of orders relating both to that Group and to other authorities, shall be construed as references to the Minister and the Secretary of State acting jointly.

(4) Any person who—

- (a) on the transfer date for the purposes of a transfer under any of the following provisions of this Act, namely, sections 4(1), 4(4), 5(3) (a) or (b), 7(5) or (6), 8(4),



28(1), (2) or (5) and 29(2), ceases to be employed by one, and becomes employed by another, of the following bodies, namely, the Railways Board, the Holding Company, the new authorities and any body which is a subsidiary of that Board or Company or of any of the new authorities ;

- (b) on the transfer date for the purposes of any transfer under subsection (2) of section 53 of this Act ceases to be employed by the Holding Company and becomes employed by any publicly-owned body within the meaning of subsection (1)(a) of that section or under the Crown ; or
- (c) on any such transfer date as aforesaid is employed by a body which immediately before that date was a subsidiary of one, but on that date becomes a subsidiary of another, of the following bodies, namely, the Railways Board, the Holding Company and the new authorities,

shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before that transfer date.

(5) In the application of subsection (4) of this section to a pension scheme the benefits under which are or will be receivable as of right, persons who have obtained pension rights under the scheme without having contributed under the scheme shall be regarded as participants in the scheme ; and the reference in that subsection to being eligible to participate in a pension scheme shall be construed accordingly. \* Rep. - S. 1.  
1973/338.

(6) Subsections (4) and (5) of this section shall have effect subject to any order under section 74 of the Act of 1962 made by virtue of subsection (1) of this section, being an order taking effect on or at any time after the relevant transfer date referred to in the said subsection (4).

**137.—**(1) This section applies to the following authorities, namely— Machinery for negotiation and consultation with staff.

- (a) the Railways Board, the Waterways Board <sup>\*</sup> and ~~the Holding Company~~;
- (b) the new authorities ;
- (c) the Executive for any designated area within the meaning of section 9(1) of this Act.

(2) In the case of each authority to whom this section applies, except so far as the authority are satisfied that adequate machinery exists for achieving the purposes of this section, being

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machinery for operation at national level or local level or a level falling between those levels and appearing to the authority to be appropriate, it shall be the duty of the authority, either directly, or indirectly by exercising control over subsidiaries, to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the authority and that organisation or, if the authority so decide, between subsidiaries of theirs and that organisation, of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance, for operation at any such level as aforesaid, of machinery for—

- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the authority and by their subsidiaries with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements ;
- (b) the promotion and encouragement of measures affecting efficiency, in any respect, in the carrying on by the authority and by their subsidiaries of their activities, including in particular the promotion and encouragement of the training of persons employed as aforesaid ; and
- (c) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed as aforesaid.

(3) Every authority to whom this section applies shall send—

- (a) except in the case of such an Executive as aforesaid, to the Minister and to the Secretary of State for Employment and Productivity ; *16*
- (b) in the case of such an Executive, to the Authority established under the said section 9(1) for the designated area in question,

copies of any such agreement as aforesaid and of any instrument varying the terms of any such agreement.

(4) Every authority to whom this section applies shall from time to time, at such times and within such period as—

- (a) except in the case of such an Executive as aforesaid, the Minister ; or
- (b) in the case of such an Executive, the Authority established as aforesaid,

may direct, report to the Minister and to the Secretary of State aforesaid or, as the case may be, to the Authority so established as to the progress or lack of progress made in arriving at such agreements as aforesaid.

[a] s. 137(3)(a) am. S.I. 1970/1681

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(5) Where it falls to any authority to whom this section applies or any subsidiary of theirs to participate in the operation of machinery established under this section, and the operation involves discussion of a subject by other persons participating therein, the authority or subsidiary shall make available to those persons, at a reasonable time before the discussion is to take place, such information in their possession relating to the subject as, after consultation with those persons, appears to be necessary to enable those persons to participate effectively in the discussion.

(6) Nothing in this section shall be construed as prohibiting any of the authorities to whom this section applies or any subsidiary of theirs from taking part together with other employers or organisations of employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment and the promotion and encouragement of measures affecting the health, safety and welfare of persons employed by them and the discussion of other matters of mutual interest to the authority or subsidiary and persons employed by them.

(7) In the application of this section to the Scottish Group, \*Rep.-S.1. references therein to the Minister shall be construed as references to the Secretary of State. 1973/338.

(8) Section 72 of the Act of 1962 shall cease to apply to the Railways Board, the Waterways Board\* and the Holding Company.

[a] 138.—(1) Any local authority, or any two or more local authorities acting jointly, may enter into arrangements with the Executive for a designated area within the meaning of section 9(1) of this Act whereby—

Travel concessions.

(a) subject, in the case of any travel concessions on a service for which a road service licence is required, to any conditions imposed under section 135(4) to (6) of the Act of 1960 by the traffic commissioners by whom the licence was granted or backed, the Executive grant, or arrange with some other person for that other person to grant, such travel concessions as may be provided for by the arrangements to any persons such as are mentioned in subsection (5) of this section, being concessions on journeys—

- (i) between places in that designated area ; or
- (ii) between such places and places outside but in the vicinity of that area ; and

[a] S.138 am. (London) - 1969 C. 35. S. 40.

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(b) that local authority (or, as the case may be, those local authorities in such proportions respectively as they may agree among themselves) reimburse the cost incurred in granting those concessions;

and the approval under section 15(2) of this Act of the Authority for that designated area shall not be required for any travel concessions granted under this subsection.

1955 c. 26.

(2) Any local authority may contribute to any cost incurred by a local authority within the meaning of the Public Service Vehicles (Travel Concessions) Act 1955 in granting travel concessions under that Act; and accordingly subsections (4) and (6) of section 1 of that Act shall cease to have effect.

\* Rep. 1969 C.35  
S.47(2), Sch. 6

(3) Any local authority may make with any person who, not being such an Executive as aforesaid or a local authority within the meaning of the said Act of 1955 ~~or the London Board~~, operates a public service vehicle undertaking arrangements whereby—

(a) subject as mentioned in subsection (1)(a) of this section, that person grants such travel concessions as may be provided for by the arrangements to any persons such as are mentioned in subsection (5) of this section, being concessions on journeys—

(i) between places in the area of the local authority; or

(ii) between such places and places outside but in the vicinity of that area; or

(iii) between places outside but in the vicinity of that area; and

(b) the local authority reimburse the cost incurred in granting those concessions.

(4) Any arrangements entered into by a local authority under subsection (1) or (3) of this section may include provision for the performance of functions in connection with the travel concessions in question by the local authority or local authorities concerned; and any local authority making contributions under subsection (2) of this section may enter into arrangements with the authority to whom those contributions are paid for the performance by the local authority of functions in connection with the travel concessions in respect of which the contributions are paid.

(5) The persons referred to in subsections (1)(a) and (3)(a) of this section are persons mentioned in any of the following paragraphs or any description of such persons, namely—

(a) men over the age of sixty-five years and women over the age of sixty years;

- (b) blind persons, that is to say, persons so blind as to be unable to perform any work for which sight is essential ;
- (c) persons suffering from any disability or injury which, in the opinion of the local authority or any of the local authorities by whom the cost incurred in granting the concession falls to be reimbursed, seriously impairs their ability to walk.

(6) Expenditure by any local authority by virtue of subsections (1) to (4) of this section shall not be relevant expenditure of that authority for the purposes of section 1 of the Local Government Act 1966 or, as the case may be, reckonable expenditure of that authority for the purposes of section 2 of the Local Government (Scotland) Act 1966.

(7) The Minister may by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, prescribe the method of calculating for the purposes of any provision of the said Act of 1955 or this Act the cost incurred in providing any travel concessions, and different methods may be prescribed for different concessions and different circumstances ; and any dispute arising under any such provision with respect to the cost incurred as aforesaid in any particular case shall be referred for determination—

(a) in the case of a concession granted on a road passenger transport service, to the chairman of the appropriate traffic commissioners ; and

(b) in any other case, to the Minister,

and the decision of the chairman or Minister shall be final.

(8) The Minister may by regulations, which shall be subject to annulment as aforesaid, make provision—

(a) with respect to the procedure to be followed in connection with any reference to a chairman of traffic commissioners under subsection (7) of this section ;

(b) authorising the charging of fees in connection with any such reference and as to the person by whom any such fee is to be paid ;

and any amount received by a chairman of traffic commissioners by way of fees under the regulations shall be paid into the Consolidated Fund in such manner as the Treasury may direct.

(9) In this section—

(a) the expression “ appropriate traffic commissioners ” means traffic commissioners for the area which includes the whole, or the major part, of the route or routes of the road passenger transport services on which the travel concession in question is granted, and references

S. 138 (6)  
 REP (E)  
 (PROSP) - 1974  
 C. 7. S. 42(2)  
 1966 c. 42.  
 ; Rep. (S) - 1975.  
 c. 30. S. 39(2). SCH. 7.  
 1966 c. 51.  
 S 138 (7)(8)  
 (9)(a) REP (E)  
 - 1974. C. 7.  
 SS. 35, 42(2)  
 SCH. 6 PARA.  
 22 (11), SCH. 8  
 S. 138 (7)(8)  
 (9)(a) rep. (S)  
 (16.5.1975) -  
 1973. c 65. ss.  
 209 (1), 257 (1),  
 sch. 25 para.  
 45, sch. 29.

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to the chairman of any traffic commissioners include references to any person for the time being appointed to act as his deputy ;

[ ] Rep. (prosp) - (b) the expression "local authority" means the council of a county, [county borough] or county district in England or Wales or a [county, town or district] council in Scotland ;

1972. c. 70. s. 27(1)  
Sch. 30.

- (c) the expression "public service vehicle undertaking" includes a tramcar or trolley vehicle undertaking, and "tramcar" and "trolley vehicle" have the same meanings respectively as in the Act of 1960 ;
- (d) the expression "travel concession" means the reduction or waiver of a fare or charge either absolutely or subject to terms, limitations, or conditions.

Land required as service area for special road: compensation in certain cases of compulsory acquisition  
1959 c. 25.  
1949 c. 32.

## 139.—(1) Where land is compulsorily acquired—

- (a) by virtue of ~~section 215(2)(c) of the Highways Act 1959 or section 10(1)(c) of the Special Roads Act 1949~~ (which relate to land required for the provision of service stations or other buildings or facilities for use in connection with a special road) in a case where the acquisition is authorised by a compulsory purchase order which does not also authorise the acquisition of land required for the provision of the adjacent length of special road ; or
- (b) in pursuance of a notice <sup>3/</sup> under ~~section 129, 135 or 136 of the Town and Country Planning Act 1962 or section 17 of the Town and Country Planning (Scotland) Act 1947~~ (which relate to the protection of owners of land affected by certain planning decisions) in a case where the person by whom the compensation in respect of the acquisition falls to be assessed is satisfied that there are proposals for using the whole or part of the relevant land for such purposes in connection with a special road as are mentioned in the said section 215(2)(c) or ~~10(1)(c)~~ and that the amount of the compensation would apart from this section be affected by the provision or proposed provision of the special road ; or
- (c) in pursuance of a notice under <sup>4/</sup> ~~section 139 of the said Act of 1962 or section 38 of the Town and Country Planning (Scotland) Act 1959~~ (which relate to the protection of owner-occupiers of land affected by planning proposals) in a case where the appropriate enactment for the purposes of <sup>5/</sup> ~~section 142 of the said~~

1962 c. 38.  
1947 c. 53.

1959 c. 70.

**Annex 395.** 1968. Pt. II. pp. 2286/7. s. 139.

<sup>1/</sup> 30(2)(c) of the Roads (Scotland) Act 1970

<sup>2/</sup> 30(2)(c)

(<sup>1/ 2/</sup> *Subst. by 1970. c. 20. s. 51(1), sch. 1 para. 13.*)

**Annex 607.** 1968. Pt. II. pp. 2286/7. s. 139(b)(c).

<sup>3/</sup> section 180, 188 or 189 of the Town and Country Planning Act 1971

<sup>4/</sup> section 193 of the said Act of 1971

<sup>5/</sup> section 196 of the said Act of 1971

(<sup>3/-5/</sup> *Subst. by 1971. c. 78. s. 291(1), sch. 23 Pt. II.*)

**Annex 864.** 1968. Pt. II. pp. 2286/7. s. 139(1)(b)(c).

<sup>6/</sup> section 169, 177 or 178 of the Town and Country Planning (Scotland) Act 1972.

<sup>7/</sup> section 182 of the said Act of 1972

<sup>8/</sup> section 185 of the said Act of 1972

(<sup>6/-8/</sup> *Subst. by 1972. c. 52. s. 276(1), sch. 21 Pt. II.*)

**Annex 1005.** 1968. Pt. II. p. 2286. s. 138(9)(b).

<sup>9/</sup> regional or islands

(*Subst. (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18 para. 20.*)





~~Act of 1962~~ or, as the case may be, <sup>8/</sup>~~section 41~~ of ~~the said Act of 1959~~ is or includes the said section 215(2)(c) or ~~10(1)(e)~~, <sup>2/</sup>

PART X

then, for the purpose of assessing compensation in respect of the compulsory acquisition, the value of the relevant interest shall be ascertained—

- (i) so far as it is attributable to any relevant planning permission, on the assumption that traffic carried by the special road will not have direct or indirect access to the relevant land ; and
- (ii) so far as it is not attributable to any such planning permission, on the assumption that traffic carried by the special road will not have direct access to the relevant land. <sup>La</sup>

(2) In this section—

“direct access” means access otherwise than by means of a highway which is not a special road and “indirect access” means access by means of such a highway as aforesaid ;

“relevant planning permission” means any planning permission for service area development which is in force on the date of service of the notice to treat, or as to the grant of which any assumption is required to be made by virtue of section 15 or 16 of the Land 1961 c. 33. Compensation Act 1961 or section 23 or 24 of the Land Compensation (Scotland) Act 1963, or the possi- 1963 c. 51. bility of the grant of which is taken into account in assessing the compensation ;

“service area development” means development of the relevant land, or of any part thereof, for the purpose of providing such service stations or other buildings or facilities as are mentioned in the said section 215(2)(c) or the said section <sup>10(1)(e)</sup>~~10(1)(e)~~ or of providing any other buildings or facilities designed to cater to a significant extent for traffic carried or to be carried by the special road ;

and any expression which is also used in the said Act of 1961 or 1963 has the same meaning, as respects England and Wales, as in the said Act of 1961 and, as respects Scotland, as in the said Act of 1963.

(3) This section shall not affect any compulsory acquisition in pursuance of a notice to treat served or deemed to have been served before the day on which this section comes into force.

<sup>La</sup> S.139(1)(c) am. (e) - 1973 c.26 s.78(5) ; (5)<sup>4D</sup> 1973. s.56 s.73(5)

**PART X**  
Acquisition  
of land to be  
exchanged for  
common  
land, etc.  
1959 c. 25.

**140.**—(1) In section 214 of the Highways Act 1959 (which relates to the acquisition of land for the construction or improvement of highways in England and Wales), so much of subsection (3) of that section as prohibits the compulsory acquisition of land lying more than two hundred and twenty yards from the middle of the relevant highway shall not apply to land acquired in exercise of the power conferred by subsection (4) of that section (which relates to the acquisition of land for the purpose of being given in exchange for land forming part of a common, open space, or fuel or field garden allotment which has been, or is proposed to be, acquired under subsection (1) or (2) of that section).

(2) Where in exercise of the power conferred by subsection (1) or subsection (2) of section 215 of the said Act of 1959 (which relates to the acquisition of land by certain Ministers or, as the case may be, a special road authority for certain purposes connected with trunk roads or special roads in England and Wales), any land forming part as aforesaid has been, or is proposed to be, acquired for any of the purposes mentioned in that subsection and other land is required for the purpose of being given in exchange for the first-mentioned land, that subsection shall apply to the acquisition of that other land as if it were land required by the Minister in question or, as the case may be, the special road authority for the construction or improvement of a highway; and subsection (3) of the said section 215 (which imposes the like prohibition as is referred to in subsection (1) of this section) shall not apply to an acquisition by virtue of this subsection.

Application of <sup>[a]</sup>**141.**—(1) Section 86 of the Act of 1962 (application of Town and Country Planning Acts) shall have effect as if the expression “Board” therein included each of the new authorities and the Executive for any designated area within the meaning of section 9(1) of this Act.

(2) Where in the case of any company—

- (a) the company is a wholly-owned subsidiary of one of the following bodies, namely, a board, a new authority, or such an Executive as aforesaid; or
- (b) two or more such bodies as aforesaid are members of the company and, if those bodies were a single body corporate, the company would be a wholly-owned subsidiary of that body corporate,

the said section 86 shall have effect as if the expression “Board” therein included that company and, so far as the activities of the company consist of the carrying on of any such undertaking

[a] S. 144 am. (L.T.E.) - 1969 c 35 s 17(1) Sch. 3 para. 1(1) (2).

**Annex 608.** 1968. Pt. II. p. 2289. ss. 141(2), 142(2).

<sup>1/</sup> section 290(1) of the Town and Country Planning Act 1971

<sup>2/</sup> 1971

<sup>3/</sup> Part III or Part IV of that Act

<sup>4/</sup> Part IX of that Act

(<sup>1/-4/</sup> *Subst. by 1971. c. 78. s. 291(1), sch. 23 Pt. II.*)

**Annex 865.** 1968. Pt. II. p. 2289. s. 141(2).

<sup>5/</sup> section 275(1) of the Town and Country Planning (Scotland) Act  
1972.

(*Subst. by 1972. c. 52. s. 276(1), sch. 21 Pt. II.*)



as is mentioned in the definition of "statutory undertakers" in PART X  
~~section 221(1) of the Town and Country Planning Act 1962 or 1962 c. 38.~~  
~~in section 113(1) of the Town and Country Planning (Scotland) Act 1947 c. 53.~~  
 Act 1947, the company shall be deemed for the purposes of the said section 86 and any other enactment relating to statutory undertakers or statutory undertakings to be such undertakers carrying on such an undertaking.

(3) Subsection (1) of the said section 86 shall apply—

- (a) to anything done by a Board or new authority in the exercise of the powers conferred by section 49(3) or (4) of this Act; and
- (b) to anything done by such an Executive as aforesaid in the exercise of the powers conferred by paragraph (xxii) of section 10(1) of this Act; and
- (c) to anything done by such a company as aforesaid which, if that company were a Board or such an Executive as aforesaid, would be an exercise of—
  - (i) the powers referred to in paragraph (a) or (b) of the said subsection (1); or
  - (ii) the powers conferred by the said section 49(3) or (4); or
  - (iii) the powers conferred by the said paragraph (xxii),

as it applies to anything done by a Board in the exercise of the powers referred to in paragraph (a) or (b) of the said subsection (1).

**142.**—(1) The Minister may acquire by agreement any land Powers of  
Minister in  
connection  
with channel  
tunnel.  
 which in his opinion is likely to be required for the provision in England of a terminal for, or of other works for the purposes of, a railway linking England with France and passing under the English Channel.

(2) Where compensation is payable by a local authority under the Town and Country Planning Act ~~1962~~ in consequence of any decision or order given or made under ~~Part III of that Act~~, or under the provisions of ~~Part VIII of that Act~~ relating to purchase notices, then if that decision or order was given or made wholly or partly in consequence of the land to which it relates being likely to be required as mentioned in subsection (1) of this section the Minister may pay to that authority a contribution of such amount as he may with the consent of the Treasury determine.

**PART X**  
Channel  
Tunnel  
Planning  
Council.

**143.—(1)** If the Minister sees fit by order so to direct, there shall be established in accordance with Part I of Schedule 15 to this Act a body to be known as “the Channel Tunnel Planning Council”.

(2) With a view to facilitating the work of any body or bodies which may be established in agreement with the Government of the French Republic for the operation of a railway linking England with France and passing under the English Channel, the Council shall be charged with the duty of carrying out the following tasks in connection with the construction and operation of such a railway, namely—

- (a) formulating the operational requirements ;
- (b) planning the necessary administrative and financial arrangements ;
- (c) making, or arranging for the making of, preliminary works trials and studies ; and
- (d) taking any other steps which the Minister is satisfied are necessary or expedient for the purpose of preparing for the construction and operation of such a railway ;

and the Council shall in discharging that duty act in accordance with such directions, whether general or particular, as may from time to time be given to them by the Minister and, when it appears to the Council to be appropriate, in consultation with any body established in France for the like purposes, and shall have power to do all such things as may be necessary for the discharge of that duty.

(3) The provisions of Part II of the said Schedule 15 shall have effect with respect to the borrowing powers and accounts of the Council.

(4) If the Council are established but at any time thereafter it appears to the Minister that the Council are no longer required, he may by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make provision for the dissolution of the Council ; and any such order may include provision—

- (a) for the disposal by the Minister of any assets of the Council in such manner as the Minister may with the approval of the Treasury determine ;
- (b) for the extinguishment of any debt due to the Minister from the Council ; and
- (c) for the discharge by the Minister out of moneys provided by Parliament of any other liabilities of the Council ;

and on the coming into force of such an order subsections (1) to (3) of this section and the said Schedule 15 shall cease to have effect.

[a] 144.—(1) Subject to subsections (2) to (4) of this section, the Railways Board may, with the consent of the Minister—

PART X

Transfer and disposal of historical records and relics.

- (a) transfer without consideration to the Secretary of State for Education and Science any of the historical records and relics which were vested in the Board by section 31(2)(f) of the Act of 1962 and are for the time being in the possession of the Board, and any premises of the Board in which any significant collection of those records or relics is housed ;
- (b) transfer, without consideration or by way of sale, to any other person, or otherwise dispose of, any of those records or relics.

(2) No record vested in the Railways Board by the said section 31(2)(f) which is housed by the Board in premises in Scotland shall under subsection (1) of this section be transferred to any person other than the Secretary of State for Scotland or otherwise disposed of unless that record—

- (a) has been previously offered by the Board to that Secretary of State ; and
  - (b) has not been claimed by that Secretary of State within six months of the date on which the offer was made ;
- and if the record is claimed as aforesaid the Board shall transfer it without consideration to that Secretary of State.

(3) No record having special associations with the undertaking of the London Board, and no relic having special associations with the undertaking of any relevant authority (that is to say, any of the Boards other than the Railways Board, any of the new authorities or the Holding Company) shall under subsection (1) of this section be transferred to any person other than the authority in question or otherwise disposed of unless—

- (a) it has been previously offered by the Railways Board to that authority ; and
  - (b) it has not been claimed by that authority within six months of the date on which the offer was made ;
- and if the record or relic is claimed as aforesaid the Railways Board shall transfer it without consideration to that authority.

(4) There shall be no transfer or disposal of any record or relic under subsection (1)(b) of this section, except in pursuance of subsection (2) or (3) of this section, unless—

- (a) the record or relic has been previously offered by the Railways Board to the Secretary of State for Education and Science ; and
- (b) it has not been claimed by him within six months of the date on which the offer was made ;

and, in the case of a record, before consenting to a transfer or

[a] S.144 am. (L.T.E.) - 1969 C.35. S 17(1), Sch 3 para <sup>4D 3</sup> (1) (2).  
am. S.I. 1970/1681

## PART X

disposal to which the foregoing provisions of this subsection apply, the Minister shall consult with such persons as the Minister and the Secretary of State for Education and Science acting jointly may consider—

- (i) to possess appropriate qualifications for advising on the treatment of records of the class or description to which the particular record in question belongs; and
- (ii) to be the appropriate persons to consult with respect to that particular record.

(5) Where any record or relic has been transferred to any relevant authority under subsection (3) of this section or under paragraph 4 of the British Transport Historical Relics Scheme 1963, that relevant authority shall, in respect of that record or relic, have the same powers, exercisable subject to the same conditions, as the Railways Board have under subsection (1) of this section in respect of the records and relics there mentioned.

(6) Subsections (1) to (5) of this section shall have effect notwithstanding anything in the schemes in force under paragraph 1(5) of Schedule 6 to the Act of 1962 (which impose duties as to the preservation of the historical records and relics vested in the Railways Board by that Act) and the Railways Board may, with the approval of the Minister, vary or revoke any such scheme so far as appears to the Board and the Minister to be expedient in consequence of those subsections; but, where any record or relic which has been transferred to a relevant authority under subsection (3) of this section or under paragraph 4 of the said Scheme of 1963 is for the time being in the possession of that or any other relevant authority, then (without prejudice to the powers conferred by subsection (5) of this section and to any relevant requirement of any scheme made under the said paragraph 1(5) which remains in force with or without variations made under this subsection) it shall be the duty of the relevant authority for the time being having possession of that record or relic to preserve it in suitable accommodation.

(7) Neither the Railways Board nor the London Board shall dispose of any document or object for the time being in their possession which was not vested in them by the said section 31(2)(f) but falls within a class of documents or objects for the time specified by an agreement between the Board concerned and the Secretary of State for Education and Science as of sufficient interest to warrant preservation in any collection maintained or proposed to be maintained by him, unless—

- (a) it has been previously offered by the Board to that Secretary of State; and



(b) it has not been claimed by him within six months of the date on which the offer was made ;

and if that document or object is claimed as aforesaid the Board concerned shall transfer it without consideration to that Secretary of State.

(8) Any offer or claim for the purposes of this section shall be in writing ; and any such claim shall be of no effect unless—

(a) it contains a statement of the time (which shall be not more than three months after the date of the claim) when the claimant proposes to remove what he has claimed ; and

(b) the claimant removes what he has claimed in accordance with that statement or at such later time as may be allowed by the authority to whom the claim was made.

(9) Nothing in Schedule 1 to the Public Records Act 1958 shall cause any records transferred under this section to become, by reason of that or any subsequent transfer, public records within the meaning of that Act ; but any records so transferred which at any time are for the time being in the custody of the Secretary of State for Scotland may be treated for the purposes of section 5(1) of the Public Records (Scotland) Act 1937 as records belonging to Her Majesty.

145.—(1) The power of prescribing conferred by subsection (3) of section 117 of the Act of 1960 (which provides that for the purposes of that Act an express carriage is a public service vehicle carrying passengers at separate fares none of which is less than one shilling or such greater sum as may be prescribed) may be exercised so as to provide for different minimum fares for the purposes of that subsection in different circumstances.

Minor amendments of Road Traffic Act 1960.

(2) The power of the Minister under subsection (2) of section 123 of the Act of 1960 to appoint a deputy or an additional deputy to ~~the traffic commissioner for the Metropolitan Traffic Area or~~ the chairman of the traffic commissioners for any ~~other~~ traffic area (being a power exercisable if the Minister considers that, owing to the number of applications under Parts III and IV of that Act, the duties to be performed by those persons cannot conveniently or efficiently be performed by them alone) shall include power to appoint two or more deputies, or as the case may be, additional deputies to ~~any of~~ those persons.

\* Pub-1969 c. 35 s. 47(2), Sch. 6

(3) Sections 154(1) and 183(1) of the Act of 1960 (which require traffic commissioners and licensing authorities to cause

S. 145(3)(4) rep-1972. C. 20. S. 205 (1) Sch 9 PKI

PART X proper accounts to be kept and to prepare an annual statement of accounts) shall cease to have effect.

(4) Section 255 of the Act of 1960 (method of calculating weight of motor vehicles for the purposes of that Act and of other enactments relating to the use of motor vehicles on roads) shall apply also for the purposes of any enactment relating to the use of trailers on roads and, in relation to a trailer, shall apply as if the reference to the propulsion of the vehicle were a reference to the propulsion of any vehicle by which the trailer is drawn.

Approval marks.  
1962 c. 59.

146.—(1) Section 47 of the Road Traffic Act 1962 (which relates to approval marks for motor vehicle parts for the purposes of certain international agreements) shall apply where any international agreement to which the United Kingdom is a party provides—

SS. 146, 148  
rep.-1972.c.20.  
S.205(1) sch 9  
Pr I.

(a) for markings to be applied to a motor vehicle to indicate that the vehicle is fitted with motor vehicle parts within the meaning of that section of any description and either—

(i) that the parts conform with a type approved by any country; or

(ii) that the vehicle is such that as so fitted it conforms with a type so approved; and

(b) for motor vehicles bearing those markings to be recognised as complying with the requirements imposed by the law of another country,

as it applies where such an agreement provides as mentioned in paragraphs (a) and (b) of subsection (1) of that section.

(2) In the said section 47, the expression "motor vehicle part" shall include any equipment for the protection of drivers or passengers in or on a motor vehicle notwithstanding that it does not form part of, or of the equipment of, that vehicle.

(3) In this section, the expression "motor vehicle" means a mechanically propelled vehicle or a vehicle designed or adapted for towing by a mechanically propelled vehicle.

Exhibition of licences under Vehicle (Excise) Act 1962.  
1962 c. 13.

147. For section 8(3) of the Vehicles (Excise) Act 1962 (which relates to the exhibition of licences issued under that Act) there shall be substituted the following:—

S.147 rep.-1971.c.10.s. 39(s). sch 8 Pt. I.

"(3) Subject to the provisions of regulations under this Act, and without prejudice to section 7 thereof, any person who uses or keeps on a public road any mechanically propelled vehicle on which duty under this Act is chargeable without there being fixed to and exhibited on that vehicle

in the prescribed manner a licence for, or in respect of the use of, that vehicle issued under this Act and for the time being in force shall be liable on summary conviction to a fine not exceeding twenty pounds”.

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148.—(1) The Road Safety Act 1967 shall have effect with the amendments hereafter specified in this section.

Amendment of  
Road Safety  
Act 1967.  
1967 c. 30.

(2) In section 9(1)(b) (which relates to the issue of goods vehicle test certificates)—

(a) for the words “ is found on an examination ” there shall be substituted the words “ has been found on examination ” ;

(b) for the words “ does so comply ” there shall be substituted the words “ has been found so to comply ”.

(3) In section 14, in subsection (8) (under which the Minister may by regulations make certain exemptions provided for by paragraphs (a) and (b) of that subsection) at the end there shall be added the following paragraph:—

“ (c) make provision for the issue in respect of a vehicle in such circumstances as may be prescribed of a certificate of temporary exemption exempting that vehicle from the provisions of subsection (1), (2) or (3) of this section for such period as may be specified in the certificate ”.

(4) In section 14, in subsection (9) (under which the Minister may by regulations provide that a licence for a vehicle under the Vehicles (Excise) Act 1962 shall not be granted unless certain requirements are satisfied) for the words “ under the last foregoing subsection ” there shall be substituted the words “ under paragraph (a) of subsection (8) of this section or unless there is produced in respect of the vehicle a certificate of temporary exemption issued by virtue of paragraph (c) of that subsection which exempts that vehicle from the provisions of the said subsection (2) or (3), as the case may be, for a period which includes the date on which the licence is to come into force.”

1962 c. 13.

149.—(1) Without prejudice to the provisions of section 32 of the Countryside Act 1968 with respect to certain Crown roads, the Minister may, with the consent of the appropriate Crown authority or authorities concerned, by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, direct that, subject to subsection (3) of this section and to such exceptions, adaptations or modifications appearing to him to be necessary or expedient as may be specified in the order, all or any of the road traffic enactments shall apply to all

Application of  
road traffic  
enactments to  
Crown roads.  
1968 c. 41.

## PART X

Crown roads, or to any specified Crown road or Crown roads, or to Crown roads of a specified class, as they apply in relation to other roads to which the public has access.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, but subject to subsection (3) of this section, any order under the said subsection (1) with respect to any of the road traffic enactments may in particular include provision—

- (a) for enabling functions with respect to a road exercisable under the enactment in question by the local authority or the highway authority to be exercised with respect to a Crown road by the appropriate Crown authority or by a particular local authority or highway authority ;
- (b) for enabling power to make an order, regulation or scheme under the enactment in question with respect to a Crown road which would otherwise be exercisable by a local authority or highway authority to be exercised instead by the Minister, and for requiring the consent of the Minister to the variation or revocation by any other authority of such an order, regulation or scheme made by him ;
- (c) for a certificate of the appropriate Crown authority or of the Minister that the authority or Minister has, or has not, consented to the doing of anything for which under the order or under this section the consent of the authority or, as the case may be, the Minister is required to be evidence, and in Scotland sufficient evidence, of the facts stated ;
- (d) for exempting from any provision of the enactment in question persons and vehicles on a Crown road in the service of the Crown or of an agent of the Crown.

(3) No order, regulation or scheme in relation to a Crown road shall be made, varied or revoked under any of the road traffic enactments by virtue of an order under subsection (1) of this section except by or with the consent of the appropriate Crown authority.

(4) With a view to the avoidance of doubt, the road traffic enactments specified in an order under subsection (1) of this section may include any provision of those enactments notwithstanding that it would have applied in relation to Crown roads apart from the making of the order ; and the inclusion in the order of a provision which would so have applied shall not prejudice anything done under that provision in relation to a Crown road before the coming into force of the order.

## (5) In this section—

(a) the expression “appropriate Crown authority”, in relation to a Crown road, means—

(i) in the case of a road on land belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of that land;

(ii) in the case of a road on land belonging to Her Majesty in right of the Duchy of Lancaster, the Chancellor of the Duchy;

(iii) in the case of a road on land belonging to the Duchy of Cornwall, such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints;

(iv) in the case of a road on land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department;

and if any question arises under this paragraph as to what authority is the appropriate Crown authority in relation to any Crown road, that question shall be referred to the Treasury, whose decision shall be final;

(b) the expression “Crown road” means a road, other than a highway, to which the public has access by permission granted by the appropriate Crown authority, or otherwise granted by or on behalf of the Crown;

(c) the expression “road traffic enactments” means the enactments (whether passed before or after or contained in this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of any such enactment;

and, in the application of this section to Scotland or Wales, for any reference to the Minister there shall be substituted a reference to the Secretary of State.

(6) Nothing in this section shall prejudice any enactment in addition to this section and section 32 of the Countryside Act 1968 c. 41. 1968 which relates to Crown roads.

**150.**—(1) The Minister shall establish a committee, to be known as the Railways and Coastal Shipping Committee, for the purpose of—

(a) considering and from time to time reporting to the Minister on matters which affect the interests both of the Railways Board and of persons engaged in coastal shipping, and in particular any such matters which the

Railways and  
Coastal  
Shipping  
Committee.

## PART X

Minister may refer to the committee for consideration ; and

- (b) dealing with any complaint as to the charges for the carriage of goods by rail made or quoted by the Railways Board in competition with coastal shipping, being a complaint which is made to the committee, or made to the Minister and referred by him to the committee, and which is so made by or on behalf of a body appearing to the committee or, as the case may be, to the Minister to be representative of the interests of persons engaged in coastal shipping.

(2) The committee shall consist of—

- (a) such number as the Minister thinks fit of shipping members, that is to say, members representing the interests of persons engaged in coastal shipping, who shall be appointed by the Minister after consultation with the President of the Board of Trade and with such body or bodies as the Minister thinks fit, being a body or bodies appearing to the Minister to be representative of such persons ; and

- (b) the like number of railway members, that is to say, members representing the Railways Board, who shall be nominated by the Railways Board and of whom at least one shall be a member of that Board.

(3) The committee shall appoint one of their members to be their chairman and, subject to subsection (4) of this section, their procedure, including their quorum, shall be such as they may determine.

(4) If, at the meeting at which the committee consider any such complaint as is mentioned in subsection (1)(b) of this section, a majority of those present and voting of each respectively of—

- (a) the shipping members ; and

- (b) the railway members,

are unable to agree together as to the action, if any, to be taken on the complaint, the chairman of the committee shall, if such a majority either of the shipping members or of the railway members so request, report the failure to reach agreement to the Minister, who shall then refer the complaint for a determination of the matters referred to in subsection (5) of this section to a person appearing to the Minister to have suitable qualifications for that purpose.

(5) The matters to be determined by the person appointed by the Minister under subsection (4) of this section in connection with a complaint are—

- (a) the cost to the Railways Board of providing the services in question ;
- (b) the cost of providing corresponding services by coastal shipping ; and
- (c) the likely effect on the Railways Board and on persons engaged in coastal shipping respectively of losing the business in question to the other of them, including any effect of the loss of that business on the charges of that Board or, as the case may be, such persons for other services by way of the carriage of goods,

the costs referred to in paragraphs (a) and (b) of this subsection being broken down in such manner as the Minister may direct.

(6) The person appointed to determine the matters aforesaid in connection with a complaint—

- (a) may require the Railways Board and the complainant respectively to submit written evidence in support of their case ; and
- (b) shall make any evidence so submitted by the Railways Board or by the complainant available to the other of them ;

and subject to the foregoing provisions of this subsection the procedure for the purpose of determining those matters shall be such as the Minister may direct.

(7) After considering the report of the person appointed to determine the matters aforesaid in connection with any complaint, the Minister may give to the Railways Board any directions which he may consider appropriate in the circumstances of the case.

(8) In this section the expression “ coastal shipping ” has the same meaning as in the Act of 1962.

151. The County of Bute shall be a county to which section 1 of the Highlands and Islands Shipping Services Act 1960 (assistance to persons providing sea transport services) applies, and accordingly in the Schedule to the said Act after the words “ The County of Argyll ” there shall be inserted the words “ The County of Bute ”.

Amendment of Highlands and Islands Shipping Services Act 1960.

1960 c. 31.

152.—(1) In subsection (1) of section 7 of the Harbours, Piers and Ferries (Scotland) Act 1937 (which provides that in certain circumstances the Secretary of State may authorise a local or harbour authority to undertake, subject to the Second Schedule to the said Act, certain operations in connection with a marine

Amendment of 1937 c. 28. as to marine works in Scotland.

S. 152 rep. -  
4D\* 3 1972. c. 29  
S. 1(1)

S. 151 rep.  
(16.5.1975) -  
1973 c. 65.  
S. 237(1),  
Sch. 29.

PART X  
1953 c. 11.

work) for the words "twenty-five thousand pounds" (substituted by section 1 of the Harbours, Piers and Ferries (Scotland) Act 1953) there shall be substituted the words "one hundred thousand pounds".

1937 c. 28.

(2) This section and the Harbours, Piers and Ferries (Scotland) Act 1937 may be cited together as the Harbours, Piers and Ferries (Scotland) Acts 1937 and 1968.

Compensation  
for certain  
refusals under  
Docks and  
Harbours  
Act 1966.  
1966 c. 28.

**153.**—(1) Where in the case of an application for a licence under the Docks and Harbours Act 1966 for the employment of dock workers which has been refused by the licensing authority—

- (a) the application was made before the commencement of section 1 of that Act ; and
- (b) the applicant has not appealed under section 7 of that Act against the authority's decision to refuse the application ; and
- (c) after the date when notice of that decision was given to the applicant by the authority, all applications for such licences for the port in question have been referred to the Minister under section 8(2) of that Act,

then, subject to subsection (2) of this section, for the purposes of compensation under section 13 of that Act for the refusal of that application subsection (5) of the said section 13 (which relates to the date to be treated for the purposes of such compensation as the date of refusal of a licence) shall not apply, and shall be deemed never to have applied, in relation to that refusal, but for the purposes of subsection (3) of that section the refusal shall be treated as having taken place on the date referred to in paragraph (c) of this subsection.

(2) Subsection (1) of this section shall not have effect in relation to a case where the amount of the compensation under the said section 13 has been determined before the date of the coming into force of this section unless within three months of that date the applicant sends to the licensing authority a written request that it shall so have effect.

Restriction of  
operation of  
Local  
Government  
(Scotland) Act  
1947, s. 226.  
1947 c. 43.

**154.** Expenditure incurred by a district council under or by virtue of this Act shall not be taken into account in any calculation as to the limit of one shilling per pound imposed on the rate which may be levied by such a council in any year by section 226 of the Local Government (Scotland) Act 1947.



155.—(1) Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (which specifies the bodies of which the members are disqualified for membership of the House of Commons of the United Kingdom) shall have effect with the insertion at the appropriate places in alphabetical order of the following entries, namely—

- The Channel Tunnel Planning Council.
- The Freight Integration Council.
- The National Bus Company.
- The National Freight Corporation.
- The Scottish Transport Group.

PART X  
Amendments  
as to disquali-  
fication for  
membership of  
House of  
Commons etc.  
1957 c. 20.  
s 155 *Rph.*  
—1975. c. 24.  
s. 10(2), SCH. 3;  
c. 25. s. 5(2),  
SCH. 3 PT. I.

(2) The Part substituted by Schedule 3 to the said Act of 1957 for the said Part II in its application to the Senate and House of Commons of Northern Ireland shall have effect with the insertion at the appropriate places in alphabetical order of the following entries, namely—

- The Freight Integration Council.
- The National Freight Corporation.

(3) A person shall cease to be disqualified—

(a) for membership of the House of Commons of the United Kingdom by reason of holding the office of director of the Hotel Company referred to in the Act of 1962 or of any of the companies shown in List A in Part I, in Part III and in List A in Part IV of Schedule 4 to that Act;

(b) for membership of the Senate and House of Commons of Northern Ireland by reason of holding office as director of any of the following companies, that is to say—

- Caledonian Steam Packet Company (Irish Services) Limited.
- Railway Sites Limited.
- British Road Services Limited.
- B.R.S. (Parcels) Limited.
- B.R.S. (Pickfords) Limited.
- Atlantic Steam Navigation Company Limited.

156.—(1) With a view to giving the public advance notice of plans for the discontinuance of any rail or shipping services provided by the Freight Corporation, the Scottish Group or any subsidiary of that Corporation or Group, that Corporation or Group shall from time to time publish in such manner and in such places in the United Kingdom as the Minister or, in the

Miscellaneous,  
supplementary  
and  
consequential  
provisions.

**PART X** case of the Scottish Group, the Secretary of State may direct such information as to their plans as the Minister or, as the case may be, the Secretary of State may determine.

(2) The enactments referred to in Schedule 16 to this Act shall have effect subject to the provisions of that Schedule, being provisions supplementary to or consequential on provisions of this Act.

Orders and regulations.

**157.** Any power to make orders or regulations conferred on any Minister by any provision of this Act shall, except in the case of an order under section 124, be exercisable by statutory instrument; and any power to make an order under any provision of this Act shall include power to make such an order varying or revoking any previous order under that provision.

Inquiries.

1919 c. 50.

**158.—(1)** The Minister may hold inquiries for the purposes of his functions under any provision of this Act other than Part V as if those purposes were purposes of the Ministry of Transport Act 1919 and section 20 of that Act shall apply accordingly.

(2) For the purposes of any functions under this Act of the Secretary of State for Scotland or the Secretary of State for Wales, subsection (1) of this section, the said section 20 and section 90(2) to (7) of the Act of 1962 shall have effect as if for any reference therein to the Minister there were substituted a reference to that Secretary of State.

Interpretation—  
general.

1960 c. 16.

1962 c. 46.

**159.—(1)** In this Act, except where the context otherwise requires, and except in any Part as respects which the expression in question is separately defined, the following expressions have the following meanings respectively, that is to say—

“the Act of 1960” means the Road Traffic Act 1960;

“the Act of 1962” means the Transport Act 1962;

“appointed day” means the relevant day appointed under section 166(2) of this Act;

“area bus service” means a bus service which is, or so far as it is, a service on which passengers may be taken up and set down at different places within the same area designated under section 9(1) of this Act, whether or not any passengers on that service may also be taken up or set down outside that area;

“the Boards” means the Boards established under section 1 of the Act of 1962, namely, the British Railways Board, ~~the London Transport Board~~, the British Transport Docks Board and the British Waterways Board, and references to a Board shall be construed accordingly;

\* Rep - 1969 c. 35  
S 47(2), Sch. 6.

- “the Bus Company” means the National Bus Company established under section 24 of this Act ;
- “bus service” means a service for the carriage of passengers by road for which a road service licence is required, or would but for section 19(3)(a) of this Act be required, other than an excursion or tour ;
- “charges” includes fares, rates, tolls and dues of every description ;
- “the Docks Board” means the British Transport Docks Board established under section 1 of the Act of 1962 ;
- “excursion or tour” means, subject to section 21(2) and (3) of this Act, a service for the carriage of passengers by road which is, or is predominantly, of such a nature that it could be provided under a road service licence authorising only excursions or tours, that is to say, is a service which consists, or consists predominantly, of the carriage by stage or express carriage of passengers at separate fares entitling those passengers to travel together on a journey, with or without breaks, the timing of which is not regulated by the terms of the road service licence, from the place or places at which the passengers are taken up (being the same place or two or more places in the same vicinity) to one or more other places and back to the place or places at which they were taken up, not being—
- (a) a service provided as part of, or as an addition to, a regular service at fixed times on which all the passengers are not expected to complete the whole of that journey ; or
- (b) a service required to be provided in accordance with traffic requirements ;
- “express carriage” and “stage carriage” have the same meanings respectively as for the purposes of the Act of 1960 ;
- “ferry service” means a transport service by water (including such a service by means of a hovercraft) which carries passengers and operates regularly between two or more points both or all of which are in Great Britain ;
- “the Freight Corporation” means the National Freight Corporation established under section 1 of this Act ;
- “functions” includes powers, duties and obligations ;
- “goods” includes animals and mails ;
- “harbour” has the same meaning as in the Act of 1962 ;

## PART X

“highway authority” in relation to any highway means—

- 1959 c. 25. (a) for the purposes of the application of this Act to England or Wales, the highway authority for that highway under Part I of the Highways Act 1959 ;
- (b) for the purposes of the application of this Act to Scotland—
- (i) where the highway is a trunk road, the Secretary of State ; and
- (ii) in any other case, the <sup>2)</sup>county council or the town council of a burgh charged with the maintenance and management of any of the highways therein ;
- 1968 c. 59. “the Holding Company” means the Transport Holding Company established under section 29 of the Act of 1962 ;
- “hovercraft” has the same meaning as in the Hovercraft Act 1968 ;
- “inland waterway” includes every such waterway whether natural or artificial ;
- “land” includes land covered by water and any interest or right in, over or under land ;
- “lease” includes an agreement for a lease ;
- “liability” includes an obligation ;
- \* Ref. - 1967 C. 35. S 47 (2) Sch. 6. \* ~~“the London Board” means the London Transport Board established under section 1 of the Act of 1962 ;~~
- “the Minister” means, save as otherwise expressly provided and in particular subject to sections 7(7), 8(5), 9(6), 17(6)(a) and 28(6) of this Act, the Minister of Transport ;
- “the new authorities” means the Freight Corporation, the Bus Company and the Scottish Group ;
- “participant”, in relation to a pension scheme, means a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise) contributes or has contributed under the scheme and has pension rights thereunder and “participate” shall be construed accordingly ;
- “pension”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto and any sums payable on or in respect of the death of that person ;

**Annex 866. 1968. Pt. II. p. 2305. s. 159(1).**

<sup>1/</sup> section 40 of the Road Traffic Act 1972 or required to be so marked  
by section 47 of that Act

*(Subst. by 1972. c. 20. s. 203(1), sch. 7.)*

**Annex 1006. 1968. Pt. II. p. 2304. s. 159(1).**

<sup>2/</sup> regional or islands council

*(Subst. (16.5.1975) by 1973. c. 65. s. 133(1), sch. 14 para. 76.)*



- “pension fund” means a fund established for the purposes of paying pensions ;
- “pension rights” includes, in relation to any person, all forms of right to or eligibility for the present or future payment of a pension, and any expectation of the accruer of a pension under any customary practice, and includes a right of allocation in respect of the present or future payment of a pension ;
- “pension scheme” includes any form of arrangement for the payment of pensions, whether subsisting by virtue of Act of Parliament, trust, contract or otherwise ;
- “plated weight”, in relation to a vehicle, means a weight required to be marked on it by means of a plate in pursuance of regulations made by virtue of ~~section 64 of the Act of 1960 or required to be so marked by section 10 of the Road Safety Act 1967 ;~~ 1967 c. 30.
- “public service vehicle” has the same meaning as for the purposes of the Act of 1960 ;
- “the Railways Board” means the British Railways Board established under section 1 of the Act of 1962 ;
- “road service licence” has the same meaning as for the purposes of the Act of 1960 and except in section 30 of this Act includes a permit granted under the said section 30 ;
- “Scottish Group” means the Scottish Transport Group established under section 24 of this Act ;
- “securities”, in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature, of the body corporate ;
- “subsidiary” and “wholly-owned subsidiary”, subject to section 51(5) of this Act, have the same meanings respectively as in the Act of 1962 ;
- “vehicle” includes a hovercraft ;
- “the Waterways Board” means the British Waterways Board established under section 1 of the Act of 1962 ;
- “Wales” includes Monmouthshire, and references to England shall be construed accordingly.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

160.—(1) Nothing in section 12 of the Finance Act 1895 Stamp duty.— (which requires Acts to be stamped as conveyances on sale in 1895 c. 16. certain cases) or in section 52 of the Finance Act 1946 (which 1946 c. 64.

## PART X

exempts from stamp duty certain documents connected with nationalisation schemes) shall be taken as applying to this Act.

(2) Where the Commissioners of Inland Revenue are satisfied that the conditions specified in paragraph (a), (b) or (c) of subsection (3) of this section are fulfilled, stamp duty shall not be chargeable—

1891 c. 39.

(a) under section 112 of the Stamp Act 1891 in respect of the amount which is to form the nominal share capital of a company, or in respect of any increase in the nominal share capital of a company ; or

1899 c. 9.

(b) under section 8 of the Finance Act 1899 in respect of the amount proposed to be secured by an issue of loan capital by a company,

\*and s.

160(4) rep. -

1973. c. 51. s.

59(7), sch. 22

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if or to the extent that the Commissioners are also satisfied—

(i) in a case falling within paragraph (a) or (b) of the said subsection (3), that the total capital of the company, whether nominal share capital or loan capital, on the relevant transfer date referred to in the said paragraph (a) or (b) will not exceed the total value of the assets less liabilities transferred ;

(ii) in a case falling within paragraph (c) of that subsection, that the amount or aggregate amount of the increase of nominal share capital or of the loan capital to be issued or of both does not exceed the total value of the assets less liabilities to be transferred.

(3) The conditions referred to in subsection (2) of this section are—

(a) that the company is a company formed in pursuance of subsection (2) of section 5 of this Act, and, in the case of an increase of nominal share capital ~~or an issue of loan capital~~, that the increase ~~or issue~~ is to take place before the transfer date for the purposes of subsection (3)(a) of that section ;

(b) that the company is a company formed for the purpose of a transfer to be effected by section 4(1), 7(5), 8(4), 17(5), 28(1) or (2), 29(2) or 53(2) of this Act and, in the case of an increase of nominal share capital ~~or issue of loan capital~~, that the increase ~~or issue~~ is to take place before the transfer date ;

(c) in the case of an increase <sup>\*</sup>of nominal share capital ~~or issue of loan capital~~ to which paragraph (a) or (b) of this subsection does not apply, that the increase ~~or issue~~ <sup>\*</sup>is for the purpose of a transfer to be effected by section 7(5), 8(4) or 53(2) of this Act and is to take place before the transfer date.



**Annex 1007. 1968. Pt. II. p. 2306. s. 160(2).**

**<sup>1/</sup> under section 47 of the Finance Act 1973 in respect of the amount which is to form the capital of a company or in respect of any increase in the capital of a company.**

***(Replaced by 1973. c. 51. s. 59(7), sch. 22 Pt. V.)***



(4) Stamp duty shall not be chargeable under section 8 of the Finance Act 1899 in respect of the amount proposed to be secured by an issue of loan capital by the Executive for a designated area within the meaning of section 9(1) of this Act if or to the extent that the Commissioners of Inland Revenue are satisfied—

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1899 c. 9.

- (a) that the issue will take place before the transfer date for the transfers to that Executive under section 17(5) of this Act ; and
- (b) that the total loan capital of that Executive on that date will not exceed the total value of the assets less liabilities to be transferred.

(5) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the appropriate Board or new authority or appropriate Executive established under section 9(1) of this Act as having been made or executed in pursuance of Schedule 4 to this Act otherwise than by virtue of section 7(7)(b) thereof ; but no such instrument shall be deemed to be duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

1891 c. 39.

161.—(1) In relation to the Railways Board, paragraph 10(1)(a) of Schedule 8 to the Capital Allowances Act 1968 (which relates to capital allowances in respect of assets transferred to the Boards by the Act of 1962) shall have effect, and that paragraph and section 42(1)(a) of the Act of 1962 (being the provision re-enacted by that paragraph) shall each be deemed always to have had effect, as if for the words from “ as shown ” onwards there were substituted the words “ as at 1st January 1963 as shown in the first accounts of the Railways Board, and ”.

Income tax, etc.  
1968 c. 3.

(2) In section 55(6) of the Finance Act 1965 (which relates to chargeable gains of companies) after the figures “ 1962 ” there shall be inserted the words “ and the new authorities within the meaning of the Transport Act 1968 established under that Act of 1968 ”; and Part I of Schedule 13 to that Act, except in so far as it relates to recovery of tax, shall have effect in relation to the Executive for a designated area within the meaning of section 9(1) of this Act as if that Executive were a company within the meaning of the said Part I.

1965 c. 25.

S. 161(2) ref  
1970 c. 105  
538(1) 539(1)  
sch. 16.

[a]

(3) In section 83(4) of the Capital Allowances Act 1968 and, in relation to chargeable periods ending on or before 5th April 1968, in section 35(3) of the Finance Act 1966 (which specify

1966 c. 18.

[a] S. 161(2) am. - 1969 c. 32 S. 60, Sch. 20 para. 25(1).

## PART X

certain grants the making of which in respect of any expenditure disentitles the grantee to investment allowances or initial allowances in respect of that expenditure) at the end of paragraph (b) there shall in each case be inserted the words " or

(c) a grant made under section 32, 34(1) or 56(1), or a payment made under section 56(2), of the Transport Act 1968".

1966 c. 32.

(4) In the Selective Employment Payments Act 1966, in Part I of Schedule 1 (which sets out the bodies to which section 3 of that Act applies)—

(a) in paragraph 14, after the words " paragraphs 9 to 13 " there shall be inserted the words " or paragraphs 23 to 25 ";

(b) at the end there shall be added the following paragraphs—

" 23. The National Freight Corporation.

24. The National Bus Company.

25. The Scottish Transport Group ";

and in subsection (3) of the said section 3 after the words " paragraphs 9 to 13 " there shall be inserted the words " and 23 to 25 ".

Rating.

[a]

162.—(1) Where any premises are occupied wholly or partly—

(a) for purposes of a subsidiary of the Railways Board, the London Board or the Waterways Board which, if the undertaking of that subsidiary formed part of the undertaking of that Board, would be non-rateable purposes within the meaning of subsection (6) of section 32 of the General Rate Act 1967; ~~or~~

1967 c. 9.

(b) for purposes of the Freight Corporation or of any subsidiary of that Corporation which, if the undertaking of that Corporation or subsidiary formed part of the undertaking of the Railways Board, would be non-rateable purposes as aforesaid,

then, for the purposes of the rating of those premises so far as they are occupied for such purposes as are mentioned in paragraph (a) ~~or (b)~~ of this subsection, the undertaking of that subsidiary of that Board or, ~~as the case may be, of the Freight Corporation or that subsidiary of that Corporation~~ shall be deemed to form part of the undertaking of that Board and the premises so far as so occupied shall be deemed to be occupied for non-rateable purposes of that Board.

(2) The Freight Corporation shall in each year pay to the Railways Board such amount towards the amount paid by that Board under subsection (5) of the said section 32 as is fairly

[a] 162am(h.T.F.) - 1969 c.35, s.17(1), Sch. 3 para. 1(1)(2)

attributable to premises occupied for purposes of that Corporation or any subsidiary of that Corporation; and any dispute between the Board and the Corporation as to the amount due under this subsection shall be referred to the Minister for determination, who may before making his determination refer it to the Freight Integration Council for their recommendations; and the determination of the Minister shall be final.

(3) Notwithstanding anything in subsection (6) or (7) of the said section 32, purposes of the exercise by any of the Boards aforesaid ~~or the Freight Corporation~~ of any powers conferred by section 48 or subsections (1) to (7) of section 50 of this Act or purposes of the exercise by a subsidiary of any of those Boards ~~or that Corporation~~ of corresponding powers shall not be treated as non-rateable purposes within the meaning of the said section 32(6).

(4) Where any premises are occupied partly for such purposes as are mentioned in subsection (1)(a) ~~or (b)~~ of this section and partly for other purposes ~~of the Freight Corporation or of such a subsidiary as is so mentioned~~, then—

(a) where those premises are a hereditament in England or Wales—

(i) there shall be ascribed to the hereditament under section 19 of the said Act of 1967 such net annual value as may be just having regard to the extent to which it is occupied for those other purposes; and

(ii) if under any scheme for the time being in force such as is mentioned in section 117(7) of that Act any deduction falls to be made from the net annual value of the hereditament in arriving at its rateable value, that deduction shall be calculated with regard only to those other purposes;

(b) where those premises are lands and heritages within the meaning of the Lands Valuation (Scotland) Act 1854 c. 91. 1854—

(i) it shall be the duty of the Assessor of Public Undertakings (Scotland) to ascertain and fix such net annual value as may be just, having regard to the extent to which the premises are occupied for those other purposes, and for the foregoing purpose subsections (2) and (3) of section 124 of the Local Government Act 1948 (subjects to be valued by Assessor of Public Undertakings (Scotland)) shall apply as they apply for the purposes of subsection (1) of that section; and

(ii) the deduction, if any, to be made by the Assessor from the net annual value in arriving at

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the rateable value shall be calculated with regard only to those other purposes.

(5) Section 32(4) of the said Act of 1967 (which provides for the rating of railway or canal premises in England and Wales occupied partly for certain specified purposes) shall have effect as if after paragraph (b) thereof there were inserted the following paragraph:—

“(c) purposes of the exercise by a transport Board of any powers conferred by section 48 or subsections (1) to (7) of section 50 of the Transport Act 1968”.

(6) Section 87(1) of the said Act of 1948 (which provides for the rating of railway or canal premises in Scotland occupied partly for non-rateable purposes and partly for other purposes) shall have effect in relation to the Railways Board and the Waterways Board as if references to other purposes included only references to other purposes being—

(a) purposes of any parts of the undertaking of either of those Boards which, within the meaning of section 86 of that Act, are concerned with the carriage of goods or passengers by road transport or sea transport or with harbours; or

(b) purposes of any parts of the said undertakings which are subsidiary or incidental to any such part as aforesaid; or

(c) purposes of the exercise by those Boards of any powers conferred by section 48 or subsections (1) to (7) of section 50 of this Act.

(7) In the application of this section to Scotland—

(a) for any reference to subsection (6) of section 32 of the said Act of 1967 there shall be substituted a reference to section 86(2) of the Local Government Act 1948;

(b) for the reference to subsection (5) of the said section 32 there shall be substituted a reference to section 66(3) of the Act of 1962.

1948 c. 26.

## Expenses.

163. There shall be paid out of moneys provided by Parliament—

(a) any expenses incurred by any Minister under or in consequence of the provisions of this Act;

(b) any increase attributable to any of the provisions of this Act in the sums so payable under any other Act.

## Application to Northern Ireland.

164.—(1) The provisions of this Act set out in Part I of Schedule 17 to this Act shall extend to Northern Ireland subject to the modifications set out in Part II of that Schedule, but save as aforesaid this Act shall not extend to Northern Ireland.

(2) For the purposes of section 6 of the Government of Ireland Act 1920 (which relates to the powers of the Parliament of Northern Ireland) this Act shall be deemed to be an Act passed before the appointed day.

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1920 c. 67.  
S. 165 REP  
- 1974. C. 22  
S. 2.  
Repeals. (REPEALS)

165. The following enactments are hereby repealed, that is to say—

- (a) the provisions of the Transport Act 1962 specified in Part I of Schedule 18 to this Act; 1962 c. 46.
- (b) the provisions of the Road Traffic Regulation Act 1967 specified in Part II of that Schedule; 1967 c. 76.
- (c) the enactments specified in Part III of that Schedule to the extent specified in the third column of that Part; 1973. c. 36. s. 4(1), sch. 6
- (d) as from the appointed day for the purposes of subsection (8) of section 94 of this Act, and subject to the provisions of that subsection, the enactments specified in Part IV of that Schedule to the extent specified in the third column of that Part. Pt. 1.

166.—(1) This Act may be cited as the Transport Act 1968. Short title and commencement.

(2) Section 93 of this Act shall come into force on the passing of this Act and the other provisions of this Act shall come into force on such day as, subject to subsection (3) of this section, the Minister may by order appoint, and different days may be appointed for different purposes and different provisions of this Act. [ol.]

(3) The reference to the Minister in subsection (2) of this section shall be construed—

- (a) in relation to—
  - (i) the provisions of Part II of this Act; and
  - (ii) any of the following provisions of this Act, namely, sections 34, 36, 37, 44, 56, 116 to 119, 121, 122 and 126 to 130; and
  - (iii) the bringing into force with respect to the Scottish Group of any provision of this Act which refers to that Group,
 as a reference to the Minister and the Secretary of State acting jointly;
- (b) in relation to section 131 of this Act and to any section of this Act which relates only to Scotland, as a reference to the Secretary of State.

[ol.] APPTD DAYS FOR CERTAIN SPECIFIED PROVISIONS - S.I. 1968/1822; 1969/507, 1613.  
S.I. 1970/4, 188, 254, 385, 1151, 1631, 1767.

## SCHEDULES

Sections 1 and  
24.

## SCHEDULE 1

## THE NEW AUTHORITIES

1. The Freight Corporation shall consist of—
  - (a) a chairman appointed by the Minister ; and
  - (b) not more than twelve nor less than six other members appointed by the Minister after consultation with the chairman.
2. The Bus Company shall consist of—
  - (a) a chairman appointed by the Minister ; and
  - (b) not more than ten nor less than five other members appointed by the Minister after consultation with the chairman.
3. The Scottish Group shall consist of—
  - (a) a chairman appointed by the Secretary of State ; and
  - (b) not more than ten nor less than five other members appointed by the Secretary of State after consultation with the chairman.

4. The chairman and other members of each of the new authorities shall be appointed from among persons who appear to the Minister or, as the case may be, the Secretary of State to have had wide experience of, and to have shown capacity in, transport, industrial, commercial or financial matters, applied science, administration or the organisation of workers.

5. In appointing the chairman and other members of any of the new authorities the Minister or, as the case may be, the Secretary of State shall have regard to the desirability of having members who are familiar with the special requirements and circumstances of particular regions and areas served by the authority in question and, in the case of the Freight Corporation, with the requirements of overseas trade.

6. The provisions of Part I of Schedule 1 to the Act of 1962 (which relate to the constitution and proceedings, and to the members, of the Boards) shall have effect as if each of the new authorities were one of the Boards, but in relation to the Scottish Group as if for any reference therein to the Minister there were substituted a reference to the Secretary of State.

Sections 3 and  
27.

## SCHEDULE 2

## COMMENCING CAPITAL DEBTS OF NEW AUTHORITIES

1. Each of the new authorities shall severally assume a commencing capital debt due to the Minister of such amount respectively as the Minister may by order prescribe ; and subsections (6) and (8) of section 39 of the Act of 1962 shall apply to that debt as they apply to the commencing capital debts of the Boards.

2. For the purposes of any period between the day appointed under section 166(2) of this Act for the purposes of the application to any of the new authorities of paragraph 1 of this Schedule, and



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the date of the making of the order with respect to that authority under that paragraph, the Minister may estimate what the commencing capital debt of that authority is likely to be and require that authority to make to him provisional payments by way of interest on the estimated amount; and those provisional payments shall be on account of the payments of interest becoming due under section 39(6) of the Act of 1962 as applied by that paragraph.

3. Without prejudice to section 53(5) of this Act, the Minister may from time to time by order vary any of the amounts prescribed under paragraph 1 of this Schedule where that appears to him expedient to take account—

- (a) of any adjustment in pursuance of the provisions of Schedule 4 to this Act in the property, rights and liabilities transferred under section 5(3)(a) or 29(2) of this Act; or
- (b) of any transfer of property, rights and liabilities under section 7(5) or (6) or 8(4) of this Act;

and any such order may contain such transitional provisions as appear to the Minister expedient to take account of any interest underpaid or overpaid on the commencing capital debt of the authority in question; but no order shall be made by virtue of subparagraph (a) of this paragraph after the expiration of the period of five years beginning with the relevant day appointed as mentioned in paragraph 2 of this Schedule.

4. The Minister's power to make an order under paragraph 1 or 3 of this Schedule shall be subject to the approval of the Treasury and any such order shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

5. In the application of this Schedule or section 39(6) and (8) of the Act of 1962 to the Scottish Group, any reference therein to the Minister shall be construed as a reference to the Secretary of State.

## SCHEDULE 3

## Section 4.

BODIES WHOSE SECURITIES ARE TRANSFERRED TO  
FREIGHT CORPORATION

## PART I

*Transfers from Holding Company and subsidiaries*

Associated Humber Lines Limited.  
 Atlantic Steam Navigation Company Limited.  
 British Road Services Limited.  
 B.R.S. (Contracts) Limited.  
 B.R.S. Parcels Limited.  
 British Roadrailer Services Limited.  
 Containerbase (Birmingham North) Limited.  
 Containerway and Roadferry Limited.  
 Harold Wood & Sons Limited.  
 Lawther and Harvey Limited.  
 Northern Ireland Carriers Limited.  
 Pickfords Limited.  
 Star Bodies (B.R.S.) Limited.  
 Tartan Arrow Service (Holdings) Limited.

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Tayforth Holdings (1965) Limited.  
 T.H.C. Freight Nominees Limited.  
 T.H.C. Properties Limited.  
 Transport Holding Company Trustees Limited <sup>1/2</sup>

## PART II

*Transfers from Railways Board*

British Roadrailer Services Limited.  
 Tartan Arrow Service (Holdings) Limited.

Sections 4, 5, 7,  
 8, 17, 28, 29  
 and 53.

## SCHEDULE 4

SUPPLEMENTARY PROVISIONS AS TO CERTAIN TRANSFERS OF  
 PROPERTY, RIGHTS AND LIABILITIES

*Allocation of property, rights and liabilities*

1.—(1) The provisions of this paragraph shall have effect where a transfer to which this Schedule applies is a transfer of all property, rights and liabilities comprised in a specified part of the transferor's undertaking, but shall not apply to any such rights or obligations under an agreement for the rendering of personal services.

(2) Any property, rights or liabilities held or subsisting partly for the purpose of a part of the transferor's undertaking which is transferred and partly for the purpose of a part of that undertaking which is retained by the transferor shall, where the nature of the property, rights or liability permits, be divided or apportioned between the transferor and the transferee in such proportions as may be appropriate; and, where any estate or interest in land falls to be so divided, any rent payable under a lease in respect of that estate or interest, and any rent charged on that estate or interest, shall be correspondingly apportioned or divided so that the one part is payable in respect of, or charged on, only one part of the estate or interest and the other part is payable in respect of, or charged on, only the other part of the estate or interest.

(3) Sub-paragraph (2) of this paragraph shall apply, with any necessary modifications, in relation to any feu duty payable in respect of an estate or interest in land in Scotland as it applies in relation to any rent charged on an estate or interest in land.

(4) Any property, rights or liabilities held or subsisting as mentioned in sub-paragraph (2) of this paragraph the nature of which does not permit their division or apportionment as so mentioned shall be transferred to the transferee or retained by the transferor according to which of them appear at the transfer date likely to make use of the property, or, as the case may be, to be affected by the right or liability, to the greater extent, subject to such arrangements for the protection of the other of them as may be agreed between them or, if either of them is, or on a vesting by virtue of this Act will become, a wholly-owned subsidiary of some other body, as may be agreed between them and that other body.

(5) It shall be the duty of the transferor and the transferee, whether before or after the transfer date, so far as practicable to arrive at such written agreements, and to execute such other instruments, as are necessary or expedient to identify or define the property,

**Annex 695. 1968. Pt. II. p. 2314. sch. 3 Pt. I.**

**<sup>1/</sup> British Express Carriers Limited.**

**Road-Air Freight Express Limited.**

**Containerbase Federation Limited.**

**Containerbase (Leeds) Limited.**

**Containerbase (Scotland) Limited.**

**Containerbase (London East) Limited.**

**Containerbase (Liverpool) Limited.**

**Containerbase (Manchester) Limited.**

**West of England Freight Terminal Limited.**

*(Added by S.I. 1968/2053.)*



rights and liabilities transferred to the transferee or retained by the transferor and as will— SCH. 4

- (a) afford to the transferor and the transferee as against one another such rights and safeguards as they may require for the proper discharge of their respective functions; and
- (b) make as from such date, not being earlier than the transfer date, as may be specified in that agreement or instrument such clarifications and modifications of the division of the transferor's undertaking as will best serve the proper discharge of the respective functions of the transferor and the transferee;

and if either the transferor or the transferee is, or on a vesting by virtue of this Act will become, a wholly-owned subsidiary of some other body, references in the foregoing provisions of this sub-paragraph to the transferor or, as the case may be, the transferee shall include references to that other body.

(6) Any such agreement shall provide so far as it is expedient—

- (a) for the granting of leases and for the creation of other liabilities and rights over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not;
- (b) for the granting of indemnities in connection with the severance of leases and other matters;
- (c) for responsibility for registration of any matter in any description of statutory register.

(7) If the transferor or the transferee (not being in either case a wholly-owned subsidiary of some other body), or any body of which the transferor or the transferee is, or on a vesting by virtue of this Act will become, a wholly-owned subsidiary, represents to the Minister, or if it appears to the Minister without such a representation, that it is unlikely in the case of any matter on which agreement is required under sub-paragraph (5) of this paragraph that such agreement will be reached, the Minister may, whether before or after the transfer date, give a direction determining the manner in which the property, rights or liabilities in question are to be divided between the transferor and the transferee, and may include in the direction any provision which might have been included in an agreement under the said sub-paragraph (5); and any property, rights or liabilities required by the direction to be transferred to the transferee shall be regarded as having been transferred to, and by virtue of this Act vested in, the transferee accordingly.

#### *Rights and liabilities under agreement for rendering of personal services*

2.—(1) The provisions of this paragraph shall have effect where any rights and liabilities transferred under a transfer to which this Schedule applies are rights and liabilities under an agreement for the rendering of personal services.

(2) Where the transfer is of all property, rights and liabilities comprised in a specified part of the transferor's undertaking, the

**SCH. 4** rights and liabilities under any agreement for the rendering of personal services by any person (hereafter in this paragraph referred to as "an employee") shall be transferred only if immediately before the transfer date the employee is employed wholly or mainly for the purposes of the part of the transferor's undertaking which is transferred.

(3) The transferor, the transferee or the employee may apply to the Minister to determine whether or not rights and liabilities in respect of the employee's services under any particular agreement are transferred, and the Minister's decision on the application shall be final.

(4) Any right to services transferred shall have effect on and after the transfer date as a right not only to the services to which the agreement relates but also to any reasonably comparable services under the transferee to be selected by the transferee; and any dispute between the transferee and the employee as to what are reasonably comparable services for the purposes of this sub-paragraph may be reported to the Secretary of State for Employment and Productivity by the transferee and, if a dispute so reported is not otherwise disposed of, that Secretary of State shall refer it for determination by the industrial court.

#### *Right to production of documents of title*

3. Where on any transfer to which this Schedule applies the transferor is entitled to retain possession of any documents relating in part to the title to, or to the management of, any land or other property transferred to the transferee, the transferor shall be deemed to have given to the transferee an acknowledgment in writing of the right of the transferee to production of that document and to delivery of copies thereof; and, in England and Wales, section 64 of the Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

1925 c. 20.

#### *Perfection of vesting of certain property or rights*

4. Where in the case of any transfer to which this Schedule applies any property or rights which fall to be transferred to the transferee cannot be properly vested in the transferee by virtue of this Act because transfers thereof are governed otherwise than by the law of a part of Great Britain, the transferor shall take all practicable steps for the purpose of securing that the ownership of the property or, as the case may be, the right is effectively transferred.

#### *Proof of title by certificate*

5. In the case of any transfer to which this Schedule applies, a joint certificate by or on behalf of the Railways Board and the Freight Corporation, or by or on behalf of the Railways Board and the Scottish Group, that any property specified in the certificate, or any such interest in or right over any such property as may be so specified, or any right or liability so specified, is by virtue of this Act for the time being vested in, or in such wholly-owned subsidiary of, such one of the certifying authorities as may be so

specified shall be conclusive evidence for all purposes of that fact ; and if on the expiration of one month after a request from one of those authorities for the preparation of such a joint certificate as respects any property, interest, right or liability, the authorities concerned have failed to agree on the terms of the certificate, they shall refer the matter to the Minister and issue the certificate in such terms as the Minister may direct.

*Restrictions on dealing with certain land*

6. If the Minister is satisfied on the representation of the Railways Board, the Freight Corporation or the Scottish Group that, in consequence of a transfer to which this Schedule applies, different interests in land, whether the same or different land, are held by, or by a wholly-owned subsidiary of, that authority and by, or by a wholly-owned subsidiary of, another of those authorities and that the circumstances are such that this paragraph should have effect, the Minister may direct that this paragraph shall apply to such of that land as may be specified in the direction, and while that direction remains in force—

- (a) none of those authorities or their subsidiaries entitled to any interest in any of the specified land shall dispose of that interest except with the consent of the Minister ;
- (b) if in connection with any proposal to dispose of an interest of one of those authorities or their subsidiaries in any of the specified land it appears to the Minister to be necessary or expedient for the protection of any other of them, the Minister may—
  - (i) require any of those authorities or their subsidiaries entitled to an interest in any of the specified land to dispose of that interest to such person and in such manner as may be specified in the requirement ; or
  - (ii) require any of those authorities or their subsidiaries to acquire from any other of them any interest in any of the specified land to which that other authority or subsidiary is entitled ; or
  - (iii) consent to the proposed disposal subject to compliance with such conditions as the Minister may see fit to impose ;

but a person other than one of those authorities or their subsidiaries dealing with, or with a person claiming under, one of those authorities or subsidiaries shall not be concerned to see or inquire whether this paragraph applies or has applied in relation to any land to which the dealing relates or as to whether the provisions of this subsection have been complied with in connection with that or any other dealing with that land, and no transaction with or between persons other than those authorities or subsidiaries shall be invalid by reason of any failure to comply with those provisions.

*Construction of agreements, statutory provisions and documents*

7. Where in the case of any transfer to which this Schedule applies any of the rights or liabilities transferred are rights or liabilities

**SCH. 4** under an agreement to which the transferor was a party immediately before the transfer date, whether in writing or not, and whether or not of such nature that rights and liabilities thereunder could be assigned by the transferor, that agreement shall have effect on and after the transfer date as if—

- (a) the transferee had been a party to the agreement, and
- (b) for any reference (however worded and whether express or implied) to the transferor there were substituted, as respects anything falling to be done on or after the transfer date, a reference to the transferee, and
- (c) any reference (however worded and whether express or implied) to any officer or any servant of the transferor were, as respects anything falling to be done on or after the transfer date, a reference to such person as the transferee may appoint or, in default of appointment, to the officer or servant of the transferee who corresponds as nearly as may be to that officer or servant of the transferor, and
- (d) where the agreement refers to property, rights or liabilities which fall to be apportioned or divided between the transferor and the transferee, as if the agreement constituted two separate agreements separately enforceable by and against the transferor and the transferee respectively as regards the part of the property, rights and liabilities retained by the transferor or, as the case may be, the part thereof vesting in the transferee and not as regards the other part;

and sub-paragraph (d) of this paragraph shall apply in particular to the covenants, stipulations and conditions of any lease by or to the transferor.

8. Save as otherwise provided by any provision of this Act (whether expressly or by necessary implication) paragraph 7 of this Schedule, except sub-paragraph (a) thereof, shall apply in relation to any statutory provision, any provision of any agreement to which the transferor was not a party, and any provision of any document other than an agreement, if and so far as the provision in question relates to any of the transferred rights and liabilities, as it applies in relation to an agreement to which the transferor was a party, and, in relation to any such statutory or other provision as aforesaid, references in sub-paragraphs (b) and (c) of that paragraph to the transferor and to any officers or servants of the transferor include references made by means of a general reference to a class of persons of which the transferor is one, without the transferor himself being specifically referred to.

9. On and after the transfer date for any transfer to which this Schedule applies, any statutory provision to which paragraph 2(3) of Schedule 6 to the Act of 1962 applies if and so far as the provision in question relates to any of the transferred rights and liabilities, shall have effect as if—

- (a) any of the references modified by paragraph (a) of the said paragraph 2(3) were, as respects anything falling to be



done on or after the transfer date, a reference to such person as the transferee may appoint, and

- (b) any of the references modified by paragraph (b) of the said paragraph 2(3) were, as respects a period beginning with the transfer date, a reference to so much of the undertaking of the transferee as corresponds as mentioned in the said paragraph (b).

10. Without prejudice to the generality of the provisions of paragraphs 7 to 9 of this Schedule, the transferee under a transfer to which this Schedule applies and any other person shall, as from the transfer date, have the same rights, powers and remedies (and in particular the same rights and powers as to the taking or resisting of legal proceedings or the making or resisting of applications to any authority) for ascertaining, perfecting or enforcing any right or liability transferred to and vested in the transferee by virtue of this Act as he would have had if that right or liability had at all times been a right or liability of the transferee, and any legal proceedings or applications to any authority pending on the transfer date by or against the transferor, in so far as they relate to any property, right or liability transferred to the transferee by virtue of this Act, or to any agreement or enactment to any such property, right or liability, shall be continued by or against the transferee to the exclusion of the transferor.

11. If, in the case of any transfer to which this Schedule applies the effect of any agreement, and in particular any agreement under the Railway Road Transport Acts of 1928 mentioned in paragraph 1 of Part II of Schedule 2 to the Act of 1962, which was executed before the passing of this Act and to which the transferee is by virtue of this Act a party depends on whether the transferee has power to carry on any activity, it shall be assumed for the purposes of the agreement that any activity which requires the consent of the Minister under the Act of 1962 or this Act has been authorised by such a consent.

12.—(1) References in paragraphs 7 to 11 of this Schedule to agreements to which the transferor was a party and to statutory provisions include in particular references to agreements to which the transferor became a party by virtue of the Act of 1962 and statutory provisions which applied to the transferor by virtue of that Act.

(2) The provisions of the said paragraphs 7 to 11 shall have effect for the interpretation of agreements, statutory provisions and other instruments subject to the context, and shall not apply where the context otherwise requires.

#### *Third parties affected by vesting provisions*

13.—(1) Without prejudice to the provisions of paragraphs 7 to 12 of this Schedule, any transaction effected between a transferor and a transferee in pursuance of paragraph 1(5) or of a direction under paragraph 1(7) of this Schedule shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of any other person.

## SCH. 4

(2) It shall be the duty of the transferor and transferee, if they effect any transaction in pursuance of the said paragraph 1(5) or a direction under the said paragraph 1(7), to notify any person who has rights or liabilities which thereby become enforceable as to part by or against the transferor and as to part by or against the transferee, and if such a person applies to the Minister and satisfies him that the transaction operated unfairly against him the Minister may give such directions to the transferor and the transferee as appear to him appropriate for varying the transaction.

(3) If in consequence of a transfer to which this Schedule applies or of anything done in pursuance of the provisions of this Schedule the rights or liabilities of any person other than one of the Boards or new authorities or a wholly-owned subsidiary thereof which were enforceable against or by the transferor become enforceable as to part against or by the transferor and as to part against or by the transferee, and the value of any property or interest of that person is thereby diminished, such compensation as may be just shall be paid to that person by the transferor, the transferee or both, and any dispute as to whether and if so how much compensation is so payable, or as to the person to whom it shall be paid, shall be referred to and determined by an arbitrator appointed by the Lord Chancellor or, where the proceedings are to be held in Scotland, by an arbiter appointed by the Lord President of the Court of Session.

(4) Where the transferor or the transferee under a transfer to which this Schedule applies purports by any conveyance or transfer to transfer to some person other than one of the Boards or new authorities or a wholly-owned subsidiary thereof for consideration any land or any other property which before the transfer date belonged to the transferor, or which is an interest in property which before that date belonged to the transferor, the conveyance or transfer shall be as effective as if both the transferor and the transferee had been parties thereto and had thereby conveyed or transferred all their interest in the property conveyed or transferred.

(5) If at any stage of any court proceedings to which the transferor or transferee under a transfer to which this Schedule applies and a person other than one of the Boards or new authorities or a wholly-owned subsidiary thereof are parties, it appears to the court that the issues in the proceedings depend on the identification or definition of any of the property, rights or liabilities transferred which the transferor and the transferee have not yet effected, or to raise a question of construction on the relevant provisions of this Act which would not arise if the transferor and the transferee constituted a single person, the court may, if it thinks fit on the application of a party to the proceedings other than such a body as aforesaid, hear and determine the proceedings on the footing that such one of the transferor and the transferee as is a party to the proceedings represents and is answerable for the other of them, and that the transferor and the transferee constitute a single person, and any judgment or order given by the courts, shall bind both the transferor and the transferee accordingly.

SCH. 4

(6) It shall be the duty of the transferor and the transferee under any transfer to which this Schedule applies to keep one another informed of any case where either of them may be prejudiced by sub-paragraph (4) or (5) of this paragraph, and if either the transferor or the transferee claims that he has been so prejudiced and that the other of them ought to indemnify or make a payment to him on that account and has unreasonably failed to meet that claim, he may refer the matter to the Minister for determination by the Minister.

SCHEDULE 5

Section 9.

PASSENGER TRANSPORT AUTHORITIES AND EXECUTIVES

PART I Pt. 1 rep. (S.) (16.5.1975) - 1973. c 65. ss.

150(1), 237(1), Sch. 18 para. 21(1), Sch. 29.  
The Authority

1. The Authority established for a designated area under an order made under section 9(1) of this Act shall consist of—

- (a) such number of members appointed respectively by such of the councils of constituent areas, or by such two or more of those councils acting jointly, as may be specified in the order;
- (b) such number of members not exceeding one-sixth of the aggregate number of the members appointed under sub-paragraph (a) of this paragraph as the Minister may see fit to appoint from among persons appearing to him to have special knowledge or experience which would be of value to the Authority in the exercise of their functions;

and the chairman of the Authority shall be such one of their number as the members of the Authority may (with the approval of the Minister) appoint.

2. If and to such extent as it appears to him appropriate so to do, the Minister may, in determining the council or councils by whom members of the Authority are to be appointed under paragraph 1(a) of this Part of this Schedule, take into account the product of a rate of one penny in the pound for so much of the respective areas of the councils of constituent areas as falls within the designated area.

3. A person may be appointed as a member of the Authority for a designated area under the said paragraph 1(a) whether or not he is a member of the council or one of the councils by whom he is so appointed; but no person who is for the time being a member, officer or servant of the Executive for that designated area or who is for the time being a servant of a subsidiary of that Executive shall be appointed as a member of the Authority, and any person appointed to be a member of the Authority who subsequently becomes a member, officer or servant of that Executive or a servant of such a subsidiary shall forthwith vacate his membership of the Authority.

4. A person who at the date of his appointment as a member of the Authority under the said paragraph 1(a) was a member

( ) and para 1  
(d) rep (E)  
(1968) - 1972  
C. 70. ss 202(2)  
272(1) Sch 24  
para 8 Sch 30

(One new penny -  
Subst. (15.2.1971)  
1969. C. 19. S. 10(e)  
Sch. 2 para. 31.

SCH. 5

of the council or one of the councils by whom he was so appointed but who subsequently ceases to be a member of that council shall upon so ceasing also vacate office as a member of the Authority but shall be eligible for re-appointment.

5. If at any time not less than three months after the coming into force of the order under section 9(1) of this Act providing for the establishment of the Authority, or after a vacancy has arisen among the members of the Authority which falls to be filled by an appointment made under the said paragraph 1(a), the initial appointment of any member of the Authority falling to be made as aforesaid, or, as the case may be, an appointment to fill that vacancy, has not been made, the Minister, after consultation with the council or councils by whom the appointment falls to be made, may himself make the appointment on their behalf.

## PART II

*The Executive*

1. The first persons to be appointed as the Director General or other members of the Executive for a designated area shall be appointed by the Authority for that area as soon as practicable after the establishment of that Authority.

2. No person who is for the time being a member of any of the councils of constituent areas shall be appointed as a member of the Executive, and any person appointed to be a member of the Executive who subsequently becomes a member of any of the councils of constituent areas shall forthwith vacate his membership of the Executive.

3.—(1) Subject to paragraph 2 of this Part of this Schedule a member of the Executive shall hold and vacate his office in accordance with the terms of his appointment by the Authority and shall, on ceasing to be a member, be eligible for reappointment.

(2) Any member of the Executive may at any time by notice in writing to the Authority resign his office.

4. The Executive shall pay to or in respect of the members thereof such remuneration, allowances and pensions as the Authority may determine.

5. Without prejudice to section 10(1)(xxx) of this Act, the Executive shall be deemed to be a local authority within the meaning of the Local Government Superannuation Act 1937 or, as the case may be, the Local Government Superannuation (Scotland) Act 1937; and, accordingly, in the definition of "local authority" in section 40(1) of the first-mentioned Act and in section 34(1) of the second-mentioned Act, at the end there shall be added the words "and also includes the Executive for a designated area within the meaning of section 9(1) of the Transport Act 1968".

## PART III

*Matters which may be dealt with by order under s. 9(1)*

1. The fixing and notification of the dates on which the Authority and Executive respectively are to be established.

Part II para 5 rep.  
1972. c. 11 s. 20(4)  
1937 c. 68.  
1937 c. 69.  
sch 8.

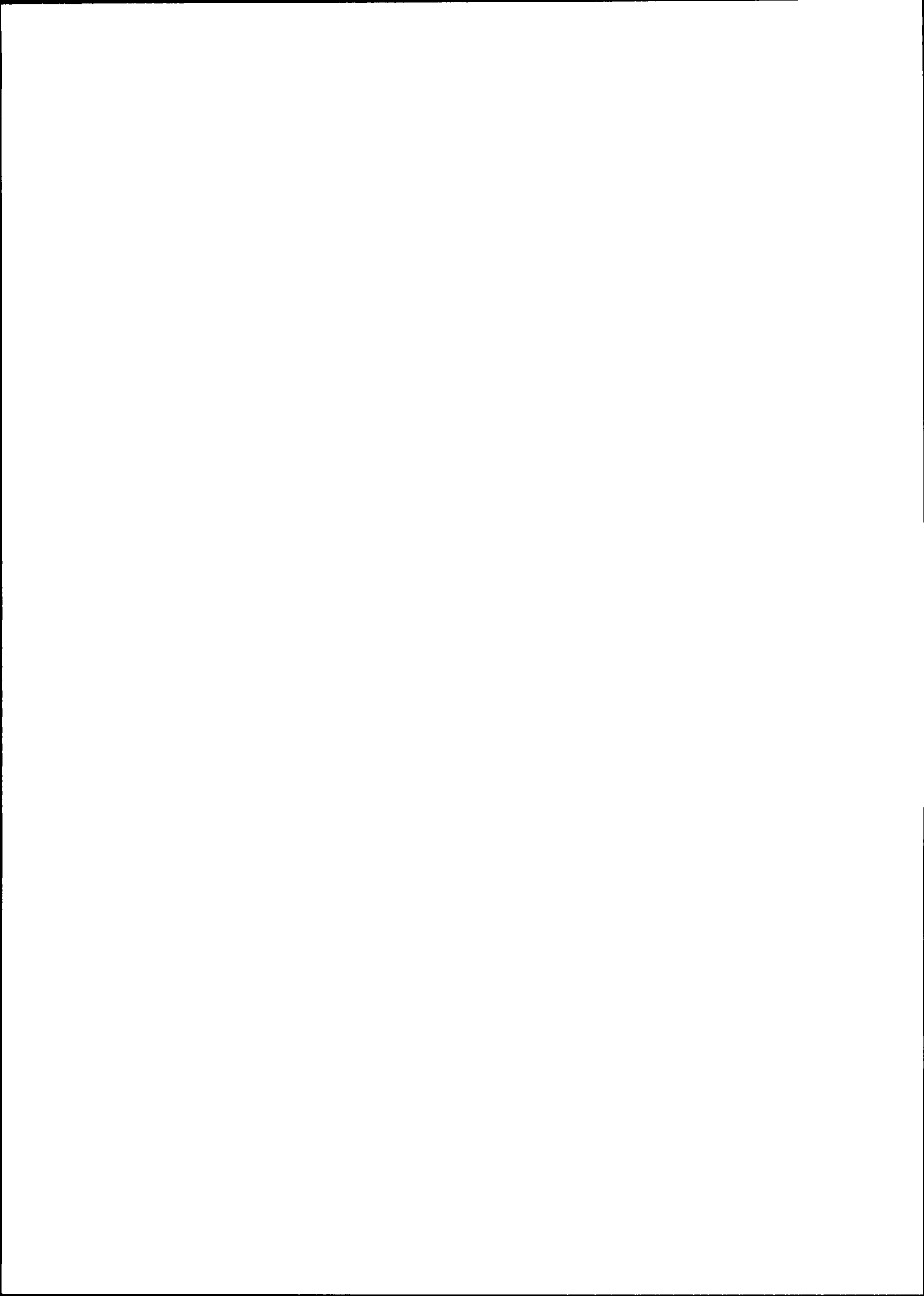
Annex 1008. 1968. Pt. II. p. 2322. sch. 5 Pt. II paras. 1, 2, Pt. III para. 1.

<sup>1/</sup> area has been designated

<sup>2/</sup> the regional council for the designated area

<sup>3/</sup> date on which the Executive is

(<sup>1/-3/</sup> *Subst. (S.)* (16.5.1975) by 1973. c. 65. s. 150(1), sch. 18  
*para. 21(2)(3).*)



SCH. 5

2. The incorporation of the Authority.

3. The appointment—

(a) in accordance with Part I of this Schedule of members of the Authority ; and

(b) by the Authority in accordance with section 9(1)(b) of this Act and Part II of this Schedule of members of the Executive.

4. The terms on which and period for which the members of the Authority are to hold office, and the vacation of office by those members.

5. The payment of allowances to, or to any class of, members of the Authority and the payment of remuneration to the chairman of the Authority.

6. The proceedings of (the Authority and) the Executive (respectively) ( ) and paras.

7. The establishment by (the Authority and) the Executive (respectively) of committees and the composition of those committees, including the establishment of advisory committees consisting wholly or partly of persons who are not members of the Authority or Executive. 2. 3(a), 4, 5, 10, 12 rep. (5.) (16.5.1975) - 1973. c. 65. ss -

8. The delegation of functions by (the Authority or) the Executive to a committee or to (the chairman of the Authority or, as the case may be,) the Director General of the Executive. 150(1), 237(1), sch. 18 para

9. The authentication of documents of (the Authority and) the Executive (respectively) and provision for the treatment of such documents as evidence, and in Scotland sufficient evidence, of such facts as may be specified by the order. 21(3), sch. 29.

10. The appointment by, or provision by the Executive for, the Authority of officers and servants, and the payment of remuneration and allowances to any officers and servants appointed by the Authority.

11. Provision—

(a) for treating (the Authority or) any subsidiary of the Executive for the purposes of pensions to or in respect of persons who are or have been employed by them as if they were the Executive for a designated area ;

(b) as to the fund in the benefits of which any persons who are or have been employed by (the Authority) the Executive or a subsidiary of the Executive are to be entitled to participate ;

(c) for the transfer to the authority administering that fund in relation to any such persons, instead of to the Executive, of any other fund in the benefits of which those persons are entitled to participate which would otherwise fall to be transferred to the Executive by an order under section 17 of this Act.

12. The provision of accommodation for the Authority by the Authority or by the Executive.

## SCH. 5

13. Provision applying, with or without modifications, to [the Authority or] the Executive, or to persons who are or have been members of [the Authority or] the Executive, or officers or servants of [the Authority,] the Executive or any subsidiary of the Executive, any enactment or instrument made under an enactment relating, as the case may be, to, or to persons who are or have been members of, or officers or servants of, local authorities or local authorities of a particular description.

14. The making of reports [and the furnishing of information by the Authority and Executive] to the Minister.

15. Any particular matters to be dealt with in the annual report of the Authority and the Executive under section 16 of this Act.

16. Provision for the person or persons by whom a member of the Authority is appointed to appoint also a deputy to act in that member's place at any meeting of the Authority from which that member is absent, and for applying in relation to any such deputy, with or without modifications, any provision with respect to members of the Authority made by this Act or by the order.

17. Provision, as respects any period before the Authority appoint or are provided with their own officers and servants, for the discharge of functions of officers or servants of the Authority (including the convening of the first meeting of the Authority) by such officers or servants of such of the councils of constituent areas as may be determined in accordance with the order.

Section 19.

## SCHEDULE 6

## PROVISIONS AS TO EXISTING OPERATORS AND SERVICES ON MAKING OF ORDER UNDER S. 19(1)

*Introductory*

1. The provisions of this Schedule shall have effect with respect to a designated area upon the appointment of a date in relation to that area under section 19(1) of this Act; and in this Schedule—

“the appointed date” means the date appointed as aforesaid in relation to the designated area in question;

“existing operator” means a person who immediately before the appointed date was providing an area bus service in that area, not being a subsidiary of the Executive;

“existing service” means that area bus service;

“prescribed” means prescribed by regulations under section 21(5) of this Act;

“the relevant road service licence” means the road service licence under which as granted, or, as the case may require, under which as backed under section 137 of the Act of 1960, the existing service was provided immediately before the appointed date.

## SCH. 5

Land paras.

14, 16, 17 rep. (S)

(16.5.1975) -

1973 c. 65. ss.

150(1), 237(1),

sch. 18 para.

21(3), sch. 29.

PARA. 14 REP. (E)

-1974 c. 7.

SS-35, 42(2)

SCH. 6. PARA.

22(12), SCH. 8



*Right to consent for continuance of existing service*

SCH. 6

2. If an existing operator applies to the Executive within the prescribed period and in the prescribed manner for the Executive's consent under this Schedule to the continuance by that operator of an existing service, the Executive shall, subject to paragraphs 3 and 14 of this Schedule, grant that consent and attach thereto the like conditions (and no others) as were attached to the relevant road service licence so far as those conditions relate to the carriage of persons who are both taken up and set down in the designated area in question.

3. Subject to paragraph 8 of this Schedule, the Executive may refuse an application under paragraph 2 thereof if the applicant has, during the period of six months ending with the appointed date, contravened any condition attached to the relevant road service licence.

4. Notwithstanding anything in section 19(2) of this Act, an existing operator who has duly applied for a consent under this Schedule in respect of any existing service may continue to provide that service as if the order under section 19(1) of this Act had not been made for any period—

- (a) before he is notified of the grant or refusal of the consent ; or
- (b) while he is entitled under paragraph 9 of this Schedule to appeal against any condition attached to the consent or, if the consent is refused, against the refusal ; or
- (c) if such an appeal has been duly made, before the appeal is determined or withdrawn.

*Variation of conditions*

5. The Executive—

- (a) shall not unreasonably refuse any application by an existing operator for the variation of a condition attached to a consent granted under this Schedule ; and
- (b) may at any time without any such application by notice in writing to the operator make any reasonable variation of any such condition ;

but no such variation shall be made which affects the carriage of persons other than persons who are both taken up and set down in the designated area in question.

*Transfer of consent*

6.—(1) Subject to sub-paragraph (4) of this paragraph, while a consent under this Schedule in respect of an existing service remains in force, the Executive shall on the application of any successor in title to the undertaking of the existing operator concerned so far as it consists of the provision of that service grant the like consent to that successor in title.

(2) Where a consent has been granted under sub-paragraph (1) of this paragraph to a successor in title of an existing operator, any

**SCH. 6** reference in paragraph 4, 5, 8, 9, 10 or 14 of this Schedule to the existing operator shall be construed as including a reference to that successor in title.

(3) As from the date when an application under sub-paragraph (1) of this paragraph is made by a successor in title of an existing operator in relation to any consent granted under this Schedule in respect of an existing service, any reference in the said paragraph 4, 5, 8, 9, 10 or 14 to the existing operator shall, subject to sub-paragraph (4) of this paragraph, be construed as including a reference to that successor in title.

(4) Where a consent under this Schedule in respect of an existing service is in force but a notice of revocation thereof has been given under paragraph 10(1) of this Schedule, that notice shall apply to any like consent applied for under this paragraph in respect of that service as it applies to the existing consent and as if the notice had been served on the applicant as well as on the holder of the existing consent.

#### *Revocation of consent*

7. Subject to paragraph 8 of this Schedule, a consent granted under this Schedule may be revoked at any time by the Executive—

- (a) on the ground that any condition attached to the consent has been contravened; or
- (b) on there coming to the notice of the Executive a contravention of a condition attached to the relevant road service licence which was not known to the Executive when the consent was granted,

but, save in accordance with paragraph 10 of this Schedule, shall not be revoked on any other ground.

#### *Limitation on power to refuse or revoke consent*

8. The Executive shall not refuse a consent under paragraph 3 of this Schedule or revoke a consent under paragraph 7 thereof unless, owing to the frequency of the breach of conditions on the part of the existing operator, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Executive are satisfied that the consent should be refused or revoked.

#### *Appeals*

9.—(1) An existing operator who is aggrieved by—

- (a) any condition attached to a consent under paragraph 2 of this Schedule; or
- (b) a refusal of a consent under paragraph 3 of this Schedule; or
- (c) the refusal of an application under paragraph 5(a) of this Schedule; or
- (d) any variation of a condition under paragraph 5(b) of this Schedule; or
- (e) the failure to grant a consent under paragraph 6 of this Schedule; or

(f) the revocation of a consent under paragraph 7 of this Schedule, SCH. 6

may, within the prescribed period and in the prescribed manner, appeal to the traffic commissioners by whom the relevant road service licence was granted or, as the case may require, backed who may make such order as they think fit which shall be binding on the Executive.

(2) Any variation under paragraph 5(b) of this Schedule of a condition attached to a consent, and any revocation of a consent under paragraph 7 of this Schedule, shall not take effect until the expiration of the period prescribed for appealing against that variation or revocation or, if such an appeal is duly made, until the appeal is determined or withdrawn.

*Conditional right to revoke consent*

10.—(1) Notwithstanding anything in the foregoing provisions of this Schedule, but subject to sub-paragraph (2) of this paragraph, the Executive may at any time by notice in writing to the existing operator concerned revoke as from a date specified in the notice, not being less than nine months after the date of the notice, any consent granted by the Executive under this Schedule; and any such notice shall specify a date, not being less than six months after the date of the Executive's notice, by which any notice by the operator under sub-paragraph (2) of this paragraph must be served on the Executive.

(2) Where a notice under sub-paragraph (1) of this paragraph is served on any operator, the operator may at any time not later than the date specified for the purpose in the Executive's notice serve on the Executive a notice in writing either—

(a) requiring the Executive to pay to the operator compensation computed in accordance with paragraph 11 of this Schedule in respect of—

(i) any diminution in the value of the assets of the operator's relevant business; and

(ii) any expenditure, other than payment of income tax (including surtax), capital gains tax or corporation tax, incurred in winding up his relevant business or any part thereof,

which the operator shows to be attributable to the revocation; or

(b) requiring the Executive to purchase the operator's relevant business at a price computed in accordance with paragraph 12 of this Schedule;

and, subject to any modification agreed between the operator and the Executive, the Executive shall comply with any such requirement duly made.

(3) In this paragraph and the said paragraphs 11 and 12—

“assets” means assets of any description and, subject to the provisions of the said paragraph 12, includes goodwill;

## SCH. 6

“relevant business” in relation to an operator means so much of a business or undertaking of the operator as relates to the provision of road passenger transport services.

11.—(1) The amount of compensation payable in pursuance of a requirement under paragraph 10(2)(a) of this Schedule in respect of the diminution in value of the assets of the operator's relevant business shall be an amount equal to the difference between their market value immediately before the revocation in question and their market value immediately after that revocation.

(2) No compensation shall be paid in pursuance of such a requirement as aforesaid in respect of any expenditure incurred in winding up the whole or part of the operator's relevant business in so far as that expenditure is taken into account in computing the amount of compensation payable to him under sub-paragraph (1) of this paragraph.

(3) In this paragraph “market value”, in relation to any assets, means the amount which they would have fetched if sold in the open market by a willing seller to a willing buyer.

12. The price payable for an operator's relevant business in pursuance of a requirement under paragraph 10(2)(b) of this Schedule shall be the sum (not being less than the amount, if any, by which the value of the assets comprised therein, other than goodwill, exceeds the aggregate of the liabilities of that business) which the relevant business might have been expected to realise if—

- (a) the consent in question had not been revoked ; and
- (b) the relevant business had been sold as a going concern on the date when the revocation took effect in the open market by a willing seller to a willing buyer.

13.—(1) The amount of any compensation in pursuance of a requirement under sub-paragraph (a), or the price of any purchase in pursuance of a requirement under sub-paragraph (b), of paragraph 10(2) of this Schedule, if not agreed between the Executive and the operator within six months of the service by the operator of his notice under the said paragraph 10(2), shall be determined by an arbitrator (or in Scotland an arbiter) appointed on the application of either party by the Minister.

(2) Where any such amount or price falls to be determined in Scotland by an arbiter—

- (a) the arbiter shall have the like powers for securing the attendance of witnesses and the production of documents, and with regard to the swearing of witnesses on oath and the awarding of expenses, as if the arbitration were under a submission ;
- (b) the arbiter may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings ; and
- (c) any award of the arbiter may be recorded in the Books of Council and Session for execution, and may be enforced accordingly.

*Nullification of consent*

SCH. 6

14. An existing operator shall not be entitled to the grant by the Executive of a consent under this Schedule with respect to any existing service if the operator has entered into an agreement with the Executive with respect to that service under section 19(2) of this Act; and where an existing operator has entered into such an agreement with the Executive with respect to any existing service, any consent with respect to that service granted to that operator by the Executive under this Schedule shall be of no effect.

*Variation of route of existing service*

15. Where, in the case of any existing service in respect of which a consent under this Schedule is in force, the route authorised for that service by the relevant road service licence becomes impracticable but a variation of a minor nature only in that route would enable that service to be continued in substantially the same form, paragraph 5 and paragraph 9(1)(c) and (d) of this Schedule shall apply to that variation as if it were a variation of a condition attached to the consent, but as if—

(a) in the said paragraph 5 the words from “but” onwards, and

(b) sub-paragraph (2) of the said paragraph 9,

were omitted; and any reference in this Schedule to an existing service shall be construed as a reference to that service with any variation thereof by virtue of this paragraph.

## SCHEDULE 7

Section 28.

## BODIES WHOSE SECURITIES ARE TRANSFERRED TO BUS COMPANY

Aldershot and District Traction Company Limited.  
 Amalgamated Passenger Transport Limited.  
 Bath Electric Tramways Limited.  
 Bath Tramways Motor Company Limited.  
 The Birmingham and District Investment Trust Limited.  
 The Birmingham and Midland Motor Omnibus Company Limited.  
 Brighton, Hove and District Omnibus Company Limited.  
 Bristol Commercial Vehicles Limited.  
 Bristol Omnibus Company Limited.  
 British Transport Advertising Limited.  
 The City of Oxford Motor Services Limited.  
 Cheltenham District Traction Company.  
 Crosville Motor Services Limited.  
 Cumberland Motor Services Limited.  
 The Devon General Omnibus and Touring Company Limited.  
 Durham District Services Limited.  
 East Kent Road Car Company Limited.  
 East Midland Motor Services Limited.  
 East Yorkshire Motor Services Limited.  
 Eastern Coach Works Limited.  
 Eastern Counties Omnibus Company Limited.  
 The Eastern National Omnibus Company Limited.  
 Greenslades Tours Limited.  
 Hants and Dorset Motor Services Limited.

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Hebble Motor Services Limited.  
 Lincolnshire Road Car Company Limited.  
 London Coastal Coaches Limited.  
 The Maidstone and District Motor Services Limited.  
 Mansfield District Traction Company.  
 The Mexborough and Swinton Traction Company Limited.  
 The Midland General Omnibus Company Limited.  
 Neath and Cardiff Luxury Coaches Limited.  
 North Western Road Car Company Limited.  
 The Northern General Transport Company Limited.  
 Nottinghamshire and Derbyshire Traction Company.  
 Newbury and District Motor Services Limited.  
 Otley Omnibus Stations Limited.  
 Park Royal Vehicles Limited.  
 The Potteries Motor Traction Company Limited.  
 Red and White Services Limited.  
 The Rhondda Transport Company Limited.  
 Ribble Motor Services Limited.  
 Shamrock and Rambler Motor Coaches Limited.  
 South Midland Motor Services Limited.  
 The South Wales Transport Company Limited.  
 Southdown Motor Services Limited.  
 The Southern National Omnibus Company Limited.  
 The Southern Vectis Omnibus Company Limited.  
 T.H.C. Bus Nominees Limited.  
 The Thames Valley Traction Company Limited.  
 Thomas Brothers (Port Talbot) Limited.  
 Throughways Transport Limited.  
 Tillings Transport (T.H.C.) Limited.  
 A. Timpson and Sons Limited.  
 Trent Motor Traction Company Limited.  
 United Automobile Services Limited.  
 United Counties Omnibus Company Limited.  
 United Welsh Services Limited.  
 West Riding Automobile Company Limited.  
 West Yorkshire Road Car Company Limited.  
 The Western National Omnibus Company Limited.  
 Western Welsh Omnibus Company Limited.  
 Wilts and Dorset Motor Services Limited.  
 The Yorkshire Traction Company Limited.  
 Yorkshire Woollen District Transport Company Limited.

LONDON COUNTY BUS  
 SERVICES LIMITED  
 - ADDED SI. 1968/1990

## Section 32.

## SCHEDULE 8

## NEW BUS GRANTS—SUPPLEMENTARY PROVISIONS

1. Any person who for the purpose of an application for a grant under section 32 of this Act knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding £400 ; or
- (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.

2. The Minister may by notice require any person who has received a grant under the said section 32, and any person acting on his behalf, to furnish to the Minister such information, or to produce for examination on behalf of the Minister such books, records or other documents, as may be specified in the notice for the purpose of enabling the Minister to determine whether any condition subject to which the grant is made is satisfied or is being complied with or whether the grant has become repayable in whole or in part in accordance with any such condition.

3. A notice under paragraph 2 of this Schedule may require the information to which it relates to be furnished within such time as may be specified in the notice, and may require the documents to which it relates to be produced at such time and place as may be so specified ; but the time specified in such a notice for furnishing any information or producing any document shall not be earlier than the end of the period of twenty-eight days beginning with the service of the notice.

4. A notice under paragraph 2 of this Schedule may be served—

- (a) by delivering it to the person on whom it is to be served ;
- (b) by leaving it at the usual or last known place of abode of that person ;
- (c) by sending it by registered letter, or by the recorded delivery service, addressed to that person at his usual or last known place of abode ; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it by registered letter, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

5. Any person who, in purported compliance with a notice under paragraph 2 of this Schedule, knowingly or recklessly makes any statement or produces any document which is false in a material particular shall be guilty of an offence and liable—

- (a) on summary conviction to a fine not exceeding £400 ; or
- (b) on conviction on indictment to a fine, or to imprisonment for a term not exceeding two years, or to both.

6. Any person who without reasonable excuse fails to comply with a notice under paragraph 2 of this Schedule shall be guilty of an offence and liable on summary conviction to a fine not exceeding £100 or, on a second or subsequent conviction, £400.

7. Any person who without reasonable excuse fails to comply with any condition subject to which a grant was made to him under the said section 32 requiring him to inform the Minister of any event whereby the grant becomes repayable in whole or in part shall be guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding £400 ; or
- (b) on conviction on indictment, to a fine.

SCH. 8  
1952 c. 55.

8. Notwithstanding anything in section 104 of the Magistrates' Courts Act 1952 (time limit for proceedings), summary proceedings in England and Wales for an offence under paragraph 7 of this Schedule may be taken by the Minister or the Director of Public Prosecutions at any time within twelve months from the date on which evidence sufficient in the opinion of the Minister or the Director, as the case may be, to justify the proceedings comes to his knowledge but no such proceedings shall be taken more than three years after the commission of the offence.

1954 c. 48.

9. Summary proceedings in Scotland for an offence under paragraph 7 of this Schedule shall not be commenced after the expiration of three years from the commission of the offence, but subject to the foregoing limitation and notwithstanding anything in section 23 of the Summary Jurisdiction (Scotland) Act 1954, such proceedings may be commenced at any time within twelve months after the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or, where such evidence was reported to him by the Minister, within twelve months after the date on which it came to the Minister's knowledge; and subsection (2) of the said section 23 shall apply for the purposes of this paragraph as it applies for the purposes of that section.

10. For the purposes of paragraphs 8 and 9 of this Schedule, a certificate of the Minister, the Director of Public Prosecutions or the Lord Advocate, as the case may be, as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact.

11.—(1) Where an offence under this Schedule committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(2) In the foregoing sub-paragraph "director", in relation to a body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body corporate.

Section 65.

## SCHEDULE 9

### TRANSPORT MANAGERS' LICENCES

#### *Classes of licences*

1. There shall be such classes of transport manager's licences as may be prescribed.

#### *Issue of licences*

2.—(1) An application for a transport manager's licence shall be made to the licensing authority for the area in which the applicant



resides or, if he does not reside in any area for which there is a licensing authority, to the licensing authority for the Metropolitan Traffic Area.

(2) A person applying for a transport manager's licence shall give to the licensing authority, in such form as the authority may require, such information as the authority may reasonably require for the discharge of his duties in relation to the application, and in particular such information as he may require with respect to the following matters—

- (a) the previous experience (if any) of the applicant in connection with the operation or maintenance of vehicles of any description and the capacity in which that experience was gained ;
- (b) any transport manager's licence previously held by the applicant and any revocation or suspension of that licence ;
- (c) any disqualification imposed on the applicant under paragraph 4(3) of this Schedule ;
- (d) any position carrying direct responsibility for the operation and maintenance of goods vehicles which the applicant holds or has been offered.

(3) On an application for a transport manager's licence the licensing authority shall consider whether the following requirements are satisfied in the case of the applicant, that is to say—

- (a) that he is a fit person to hold a transport manager's licence ;
- (b) that he has such qualifications, experience and knowledge as may be prescribed in relation to the class of licence applied for ; and
- (c) unless he is exempted from this paragraph by regulations, that he has at some time during the period of ten years ending with the date of the application passed the test prescribed in relation to that class of licence or held a transport manager's licence of that class ;

and, if the licensing authority is of opinion that those requirements are so satisfied, he shall, subject to sub-paragraph (4) of this paragraph, grant the licence applied for.

(4) Until provision is made by regulations in relation to any class of licence for the test mentioned in paragraph (c) of the last foregoing sub-paragraph—

- (a) that sub-paragraph shall have effect in relation to any application for a licence of that class as if the said paragraph (c) were omitted ; and
- (b) the licensing authority may refuse to grant such a licence unless the applicant holds, or is entitled under a contract to take up, a position carrying direct responsibility for the operation and maintenance of goods vehicles.

(5) In this paragraph references to responsibility for the operation of any vehicles include (without prejudice to the generality of that expression) references to responsibility for securing that the drivers

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of the vehicles are properly licensed and comply with Part VI of this Act or, so long as those sections remain in force, sections 73 and 186 of the Act of 1960.

*Duration of licences*

3.—(1) Subject to sub-paragraph (2) of this paragraph, a transport manager's licence shall, unless previously revoked, continue in force for five years from the date on which it is expressed to come into force.

(2) If at the date on which such a licence is due to expire, proceedings are pending before the licensing authority on an application by the holder of that licence for the grant to him of a new licence in substitution therefor, the existing licence shall continue in force until—

(a) the application ; and

(b) any appeal under paragraph 5 of this Schedule arising out of the application,

are disposed of, without prejudice however to the exercise in the meantime of the powers conferred by paragraph 4 of this Schedule.

*Revocation and suspension*

4.—(1) Subject to the provisions of this paragraph, any licensing authority may direct that a transport manager's licence be revoked or suspended on the ground that the holder of the licence—

(a) has been convicted of an offence specified in regulations ;  
or

(b) has by his act or omission contributed to the giving of a direction under section 69 of this Act in relation to an operator's licence held by him, by a person in whose employment he is, by a company of which he is a director or by a person in partnership with whom he operated the authorised vehicles ;

and during any time of suspension the transport manager's licence shall be of no effect.

(2) A licensing authority shall not give a direction under sub-paragraph (1) of this paragraph in respect of any licence unless he is satisfied that, owing to the frequency with which the holder of the licence has been guilty of offences, acts or omissions which are grounds for the giving of such a direction or to the facts of the particular case being for any other reason sufficiently serious, such a direction should be given.

(3) Where a licensing authority directs that a transport manager's licence be revoked the authority may order the person who was the holder thereof to be disqualified, indefinitely or for such period as the authority thinks fit or until he has, since the date of the order, passed the appropriate test mentioned in paragraph 2(3)(c) of

this Schedule, from holding or obtaining any, or any specified class of, transport manager's licence; and so long as the disqualification is in force—

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- (a) notwithstanding anything in paragraph 2 of this Schedule, no transport manager's licence or, as the case may be, no such licence of the specified class shall be granted to him and any such licence obtained by him shall be of no effect; and
- (b) if he applies for or obtains such a licence he shall be liable on summary conviction to a fine not exceeding £50.

(4) A licensing authority who has made an order under sub-paragraph (3) of this paragraph may, in such circumstances as may be prescribed, cancel that order.

(5) A licensing authority shall not exercise any of his powers under sub-paragraph (1) or (3) of this paragraph in respect of any licence or the holder of any licence without first holding an inquiry, if the holder of the licence requests him to do so.

(6) A licensing authority may direct that any direction or order given or made by him under sub-paragraph (1) or (3) of this paragraph shall not take effect until the expiration of the time within which an appeal may be made to the Transport Tribunal against the direction or order and, if such an appeal is made, until the appeal has been disposed of; and if the licensing authority refuses to give a direction under this sub-paragraph the holder of the licence may apply to the tribunal for such a direction, and the tribunal shall give its decision on the application within fourteen days.

#### *Rights of appeal*

5. A person who—

- (a) being an applicant for a transport manager's licence, is aggrieved by the refusal of the application; or
- (b) being the holder of such a licence, is aggrieved by any direction or order of a licensing authority under paragraph 4(1) or (3) of this Schedule,

may appeal to the Transport Tribunal.

#### *Regulations*

6.—(1) The Minister may make regulations for any purpose for which regulations may be made under the foregoing provisions of this Schedule and for prescribing anything which may be prescribed thereunder and generally for the purpose of carrying those provisions into effect and may, in particular, by regulations—

- (a) make provision with respect to the test mentioned in paragraph 2(3)(c) of this Schedule and, in particular, the nature of the test, the qualifications, selection, appointment and removal of the persons by whom the test may be conducted, and evidence of the results of the test;

## SCH. 9

- (b) require applicants for that test to have such qualifications, experience and knowledge as may be prescribed ;
- (c) require the payment of a fee of a prescribed amount by a person who applies for that test and provide for the repayment of any such fee in the prescribed circumstances ;
- (d) provide for any question whether that test has in any particular case been properly conducted in accordance with the regulations to be determined by a magistrates' court or, in Scotland, the sheriff, and enable the court or the sheriff, on making such a determination, to exercise such powers as may be prescribed ;
- (e) provide that a person submitting himself for, but failing to pass, that test shall not be eligible to submit himself for another test before the expiration of a prescribed period, except under an order made by a court or sheriff by virtue of paragraph (d) of this sub-paragraph ;
- (f) make provision for preventing a person holding more than one transport manager's licence of the same class and for facilitating the identification of holders of such licences ;
- (g) make provision with respect to applications for and the issue of transport managers' licences ;
- (h) make provision with respect to the custody and production of transport managers' licences and require the return to a prescribed licensing authority of any such licence which has expired or been revoked or suspended ;
- (i) provide for the issue of a new transport manager's licence in place of a licence lost or defaced on payment of the prescribed fee ;

and different provision may be made by the regulations for different cases.

(2) Any person who contravenes a provision of regulations under this paragraph, a contravention of which is declared by the regulations to be an offence, shall be liable on summary conviction to a fine not exceeding £20.

*Power to modify foregoing provisions*

7.—(1) The Minister may by regulations modify the foregoing provisions of this Schedule in any respect, or substitute for any of them such other provisions relating to transport managers' licences as may be specified in the regulations.

(2) Regulations under this paragraph may make different provision for different cases and may contain such transitional and supplementary provisions as the Minister thinks necessary or expedient.

(3) Regulations under this paragraph shall not increase any penalty specified in the foregoing provisions of this Schedule as originally enacted or create any offences other than offences punishable on summary conviction with a fine not exceeding £50 or any lesser amount specified in the regulations.

SCHEDULE 10

Section 94.

AMENDMENTS CONSEQUENTIAL ON PART V

PART I

THE ROAD HAULAGE WAGES ACT 1938

1938 c. 44.

Provision

Amendment

Section 4(2) (work to which Part II applies).

After the word "1933" there shall be inserted the words "or (not being so specified) used wholly or mainly for a purpose for which, but for section 93 of the Transport Act 1968 (exemption for certain vehicles), such a licence would be required".

At the end of the proviso there shall be added the words "or to work in connection with a vehicle which is being used by, or by a subsidiary of, any of the Boards established by section 1 of the Transport Act 1962, by, or by a subsidiary of, the National Freight Corporation, the National Bus Company or the Scottish Transport Group or by a subsidiary of the Transport Holding Company".

~~\* THE TRIBUNALS AND INQUIRIES ACT 1958~~

1958 c. 66.

Schedule 1, paragraph 21(b) (tribunals relevant for the purposes of that Act).

For the words "Part I of the Road and Rail Traffic Act 1933" there shall be substituted the words "Part IV of the Road Traffic Act 1960 or Part V of the Transport Act 1968".

\* Rep-1971 c 62  
s 18(2), sch 4 Pt. I

THE ROAD TRAFFIC ACT 1960

1960 c. 16.

Section 123 (appointment of deputies to traffic commissioners).

In subsections (2) and (3) the references to Part IV of the Act of 1960 shall include references to Part V of this Act.

† Section 183(1) (powers of vehicle examiners).

† The reference to Part IV of the Act of 1960 shall include a reference to Part V of this Act.

† Rep-1972  
c. 20, s 205(1)  
sch 9 Pt I

† Section 232(1)(b) (duty to give information as to identity of driver).

† The reference to section 164(1) of the Act of 1960 shall include a reference to sections 60 and 71 of this Act.

Section 233(1) (forgery of documents etc.).

In paragraph (a) the reference to any licence under any Part of the Act of 1960 shall include a reference to any licence or ~~authorisation~~ under Part V of this Act or Schedule 9 thereto.

1980 c. 34  
sch. 9 Pt. I

## SCH. 10

## Provision

## Amendment

Section 233(1) (forgery of documents etc.)  
(cont.)

In paragraph (c) the reference to Part IV of the Act of 1960 shall include a reference to Part V of this Act, and that paragraph shall be deemed to include a reference to any means of identification required to be carried on, or by the driver of, a vehicle in pursuance of the provisions of the said Part V relating to special authorisations. ]

In paragraph (d) the reference to Part IV of the Act of 1960 shall include a reference to Part V of this Act.

Section 235(1) (false statements in connection with licences).

The reference to a licence under any Part of the Act of 1960 shall include a reference to any licence or authorisation under Part V of this Act or Schedule 9 thereto.

\* Rep.-1972  
c.20 s.205(i)  
SCH 9 Pt I.  
Section 247 (destination of fines).

References to the ~~Act of 1960~~ or the foregoing provisions thereof shall include references to Part V of this Act and Schedule 9 thereto.

Sections 248 and 249 (inquiries).

The references to the Act of 1960 shall include references to Part V of this Act and Schedule 9 thereto.

Section 255 (method of calculating weight of vehicles).

The reference to the Act of 1960 shall include a reference to Part V of this Act.

Section 263(1) (protection of public interests).

The reference to Part IV of the Act of 1960 shall include a reference to Part V of this Act and Schedule 9 thereto and the references to a licence shall include references to a special authorisation.

Section 269 (saving for law of nuisance).

The reference to the Act of 1960 shall include a reference to Part V of this Act.

1962 c. 46.

## THE TRANSPORT ACT 1962

Section 57 (the Transport Tribunal).

In subsections (4) and (5) the references to Part IV of the Act of 1960 shall include references to Part V of this Act and Schedule 9 thereto.

In subsection (4) after the words "shall consist" there shall be inserted the words "except for the purpose of exercising the jurisdiction of the tribunal under Part V of, or Schedule 9 to, the Transport Act 1968".

Schedule 10, paragraphs 6(1) and 9(b) (special panel and expenses of tribunal).

The references to Part IV of the Act of 1960 shall include references to Part V of this Act and Schedule 9 thereto.

PART II

SCH. 10

AMENDMENTS AS FROM APPOINTED DAY FOR  
PURPOSES OF S. 94(8)

THE ROAD HAULAGE WAGES ACT 1938

1938 c. 44.

<i>Provision</i>	<i>Amendment</i>
Section 4(2) (work to which Part II applies).	For the words from "specified" to the beginning of the proviso there shall be substituted the words "specified in an operator's licence granted under Part V of the Transport Act 1968 or (not being so specified) used wholly or mainly for a purpose for which, but for section 60(2)(a) of that Act (exemption for small vehicles), such a licence would be required".
Section 7(8) (enforcement of payment of statutory remuneration where vehicle is used without carrier's licence).	For the words from "Part I" to "required" there shall be substituted the words "Part V of the Transport Act 1968 of using a goods vehicle for a purpose for which an operator's licence is required" and for the words "specified in an A licence, a B licence or a C licence granted under that Act as the case may be" there shall be substituted the words "specified in an operator's licence granted under the said Part V".
Section 15 (interpretation).	<p>In subsection (1), the words "A licence", "B licence" and "C licence" shall be omitted, and for the words "Part I of the Road and Rail Traffic Act 1933" there shall be substituted the words "Part V of the Transport Act 1968".</p> <p>In subsection (2), for the words "paragraph (b) or paragraph (c) of subsection (6) of section 2 of the Road and Rail Traffic Act 1933" there shall be substituted the words "paragraph (b) or (c) of section 61(1) of the Transport Act 1968", the words from "being a motor vehicle" to "trailer" shall be omitted and for the words "specified in an A licence or a B licence" there shall be substituted the words "specified in an operator's licence".</p> <p>In the proviso, paragraphs (a) and (b) shall be omitted and, in paragraph (c), the words "whatever classes of such licences are held" shall be omitted and for the words "Part I of the said Act" there shall be substituted the words "Part V of the Transport Act 1968".</p>

## SCH. 10

1960 c. 16.

## THE ROAD TRAFFIC ACT 1960

Provision	Amendment
Section 123(2) and (3) (appointment of deputies to traffic commissioners).	For the references to Part IV of the Act of 1960 there shall be substituted references to Part V of this Act.
* Section 183(1) (powers of vehicle examiners).	For the reference to Part IV of the Act of 1960 there shall be substituted a reference to Part V of this Act.
* Section 185(4) (notification of withdrawal or removal of prohibition of use of unfit goods vehicle).	For the words "to the licensing authority by whom the carrier's licence was granted" there shall be substituted the words "within the meaning of Part V of the Transport Act 1968, to the licensing authority by whom the operator's licence (within the meaning of the said Part V) was granted for the vehicle".
* Section 191(1) ... ..	After the definition of "goods vehicle" there shall be inserted the words "'licensing authority' means a licensing authority for the purposes of Part V of the Transport Act 1968".
Section 232(1)(b) (duty to give information as to identity of driver).	For the words "any offence under subsection (1) of section 164" there shall be substituted the words "any offence under section 60 or 71 of the Transport Act 1968".
Section 233(1) (forgery of documents etc.).	In paragraphs (c) and (d), for the references to Part IV of the Act of 1960 there shall be substituted references to Part V of this Act.
Section 263(1) (protection of public interests).	For the reference to Part IV of the Act of 1960 there shall be substituted a reference to Part V of this Act and Schedule 9 thereto.
Section 265(2) (construction of references to licensing authorities for goods vehicles).	For the words "Part IV of this Act" there shall be substituted the words "Part V of the Transport Act 1968".

1962 c. 46.

## THE TRANSPORT ACT 1962

Section 57 (the Transport Tribunal).	In subsection (4), for the words "Part IV of the Road Traffic Act 1960 (which relates to road carriers' licences)" there shall be substituted the words "Part V of, and Schedule 9 to, the Transport Act 1968 (which relate to the regulation of the carriage of goods by road)".
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<i>Provision</i>	<i>Amendment</i>	SCH. 10
Section 57 (the Transport Tribunal). ( <i>cont.</i> )	In subsection (5), for the words "Part IV of the Road Traffic Act 1960" there shall be substituted the words "Part V of, or Schedule 9 to, the Transport Act 1968".	
Schedule 10, paragraphs 6(1) and 9(b) (special panel and expenses of tribunal).	For the words "Part IV of the Road Traffic Act 1960" there shall be substituted the words "Part V of, and Schedule 9 to, the Transport Act 1968".	

THE ROAD SAFETY ACT 1967

1967 c. 30.

Section 16(8)(b) (notification of prohibition of driving of unfit goods vehicle).	* For the words from "Part IV of the principal Act" to the end there shall be substituted the words "Part V of the Transport Act 1968, of the licensing authority by whom the operator's licence (within the meaning of the said Part V) was granted for the vehicle".
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SCHEDULE 11

Section 103.

AMENDMENTS CONSEQUENTIAL ON PART VI

THE ROAD HAULAGE WAGES ACT 1938

1938 c. 44.

<i>Provision</i>	<i>Amendment</i>
Section 11(1)(a) (production of records).	For the words "section 16 of that Act" there shall be substituted the words "Part VI of the Transport Act 1968".

THE ROAD TRAFFIC ACT 1960

1960 c. 16.

Section 232(1) (duty to give information as to identity of driver).	The word "and" at the end of paragraph (d) shall be omitted and after paragraph (e) there shall be added "and (f) to any offence under Part VI of the Transport Act 1968".
Section 244 (time for commencing summary proceedings).	The words "an offence under section 234 thereof consisting in the alteration of an entry made in a record under section 186 thereof" shall be omitted and after the words "236 thereof" there shall be inserted the words "or an offence under section 99(5) of the Transport Act 1968".
Section 247 (destination of fines).	References to <del>the Act of 1960</del> or the foregoing provisions thereof shall include references to Part VI of this Act.
Section 255 (method of calculating weight of vehicles).	The reference to the of Act 1960 shall include a reference to Part VI of this Act.

1/235-subd.  
1972 c. 20.  
s. 203 (1)  
SCH 7.

SCH. 11	Provision	Amendment
*Rep.-1972. C 20 s 205(1)	*Section 259(1) (exclusion for tramcars and trolley vehicles).	*For the word "None" there shall be substituted the words "Neither Part VI of the Transport Act 1968 nor any" and the words "and 73" shall be omitted.
Sch 9 Pt I	*Schedule 14 (matters relevant to grant or revocation of licences).	*Paragraph 1 shall have effect, except as respects convictions before the day on which sections 96 and 98 of this Act come into force, with the omission of sub-paragraph (c) and, in sub-paragraph (d), the words "hours of work"; and after that paragraph there shall be inserted— "1A. A conviction, in relation to an authorised vehicle, of the holder of the licence or a servant or agent of his under section 96, 97 or 98 of the Transport Act 1968."

1959 c. 69.

## THE WAGES COUNCILS ACT 1959

Section 19(3)(b) (production of records).	For the words "section 16 of that Act" there shall be substituted the words "Part VI of the Transport Act 1968".
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Section 104.

Sch. 12 (E)-1971 c 41 . SCHEDULE 12  
s. 12(6)

## COMMERCIAL AND CRUISING WATERWAYS

## PART I

## COMMERCIAL WATERWAYS

The main navigable channels of the following waterways:—

The Aire and Calder Navigation from the tail of River Lock, Leeds, and from the Calder and Hebble navigation at Wakefield, to its entrance to Goole Docks and to its junction with the River Ouse at Selby.

The Calder and Hebble Navigation from the tail of Greenwood Lock to its junction with the Aire and Calder Navigation at Wakefield.

The Caledonian Canal.

The Crinan Canal.

The Sheffield and South Yorkshire Navigation from the tail of the bottom lock at Tinsley to its junction with the River Trent at Keadby.

The New Junction Canal connecting the Sheffield and South Yorkshire Navigation with the Aire and Calder Navigation.

The Trent Navigation from the tail of Meadow Lane Lock, Nottingham, to Gainsborough Bridge.

The Weaver Navigation and the Weston Canal from Winsford Bridge to the junctions with the Manchester Ship Canal at Marsh Lock and at Delamere Dock.

SCH. 12

The River Severn from Stourport to its junction with the Gloucester and Sharpness Canal at Gloucester.

The Gloucester and Sharpness Canal.

The River Lee Navigation from Hertford to the River Thames at Limehouse and to the tail of Bow Locks.

## PART II

### CRUISING WATERWAYS

The main navigable channels of the following waterways:—

The Ashby Canal from its junction with the Coventry Canal to Snarestone.

The Birmingham Canal from its junction with the Birmingham and Fazeley Canal at Farmer's Bridge and from its junction with the Worcester and Birmingham Canal at Worcester Bar to its junction with the Staffordshire and Worcestershire Canal at Aldersley by way of the Birmingham level as far as the head of Factory Locks, Tipton, and thence by way of the Wolverhampton Level, including the branch leading to its junction with the Stourbridge Canal at Black Delph by way of the Netherton Tunnel.

The Birmingham and Fazeley Canal from its junction with the Birmingham Canal at Farmer's Bridge to its junction with the Trent and Mersey Canal at Fradley, including the detached portion of the Coventry Canal between Huddlesford Junction and Fradley Junction and the Digbeth branch.

The Calder and Hebble Navigation from Sowerby Bridge to the tail of Greenwood Lock, including the Huddersfield Broad Canal to Aspley Basin.

The Chesterfield Canal from the tail of Morse Lock, Worksop, to its junction with the River Trent.

The Coventry Canal from its junction with the Birmingham and Fazeley Canal to Coventry.

The Erewash Canal from Tamworth Road Bridge to its junction with the River Trent.

The Fossdyke Navigation.

The Grand Union Canal from its junctions with the Birmingham and Fazeley Canal at Digbeth and Salford to its junctions with the River Thames at Brentford and at Regent's Canal Dock, including the branches to Northampton and Aylesbury and the Hertford Union Canal leading to the River Lee at Old Ford.

The Grand Union Canal from Leicester to Norton Junction, including the branch to Market Harborough.

The Kennet and Avon Canal from High Bridge, Reading, to the tail of Tyle Mill Lock, and from the head of Bull's Lock to the tail of Hamstead Lock, and from the tail of Hanham Lock to the tail of the bottom lock at Bath.

**SCH. 12** The Lancaster Canal from Preston to Tewitfield, including the branch to Glasson Dock.

The Leeds and Liverpool Canal from Old Roan Bridge, Aintree, to Leeds, including the branches to Tarleton and Leigh.

The Macclesfield Canal.

The Oxford Canal from its junction with the Grand Union Canal at Braunston to its junction with the Coventry Canal at Hawkesbury and from its junction with the Grand Union Canal at Napton to Oxford, including the branch to the River Thames.

The Peak Forest Canal from the top of Marple Locks to Whaley Bridge.

The Ripon Canal from its junction with the River Ure to the tail of Littlethorpe Lock.

The Shropshire Union Canal from its junction with the Manchester Ship Canal at Ellesmere Port to its junction with the Staffordshire and Worcestershire Canal at Autherley, including the branches to the River Dee at Chester, to Llantisilio and to Middlewich.

The River Soar Navigation from its junction with the River Trent to Leicester.

The Staffordshire and Worcestershire Canal.

The River Stort Navigation.

The Stourbridge Canal from its junction with the Birmingham Canal at Black Delph to its junction with the Staffordshire and Worcestershire Canal at Stourton.

The Stratford-on-Avon Canal from its junction with the Worcester and Birmingham Canal at King's Norton to its junction with the Grand Union Canal at Kingswood.

The Trent and Mersey Canal, including the branch to Hall Green.

The Trent Navigation from Shardlow to the tail of Meadow Lane Lock, Nottingham, by way of the Beeston Canal and part of the Nottingham Canal and including the branch to the River Soar and the length of the River Trent from its junction with the Nottingham Canal to Beeston Weir.

The River Ure Navigation from its junction with the Ripon Canal to Swale Nab.

The Witham Navigation from Lincoln to Boston.

The Worcester and Birmingham Canal.

Sections 104, 105  
and 112.

### SCHEDULE 13

#### ORDERS RELATING TO INLAND WATERWAYS

##### *Preliminary*

1. Before making an order under section 104(3), 105(3) or 112 of this Act the Minister shall comply with the requirements of this Schedule applicable to that order and may then make the order as originally proposed or with such modifications as he thinks fit.

*Consultation*

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2.—(1) In the case of a proposed order under section 104(3) adding to or reducing the waterways in Part I of Schedule 12 to this Act, the Minister shall consult with any organisation appearing to him to represent persons operating, or (in relation to a waterway which is to be added) desiring to operate, commercial freight-carrying vessels on the waterway in respect of which the order is to be made.

(2) In the case of a proposed order under section 104(3)—

(a) adding to or reducing the waterways in Part II of that Schedule ; or

(b) removing from Part I without adding to Part II thereof a waterway which is to a substantial extent used by cruising craft,

the Minister shall consult with the Inland Waterways Amenity Advisory Council, consultation in a case within paragraph (b) above being limited to the effect of the proposed order on such use as is mentioned in that paragraph.

3. In the case of a proposed order under section 105(3)—

(a) in respect of a commercial waterway or any part thereof, the Minister shall consult—

(i) with any organisation appearing to him to represent persons operating commercial freight-carrying vessels on that waterway or part ; and

(ii) if the waterway or part is to a substantial extent used by cruising craft, with the said Council as to the effect of the proposed order on such use as aforesaid ;

(b) in respect of a cruising waterway or any part thereof, the Minister shall consult with the said Council.

4. In the case of a proposed order under section 112 in respect of a canal or part of a canal (within the meaning of that section) which appears to the Minister to be used to a significant extent for the purpose of navigation, the Minister shall consult with any organisation appearing to him to represent persons using it as aforesaid.

*Publication of proposed orders and consideration  
of objections*

5.—(1) In the case of a proposed order under section 104(3), 105(3) or 112 in respect of any waterway the Minister shall—

(a) publish in the London Gazette (or, if the waterway is situated in Scotland, the Edinburgh Gazette), in a national newspaper and in one or more local newspapers circulating in the area in which the waterway is situated ; and

(b) cause to be displayed in one or more places adjacent to the waterway,

a notice containing a statement—

(i) of the general effect of the proposed order ; and

## SCH. 13

- (ii) that objections to the order can be made to him within such time (not being less than twenty-eight days) and in such manner as is specified in the notice ;

and shall consider any such objection which is duly made and not withdrawn, and, if he has caused an inquiry to be held in connection with the proposed order, the report of the person holding it.

## (2) The holding of an inquiry shall be obligatory—

## (a) in connection with—

(i) a proposed order under section 104(3) removing a waterway from Part I of Schedule 12 to this Act, or removing a waterway from Part II of that Schedule without adding it to Part I thereof ;

(ii) a proposed order under section 105(3) ;

(iii) a proposed order under section 112,

if an objection is duly made to the proposed order (and is not withdrawn) by a local authority or a river authority ;

- (b) in connection with any such proposed order as aforesaid relating to a waterway which appears to the Minister to have been used to a significant extent for the purpose of navigation at the time when notice of the proposed order was published, if an objection is duly made to the proposed order (and is not withdrawn) by any organisation appearing to him to represent a substantial number of persons using it as aforesaid at that time.

(3) In this paragraph “waterway” means, in relation to an order under section 104(3) or 105(3), the waterway or part thereof in respect of which the order is to be made and, in relation to an order under section 112, the canal or part thereof (within the meaning of that section) in respect of which the order is to be made.

*Interpretation*

6. In this Schedule “cruising craft” has the meaning assigned by section 105(1)(b) of this Act.

Sections 126,  
129 and 130.  
1967 c. 76.

## SCHEDULE 14

## AMENDMENTS OF ROAD TRAFFIC REGULATION ACT 1967

## PART I

## SUBSECTIONS TO BE INSERTED IN SECTION 1

(3B) A traffic regulation order may make provision for identifying any part of any road to which, or any time at which or period during which, any provision contained in the order is for the time being to apply by means of a traffic sign of a type or character specified in the order (being a type prescribed or character authorised

under section 54 of this Act) and for the time being lawfully in place; and for the purposes of any such order so made any such traffic sign placed on or near a road shall be deemed to be lawfully in place unless the contrary is proved.

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(3C) A traffic regulation order which imposes any restriction upon the use by vehicles of a road, or the waiting of vehicles in a road, may include provision with respect to the issue and display of certificates or other means of identification of vehicles which are excepted from the restriction, whether generally or in particular circumstances or at particular times.

(3D) A traffic regulation order may also include provision with respect to the issue, display and operation of devices (to be approved either generally or specially by the appropriate Minister) for indicating the time at which a vehicle arrived at, and the time at which it ought to leave, any place in a road in which waiting is restricted by the order, or one or other of those times, and for treating the indications given by any such device as evidence of such facts and for such purposes as may be prescribed by the order.

## PART II

### SECTION TO BE INSERTED AFTER SECTION 26

26A.—(1) Subject to the provisions of this section, the council of a London borough or the Common Council of the City of London shall have power, for the purpose of enabling roads within their area in respect of which they are the highway authority to be used as playgrounds for children, to make an order prohibiting or restricting, subject to such exceptions and conditions as to occasional user or otherwise as may be specified in the order, the use of any specified road by vehicles, or by vehicles of any specified class, either generally or on particular days or during particular hours.

Power of local authorities in Greater London to prohibit traffic on roads to be used as playgrounds.

(2) An order made under this section with respect to a road shall make provision for permitting reasonable access to premises situated on or adjacent to it.

(3) No order made under subsection (1) above shall be of any effect unless and until it is confirmed by the Greater London Council who, if they confirm it, may confirm it either without modification or subject to such modifications as they think fit, but that Council shall not confirm an order until twenty-eight days at least have elapsed since the making of the order and, before confirming it, shall consider any objections which may have been made to them against the order and, if they think fit, may cause a public inquiry to be held.

(4) Without prejudice to section 84D of this Act, the Greater London Council may at any time after giving notice in writing to the authority by whom an order under subsection (1) above was made, and after holding, if the Council think fit, a public inquiry, by order of the Council vary or revoke the authority's order.

(5) A person who uses a vehicle, or causes or permits a vehicle to be used, in contravention of an order in force under this section shall be liable on summary conviction to a fine not exceeding £50.

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(6) The Greater London Council may make regulations for prescribing the procedure to be followed in connection with the making of orders by any other authority under this section and the confirmation thereof and for prescribing the manner in which that other authority shall publish notice of the fact that any such order has been made and confirmed and of its effect.

## PART III

## SECTION TO BE INSERTED AFTER SECTION 56

Power of certain traffic authorities in respect of traffic signs.

56A.—(1) This section applies to any authority having power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 12, 15, 26, 26A, 28, 31, 33, 35, 36, 37(2) and (3), 73(3) and 74, or an order as respects a road outside Greater London under section 9 of this Act.

(2) Without prejudice to any powers conferred by or under any other provision of this Act, but subject to subsection (3) below, an authority to whom this section applies may place and maintain, or cause to be placed and maintained, such traffic signs of any type prescribed or character authorised under section 54 of this Act as the authority may consider necessary in connection with any such order as aforesaid made by the authority as respects any road; but if the order is made by an authority other than the highway authority for that road, the authority by whom the order was made—

(a) shall consult with the highway authority as to the placing of the signs; and

(b) unless the highway authority are unwilling so to do, shall enter into arrangements with the highway authority for the signs to be placed and maintained by the highway authority.

(3) The powers conferred by subsection (2) above on an authority to whom this section applies shall be exercisable subject to and in conformity with any general directions given under section 55(1) of this Act whether or not that authority is a highway authority; and any other power conferred by the said section 55 to give directions to a highway authority shall include power to give the like directions to any authority to whom this section applies.

(4) In relation to an order under section 15 or 33 of this Act, the appropriate Minister for the purposes of any directions under the said section 55 by virtue of subsection (3) above shall, notwithstanding anything in section 104(1) or section 108 of this Act, in all cases be the Minister of Transport.

## PART IV

## AMENDMENTS OF SECTIONS 35 TO 40

1. For section 35(1) there shall be substituted the following:—

“(1) Subject to sections 84A, 84B and 84C of this Act, the following authority, namely—

(a) as respects any part of Greater London, the Greater London Council on the application of the local authority;



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(b) as respects any other area, the local authority with the consent, if they are not the highway authority for the highway in question, of that highway authority, may by order designate parking places on highways in the local authority's area for vehicles or vehicles of any class specified in the order, and the local authority may make charges for vehicles left in any parking place so designated of such amount as is prescribed under section 36 of this Act."

2. In section 35(2), for the words "the Minister" there shall be substituted the words "the authority concerned" and for the word "he" there shall be substituted the words "that authority".

3. In section 35(3), for the words "a local authority of their" there shall be substituted the words "any authority of".

4. In section 35(4), after the words "London borough" there shall be inserted the words "or, in Scotland, a county council or a town council".

Para 4 rep.  
(E.) (prop) -  
11972. c. 70.  
S. 272 (i) Sch  
30.

5. For section 35(5) to (7) there shall be substituted the following:—

"(5) If it appears to the Greater London Council, without any application being made by the local authority, that it is expedient that parking places be designated under this section on highways at any sites in Greater London, then, subject to sections 84A, 84B and 84C of this Act, they may by order designate those parking places for vehicles or vehicles of any class specified in the order, and may make charges for vehicles left in any parking place so designated of such amount as is prescribed under section 36 of this Act; and—

- (a) in relation to parking places designated by virtue of this subsection references in sections 36 and 37 of this Act to the local authority shall be construed as references to the Greater London Council;
- (b) if the Greater London Council enter into an agreement with the local authority for the transfer to the local authority of the operation of any parking place so designated, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, the Greater London Council in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by the Greater London Council) as may be so specified;
- (c) from the taking effect of any such transfer of the operation of a parking place the order designating the parking place shall have effect subject to such modifications (if any) as the Greater London Council may direct, being modifications appearing to them requisite in consequence of the transfer, and the provisions of this section and sections 36, 37, 42 and 44 of

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this Act shall thereafter apply as if the parking place had been designated by order made on the application of the local authority.

(6) Where an order has been made under paragraph (a) of subsection (1) above on the application of a local authority, an order under that paragraph by virtue of section 84D(1) of this Act varying or revoking the first-mentioned order may be made without such an application.

(7) Subject to sections 84A, 84B and 84C of this Act, in any case where it appears to the authority concerned to be expedient so to do having regard to any objections duly made in respect of proposals made by that authority for a designation order or, where that authority are the Greater London Council, in respect of an application made to that Council for such an order, they may, if they think fit, make an interim order pursuant to the proposals or application in respect of any one or more of the sites affected or in respect of any part of any of those sites and postpone for further consideration the making of any further order in pursuance of the proposals or application."

6. In section 36(1), for the words from the beginning to "section 35 of this Act" there shall be substituted the words "Subject to sections 84A, 84B and 84C of this Act, the authority by whom a designation order is made shall by order prescribe any charges to be paid for vehicles left in a parking place designated by the order".

7. In section 36(2), for the words from the beginning to "section 35 of this Act" there shall be substituted the words "Subject to the said sections 84A, 84B and 84C, the authority by whom a designation order is made may by order make such provision as may appear to that authority to be necessary or expedient for regulating or restricting the use of any parking place designated by the order".

8. In section 36(2)(e), for the words "of the appropriate Minister" there shall be substituted the words "relating to the parking place".

9. In section 37(3)—

(a) for the words from the beginning to "Minister" there shall be substituted the words "Subject to sections 84A, 84B and 84C of this Act, the authority by whom a parking place is designated under section 35 of this Act";

(b) for the words "a parking place designated under section 35 of this Act" and for the words "such a parking place" in both places where they occur there shall in each case be substituted the words "the parking place".

10. In section 37(5), at the end there shall be added the words "and in this subsection the expression 'prescribed' means prescribed by order of the appropriate Minister made by statutory instrument, which shall be subject to annulment in pursuance of

PARA. 10. REP.  
(E.) - 1974 -  
C. 7. S. 42 (2)  
SCH 8.

a resolution of either House of Parliament; and the power to make an order under this subsection shall include power to make an order varying or revoking any previous order thereunder”.

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11. In section 39(1), for the words “appropriate Minister considers” there shall be substituted the words “authority making the order may consider”.

## PART V

## SECTIONS TO BE INSERTED AFTER SECTION 84

84A.—(1) Subject to subsection (5) below and to section 84C(7) of this Act—

Reserve powers of appropriate Minister as to certain orders.

(a) the Minister may, after consultation with the Greater London Council, give to that Council with respect to any of the following provisions of this Act, namely, sections 6, 9, 31, 33, 35, 36, 37(2) and (3), 73(3) and 74, and

(b) in the case of any other local authority, being an authority who have power to make an order under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 9, 15, 28, 31, 33, 35, 36, 37(2) and (3), 39, 73(3) and 74 (hereafter in this section referred to as an “authorised authority”), the appropriate Minister may, after consultation with the authorised authority, give to that authority with respect to any of those provisions,

a direction—

(i) requiring the Council or authority to make an order under or by virtue of the provision or provisions in question for a specified purpose and coming into operation before the expiration of a specified period; or

(ii) prohibiting the Council or authority (either generally or without that Minister’s consent or for a specified period) from making or bringing into operation an order under or by virtue of the provision or provisions in question with respect to specified matters or a specified area.

(2) Any power to make an order conferred on the Greater London Council by any of the provisions referred to in paragraph (a) or conferred on an authorised authority by any of the provisions referred to in paragraph (b) of subsection (1) above shall be exercisable by the appropriate Minister as well as by the Council or authority, and where that Minister has made an order by virtue of this subsection—

(a) then, so far as appears to him necessary in order to make the order effective, he, or (except where the power is a power of the Greater London Council) any other local authority with whom he may make arrangements for the purpose, shall have power to do anything which the Council or, as the case may be, the authorised authority would have had power to do if the order had been made by them; and

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- (b) he may recover from the Council or, as the case may be, from the authorised authority summarily as a civil debt any expenses incurred by him by virtue of paragraph (a) above;

but no Minister shall make any order by virtue of this subsection except for the purpose of securing the object of a direction given to the Greater London Council or an authorised authority under subsection (1) above with which that Council or authority have failed to comply.

(3) Where by virtue of subsection (2) above a parking place has been designated under section 35(1) or (5) of this Act by an order of the appropriate Minister, then—

- (a) if that Minister, with the consent of the Treasury, enters into an agreement with the local authority within the meaning of that section or, in the case of an order under the said section 35(5), with the local authority or the Greater London Council for the transfer to that authority or Council of the operation of that parking place, the operation thereof, and such apparatus or other things held by, and rights or liabilities of, that Minister in connection with the parking place as may be specified in the agreement, shall be transferred as from such date and on such terms (including terms as to the making of payments to or by that Minister) as may be so specified;
- (b) from the taking effect of any such transfer of the operation of the parking place the order designating the parking place shall have effect subject to such modifications (if any) as that Minister may direct, being modifications appearing to him requisite in consequence of the transfer, and the provisions of the said section 35 and sections 36, 37, 42 and 44 of this Act shall thereafter apply as if the parking place had been designated under the said section 35(1) by an order made by, or on the application of, the local authority or, where the transfer is to the Greater London Council, under the said section 35(5) by an order made by that Council.

(4) Without prejudice to any power to make an order for the like purpose by virtue of subsection (2) above and section 84D of this Act, but subject to subsection (5) below, the appropriate Minister may, after giving notice to the Greater London Council or, as the case may be, the authorised authority concerned and holding, if he thinks fit, a public inquiry, by order vary or revoke any order made or having effect as if made under or by virtue of any of the provisions referred to in subsection (1)(a) or (b) above.

(5) No Minister shall give any direction under subsection (1) above or, subject to subsection (6) below, make any order under subsection (4) above unless he is satisfied, having regard to any matters appearing to him to be relevant, that the duty under section 84(1) of this Act of the Greater London Council or, as the case may be, of the authorised authority concerned is not being satisfactorily discharged by that Council or authority and that the giving

of the direction or, as the case may be, the making of the order is necessary in order to secure compliance with that duty.

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(6) The appropriate Minister may make an order under subsection (4) above notwithstanding that he is not satisfied as mentioned in subsection (5) above if he is satisfied, having regard to any matters appearing to him to be relevant, that there are special circumstances which make it expedient that the order should be made.

(7) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.

(8) In its application to Scotland, subsection (2)(b) above shall have effect as if the words "summarily as a civil debt" were omitted.

84B.—(1) Where in the case of any order proposed to be made by a local authority other than the Greater London Council under or by virtue of any of the following provisions of this Act, namely, sections 1, 5, 9, 15, 26, 28, 31, 33, 35, 36, 37, 73(3) and 74, it is proposed to include in the order any provision—

Consent of appropriate Minister to certain orders.

- (a) so prohibiting or restricting the use of a road as to prevent for more than eight hours in any period of twenty-four hours access for vehicles of any class to any premises situated on or adjacent to that road or any other premises accessible for vehicles of that class from, and only from, that road ; or
- (b) applying to a trunk road ; or
- (c) directing that a principal road shall be, or cease to be, a restricted road for the purposes of section 71 of this Act ; or
- (d) in the case of an order for the purposes of section 74(1) of this Act—
  - (i) applying to a principal road ; or
  - (ii) applying to any road a speed limit of less than 30 miles an hour ; or
- (e) varying or revoking within twelve months of its making any order made by, or made in pursuance of a direction given by, the appropriate Minister ; or
- (f) making provision as respects any length of road for any purpose within twelve months after the date when a previous order made as respects that length of road for a similar purpose was varied or revoked by an order made by, or made in pursuance of a direction given by, the appropriate Minister ; or
- (g) varying or revoking an order under section 1 of this Act as respects a road which is not a trunk road made by the

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appropriate Minister on the application of the governing body of a university,

then, except where the provision is to be included in pursuance of a direction under section 84A(1) of this Act, the order shall not be made except with the consent of the appropriate Minister.

(2) Where in the case of any order proposed to be made by the Greater London Council under or by virtue of any of the following provisions of this Act, namely, sections 6, 9, 31, 33, 35, 36, 37, 73(3) and 74, it is proposed to include in the order any provision such as is mentioned in paragraphs (b) to (f) of subsection (1) above, then, except where the provision is to be included in pursuance of a direction under section 84A(1) of this Act, the order shall not be made except with the consent of the Minister.

(3) The appropriate Minister may by order add to or remove from the orders for which his consent is required by the foregoing provisions of this section such orders made by such local authorities for such purposes or in such circumstances as he may see fit to specify in his order ; but—

- (a) no order under this subsection removing any order from the orders for which the Minister's consent is for the time being required under this section shall be made unless a draft of the order has been approved by resolution of each House of Parliament ; and
- (b) any other order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The appropriate Minister may, in consenting to any order submitted to him for his consent under this section, consent to that order either in the form in which it was submitted to him or with such modifications as he thinks fit, which may include additions, exceptions or other modifications of any description ; but where he proposes to consent to the order with modifications which appear to him substantially to affect the character of the order as submitted to him, he shall, before doing so, take such steps as appear to him to be sufficient and reasonably practicable for informing the local authority in question and other persons likely to be concerned.

(5) The appropriate Minister may by order grant a general consent to the making of orders requiring his consent under this section—

- (a) of such descriptions, or
- (b) with respect to such matters only, or
- (c) made by such local authorities or by authorities of such classes or descriptions, or
- (d) made in such circumstances, or
- (e) complying with such requirements,

as may be specified in the order ; but any order under this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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(6) The power to make an order conferred by subsection (3) or (5) above shall be exercisable by statutory instrument and shall include power to make an order under that subsection varying or revoking any previous order made thereunder.

(7) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.

(8) In subsection (1)(c) and (d) above, the expression "principal road" means a road for the time being classified as a principal road—

- (a) by the Minister under section 27(2) of the Local Government Act 1966 for the purposes of advances under section 235 of the Highways Act 1959 ; or
- (b) by the Secretary of State under section 28(2) of the Local Government (Scotland) Act 1966 for the purposes of advances under section 8 of the Development and Road Improvement Funds Act 1909.

84C.—(1) Without prejudice to any further requirements contained in any regulations made under the subsequent provisions of this section, and except where the order is made in pursuance of a direction given by the appropriate Minister under section 84A(1) of this Act, before the Greater London Council or any other local authority make an order under or by virtue of any of the following provisions of this Act, namely, sections 1, 5, 6, 9, 15, 26, 26A, 28, 31, 33, 35, 36, 37, 73(3) and 74, they shall consult with the chief officer of police of any police area in which any road or other place to which the order is to relate is situated ; and if the order in question falls to be submitted to the appropriate Minister for his consent under section 84B of this Act, the authority shall so consult before so submitting the order.

Procedure as respects certain orders and consents.

(2) The appropriate Minister may make regulations as respects orders of a local authority other than the Greater London Council under any of the provisions referred to in subsection (1) above other than section 26A for providing the procedure to be followed in connection with the making of such orders, the submission of such orders for the consent of the appropriate Minister, where such submission is required, and the consideration by that Minister of any such order submitted to him ; and the appropriate Minister shall by regulations under this subsection make such, if any, provision as he considers appropriate with respect to—

- (a) the publication of any proposal for the making of such an order ;
- (b) the making and consideration of objections to any such proposal ; and
- (c) the publication of notice of the making of the order and of its effect.

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(3) Without prejudice to the generality of subsection (2) above, regulations under that subsection may include provision—

- (a) as to the form of any such order as is mentioned in that subsection ;
- (b) for the holding of inquiries for the purposes of any such order, and as to the appointment of the person by whom any such inquiry is to be held ;
- (c) for the making of modifications in any such order, whether in consequence of any objections or otherwise, before the order is made ;
- (d) requiring any such order to include such exemptions for such purposes and subject to such exceptions as may be provided for by the regulations ;
- (e) requiring the authority by whom any such order is made to place and maintain, or cause to be placed and maintained, such traffic signs in connection with that order as may be so provided for.

(4) The Minister, after consultation with the Greater London Council, may make regulations—

- (a) as respects orders made by that Council under any of the provisions referred to in subsection (1) above other than section 26A, for any of the like purposes as those for which regulations are required or authorised to be made under subsection (2) above ;
- (b) with respect to any other order the making of which by that Council requires the consent of the Minister, for providing the procedure to be followed in connection with the obtaining of that consent.

(5) The appropriate Minister may make regulations with respect to the procedure in connection with the making by him—

- (a) of any order made by virtue of subsection (2) or made under subsection (4) of section 84A of this Act ;
- (b) of any order which he is authorised to make with respect to trunk roads under any of the provisions referred to in subsection (1) above.

(6) Any regulations under this section may make different provision for different orders or for different circumstances ; and where any such regulations require an authority to post any notice in a highway the authority may, whether or not they are the highway authority, take such steps for that purpose as they think fit, including the use for that purpose of any lamp-post, traffic sign or other structure whatsoever in the highway, whether or not belonging to that authority.

(7) Before giving any authority a direction under section 84A(1) of this Act to make with or without modifications an order under any of the provisions referred to in subsection (1) above in connection with which steps have already been taken in pursuance of regulations under this section, the appropriate Minister—

- (a) shall consider any objections made to that order ; and,



- (b) if the order is directed to be made with modifications which appear to him to affect substantially the character of the order, shall take such steps as appear to him to be sufficient and reasonably practicable for informing any local authority concerned and any other person likely to be concerned.

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(8) In relation to an order under section 15 or 33 of this Act, references in this section to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.

84D.—(1) Subject to subsection (3) below, and without prejudice to section 35(6) of this Act, any power to make an order as respects any road or parking place conferred by or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 6, 9, 15, 26, 26A, 28, 31, 33, 35, 36, 37(2) and (3), 39, 73, 74 and 84A(4), shall include power for the authority for the time being having power to make such an order as respects that road or parking place to make such an order varying or revoking any previous order as respects that road or parking place made, or having effect as if made, under or by virtue of the provision in question, whether that previous order was made by that or some other authority and notwithstanding that the previous order was, and the order varying or revoking it is not, made in pursuance of a power exercisable by statutory instrument.

Provisions as to variation or revocation, and as to making by Ministers of certain orders.

(2) For the avoidance of doubt it is hereby declared that, subject to section 84B of this Act, the power to vary or revoke an order made under or by virtue of any of the provisions referred to in subsection (1) above extends to the variation or revocation of any such order in connection with the provision in question as is hereinafter mentioned, notwithstanding that it was made by, or by direction of, a Minister, namely—

- (a) an order under or by virtue of the provision in question made in pursuance of a direction under section 84A(1) of this Act;
- (b) an order under or by virtue of the provision in question (not being section 35, 36, 37 or 39 of this Act) made by virtue of section 84A(2) of this Act;
- (c) an order under or by virtue of the provision in question (being the said section 35, 36, 37 or 39) made by virtue of the said section 84A(2) if that order relates to a parking place for the time being controlled by the local authority within the meaning of the said section 35 or by the Greater London Council;
- (d) an order under section 26(5) or 84A(4) of this Act.

(3) Where a Minister proposes to make an order varying or revoking an order made by him by virtue of section 1(2) of this Act upon the application of the governing body of a university, he shall before making the order give notice to that body and, if he thinks fit, hold a public inquiry.

## SCH. 14

(4) Nothing in subsection (5) of section 84A of this Act shall prevent the exercise by a Minister of the power to revoke any order made by that Minister under subsection (4) of that section.

(5) Any power of a Minister to make an order under or by virtue of any of the provisions referred to in subsection (1) above shall be exercisable by statutory instrument.

Limitation of right to challenge certain orders in legal proceedings.

84E.—(1) If in the case of an order made under or by virtue of any of the following provisions of this Act, namely, sections 1(1) to (7), 5, 6, 9, 15, 28 and 33, any person desires to question the validity of, or of any provision contained in, the order on the ground that it is not within the powers with respect to such an order conferred by this Act, or on the ground that any requirement with respect to such an order of, or of any instrument made under, any provision of this Act has not been complied with in relation to the order, he may, within six weeks from the date on which the order is made, make an application for the purpose to the High Court or, in Scotland, to the Court of Session.

(2) Subsections (2) and (3) of section 41 of this Act shall apply in relation to an application under subsection (1) above and to such an order as is mentioned in the said subsection (1) as they apply in relation to an application under subsection (1) of the said section 41 and to a designation order.

## PART VI

## CONSEQUENTIAL AMENDMENTS

1. In each of the following provisions, namely sections 1(1), 6(1), 9(1), 28(1), 31(1), 73(3) and 74(1), at the beginning there shall be inserted the words "Subject to sections 84A, 84B and 84C of this Act".

2. In section 1(1), for the words "this and the four next following sections" there shall be substituted the words "this section and section 5 of this Act".

3. In section 1(3), for the words "subsection (4)" there shall be substituted the words "subsections (3A) and (4)".

4. After section 1(8) there shall be added the following subsection:—

"(9) If any local Act contains any provision extending the powers conferred by section 26 of the Road Traffic Act 1960 in the application of that section to the area of any local authority, the appropriate Minister, after consultation with that local authority, may by order made by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, repeal any provision of that local Act which appears to that Minister to be unnecessary, or make any other amendments to that local Act which appear

to that Minister to be required, in consequence of the provisions of Part IX of the Transport Act 1968 ; and the power to make an order under this subsection shall include power to make an order varying or revoking any previous order thereunder."

5. In section 5(1), for the words from the beginning to "jointly" there shall be substituted the words "Without prejudice to sections 84A, 84B and 84C of this Act, section 1(5), so far as it relates to vehicles, section 1(6) and section 28(2)(a) of this Act shall not apply to any order made under the said sections 1 and 28 jointly".

6. In section 5(3)—

(a) for the words from the beginning to "he is" there shall be substituted the words "No authority shall make an order by virtue of subsection (1) above unless they are";

(b) in paragraph (c), for the word "him" there shall be substituted the words "the appropriate Minister".

7. In section 7(2), for the words "the said section 6" there shall be substituted the words "section 6 of this Act".

8. In section 8(1)—

(a) for the words from the beginning to "police and" there shall be substituted the words "Without prejudice to subsection (1) and to any regulations under subsection (4) of section 84C of this Act, before making any order under section 6 of this Act otherwise than in pursuance of a direction given by the Minister under section 84A(1) thereof, the Greater London Council (hereafter in this section referred to as "the Council") shall consult";

(b) at the end there shall be added the words "and, if the order is required to be submitted to the Minister for his consent under section 84B(2) of this Act, the Council shall so consult before so submitting it."

9. In section 9(1), for the words "this section" there shall be substituted the words "this subsection".

10. For section 9(10) there shall be substituted the following:—

"(10) Section 1(3B) or, as the case may be, section 6(4) of this Act shall apply in relation to an experimental traffic order as it applies in relation to an order under the said section 1 or 6."

11. In section 11(2), at the end there shall be added the words "but the Minister shall not give such a direction unless he is satisfied, having regard to any matters appearing to him to be relevant, that the Council's duty under section 84(1) of this Act is not being satisfactorily discharged by the Council and that the giving of the direction is necessary in order to secure compliance with that duty."

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12. In section 15(1), after the word "below" there shall be inserted the words "and to sections 84A, 84B and 84C of this Act".

13. In section 15(4)—

(a) for the words from the beginning to "aforesaid and" there shall be substituted the words "Without prejudice to subsection (1) and to any regulations under subsection (2) of section 84C of this Act, before making any order under subsection (1) above otherwise than in pursuance of a direction given by the Minister under section 84A(1) of this Act, the local authority";

(b) at the end there shall be added the words "and, if the local authority's area is situated wholly or partly within an area designated under section 9(1) of the Transport Act 1968, with the Executive for that area; and if the order is required to be submitted to the Minister for his consent under section 84B(1) of this Act, the local authority shall so consult before so submitting it."

14. In section 20, at the end there shall be added the following subsection—

"(4) The foregoing provisions of this section shall have effect subject to the provisions of any order for the time being in force under section 25 of the Civic Amenities Act 1967."

1967 c. 69.

15. In section 26(1), at the beginning there shall be inserted the words "Subject to sections 84B and 84C of this Act".

16. For section 26(5) there shall be substituted the following:—

"(5) Without prejudice to section 84D of this Act, the appropriate Minister may at any time after giving notice in writing to the authority by whom an order under the foregoing provisions of this section was made, and after holding, if he thinks fit, a public inquiry, by order under this subsection, vary or revoke the authority's order."

17. In section 27, after the words "section 26" there shall be inserted the words "or 26A".

18. In section 33(1) at the beginning there shall be inserted the words "Subject to subsection (1A) below and to sections 84A, 84B and 84C of this Act".

19. After section 33(1) there shall be inserted the following subsection:—

"(1A) Without prejudice to subsection (1) and to any regulations under subsection (2) or (4) of section 84C of this Act, before making an order under subsection (1)(a) above otherwise than in pursuance of a direction given by the Minister under section 84A(1) of this Act, the local authority shall consult—

(a) with the appropriate traffic commissioners; and

(b) if the local authority's area is situated wholly or partly within an area designated under section 9(1) of the Transport Act 1968, with the Executive for that area;

and, if the order is required to be submitted to the Minister for his consent under section 84B of this Act, the authority shall so consult before so submitting it."

20. In section 33(5), for the words from the beginning to "consult with" there shall be substituted the words "In this section, the expression 'the appropriate traffic commissioners' means".

21. In section 41(1), for the words "of Schedule 4 to this Act" there shall be substituted the words "of section 84A, 84B or 84C of this Act or of any regulations made under the said section 84C".

22. In section 42(8)—

(a) after the words "a local authority" there shall be inserted the words "or the Greater London Council";

(b) for the words "for which they are the local authority" there shall be substituted the words "controlled by them".

23. In each of sections 44(5), 52(5) and 85(2), for the words "sections 35(5) and 38" there shall be substituted the words "section 35(5)".

24. In section 45(1)—

(a) for the words from the beginning to "cover" there shall be substituted the words "Where by virtue of section 84A(2) of this Act a parking place has been designated under section 35 of this Act by a Minister, that Minister may make grants out of moneys provided by Parliament towards the cost of the provision and maintenance of off-street parking places, whether in the open or under cover, or for any purpose such as is mentioned in section 44(3)(d) (i) or (ii) of this Act";

(b) for the words "designated under section 35(5) of this Act" there shall be substituted the words "designated by him under the said section 35".

25. In section 52, at the end there shall be added the following subsection:—

"(10) The foregoing provisions of this section shall have effect subject to the provisions of any order for the time being in force under section 25 of the Civic Amenities Act 1967". 1967 c. 69.

26. In section 53, at the end there shall be added the following subsection:—

"(5) The foregoing provisions of this section shall have effect subject to the provisions of any order for the time being in force under section 25 of the Civic Amenities Act 1967".

27. In section 67, after the sectional reference "56" there shall be inserted the sectional reference "56A".

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28. In section 82(3), after the sectional reference "26(1)" there shall be inserted the sectional reference "26A(1)".

29. In section 84(3), for the words from the beginning to "this Act" there shall be substituted the words "Where the Greater London Council or any other local authority are authorised or required by or under any provision of this Act to hold an inquiry for the purpose of any of their functions, any person appointed by that council or authority to hold the inquiry".

30. In section 87, for the sectional references "25, 26 or 80" there shall be substituted the sectional references "25, 80 or 84C".

31. In section 94(1) after the sectional reference "26(6)" there shall be inserted the sectional reference "26A(5)".

32. In Schedule 8, in paragraph 7, for the words from the beginning to "sub-paragraph (a) above" there shall be substituted the words "References in any order made by the Minister under section 7(4) of the Roads Act 1920".

1920 c. 72.

33. In Schedule 8, at the end there shall be added the following new paragraphs:—

"14. Any order made or having effect as if made by any Minister under this Act as originally enacted, being an order made under a power which, apart from section 84A(2) of this Act, is as a result of the provisions of Part IX of the Transport Act 1968 no longer exercisable by that Minister, shall continue in force as if made by virtue of the said section 84A(2) in exercise of the power of the Greater London Council or some other local authority to make an order for the like purpose after that date conferred on that Council or other authority by this Act as amended by the said Part IX.

15. Where any provision of this Act as originally enacted which conferred a power to make orders is repealed by the Transport Act 1968, any order made or having effect as if made in pursuance of that power and in force immediately before the date of the repeal shall continue in force as if made in pursuance of the corresponding power conferred by this Act as amended by that Act.

16. Subject to paragraph 17 of this Schedule, anything begun or falling to be treated as having been begun under this Act before the date of the coming into force of, or of any relevant instrument made under, any relevant provision of Part IX of the Transport Act 1968, so far as not completed before that date, may be continued and completed in accordance as nearly as may be with the provisions of, or of any relevant instrument made under, this Act as amended by any relevant provision of that Act.

17.—(1) Where an order under any provision of this Act as originally enacted does, but the like order under that provision as amended by the Transport Act 1968 does not, require the

confirmation or consent of the appropriate Minister, and at the date when that amendment comes into force— SCH. 14

- (a) an application has been made to the appropriate Minister for his confirmation, or, as the case may be, for his consent to the making, of such an order ; or
- (b) notice of a proposal to make such an order has been published stating that objections may be made to the appropriate Minister,

and in either case that Minister has not yet given or refused his confirmation or consent to the order, then, without prejudice to the right of the authority so submitting the order or proposals to withdraw their application for that Minister's confirmation or consent, that order shall not be brought into force or, as the case may be, made except with the consent of that Minister.

(2) The appropriate Minister may make regulations as respects any order requiring his consent under this paragraph for any of the like purposes as those for which regulations are required or authorised to be made under section 84C (2) or (4) of this Act and for regulating the procedure to be followed in connection with any such withdrawal of an application as aforesaid and subsection (4) of section 84B of this Act shall apply to any order submitted to the appropriate Minister for his consent under this paragraph as it applies to an order so submitted under that section.

(3) In relation to an order under section 15 or 33 of this Act, references in this paragraph to the appropriate Minister shall, notwithstanding anything in section 104(1) or section 108 of this Act, be construed as references to the Minister of Transport.

18. Where any order made or having effect as if made under section 35 or 36 of this Act includes any provision made by virtue of section 26 of the Greater London Council (General Powers) Act 1967, that provision shall continue to have effect as if made by virtue of the said sections 35 and 36 as amended by section 127 of the Transport Act 1968." 1967 c. xx.

## SCHEDULE 15

Section 143.

### CHANNEL TUNNEL PLANNING COUNCIL

#### PART I

##### *The Council*

1. The Council shall be a body corporate with perpetual succession and a common seal.

2. The Council shall consist of not less than four nor more than six members appointed by the Minister, and the Minister shall appoint one of those members to be chairman and another of those members to be deputy chairman of the Council.

SCH. 15

3.—(1) Each member of the Council shall hold and vacate office in accordance with the terms of his appointment, but notwithstanding anything in those terms he may at any time resign his office by notice in writing to the Minister.

(2) A person who has held office as a member of the Council shall be eligible for reappointment.

4.—(1) The Council—

(a) shall pay to a person holding office as chairman, deputy chairman or other member of the Council such remuneration in respect of that office as the Minister may, with the approval of the Treasury, determine and such reasonable allowances as may be so determined in respect of expenses properly incurred by that person in the performance of his functions;

(b) in the case of such members as the Minister may, with the approval of the Treasury, determine, shall pay such pensions or make such payments towards the provision of pensions to or in respect of those members as he may with the like approval determine in the case of those members respectively.

(2) The Minister shall, as soon as possible after appointing any person to the office of chairman, deputy chairman or other member of the Council, lay before each House of Parliament a statement of the remuneration that is or will be payable to that person under sub-paragraph (1) of this paragraph; and, if a subsequent determination by him under that sub-paragraph involves a departure from the terms of the said statement, or if a determination by him under that sub-paragraph relates to the payment of, or to payments towards the provision of, a pension to or in respect of a member of the Council, the Minister shall as soon as possible after the determination lay a statement thereof before each House of Parliament.

5. The Council may act notwithstanding a vacancy amongst their members, and no act of the Council shall be deemed to be invalid by reason only of a defect in the appointment of any of their members.

6. In the case of an equality of votes at a meeting of the Council the chairman of the meeting shall have a second or casting vote.

7. Subject to the foregoing provisions of this Schedule and to any directions given from time to time by the Minister, the Council may determine their own quorum and procedure.

8.—(1) Subject to any directions given from time to time by the Minister, the Council shall appoint a secretary and may appoint such other officers, and such servants, as the Council may determine.

(2) The Council shall—

(a) pay to their officers and servants such remuneration as they may determine, and



(b) as regards any officers or servants in whose case it may be determined by the Council ~~with the approval of the Minister~~ so to do, pay such pensions, or make such payments towards the provision of pensions, to or in respect of them, or provide and maintain for them such pension schemes (whether contributory or not), as may be so determined.

SCH. 15  
\* 20p. - 1972.  
C. 11. S. 22 (1)  
29(4) sch  
418.

9. The application of the seal of the Council shall be authenticated by the signature of the secretary of the Council or some other person authorised by the Council, either generally or specially, to act for that purpose.

## PART II

### *Borrowing powers and accounts of Council*

10.—(1) The Council may borrow from the Minister, but not from any other person, such sums as the Council may require for meeting their obligations or discharging their functions under section 143 of this Act.

(2) Any loans by the Minister under this paragraph shall be made out of moneys provided by Parliament: and any such loans shall be repaid to the Minister at such times and by such methods, and interest thereon shall be paid to him at such rates and at such times, as he may with the approval of the Treasury from time to time direct.

(3) Any sums received by the Minister under this paragraph shall be paid into the Consolidated Fund.

#### 11. The Council—

- (a) shall cause proper accounts and other records in relation thereto to be kept, and
- (b) shall prepare an annual statement of accounts in respect of such accounting period, in such form, and containing such particulars, compiled in such manner, as the Minister may from time to time direct with the approval of the Treasury.

12.—(1) The accounts of the Council shall be audited by an auditor or auditors appointed annually by the Minister; and any auditor so appointed shall be entitled to require from any officer of the Council such books, deeds, contracts, accounts, vouchers, receipts and other documents, and such information and explanations, as may be necessary for the performance of his duties.

(2) A person shall not be appointed auditor as aforesaid unless he is a member, or is a firm in Scotland each of the partners wherein is a member, of one or more of the following bodies, namely—

- the Institute of Chartered Accountants in England and Wales;
- the Institute of Chartered Accountants of Scotland;
- the Association of Certificated and Corporate Accountants;

SCH. 15

the Institute of Chartered Accountants in Ireland ;

1948 c. 38.

any other body of accountants established in the United Kingdom and for the time being recognised for the purpose of section 161(1)(a) of the Companies Act 1948 by the Board of Trade.

13. So soon as the accounts of the Council have been audited as aforesaid, the Council shall send to the Minister, and the Minister shall cause to be laid before Parliament, a copy of the statement of accounts referred to in paragraph 11(b) of this Schedule, together with a copy of the report made by the auditor or auditors on that statement.

Section 156.

## SCHEDULE 16

## SUPPLEMENTARY OR CONSEQUENTIAL PROVISIONS

1.—(1) The enactments specified in sub-paragraph (2) of this paragraph shall apply to all railways of the Freight Corporation, and shall so apply as if references in those enactments to the company were references to that Corporation.

(2) The enactments referred to in the foregoing sub-paragraph are—

1845 c. 20.

(a) sections 105, 144 and 152 of the Railways Clauses Consolidation Act 1845 ;

1845 c. 33.

(b) sections 98, 136 and 144 of the Railways Clauses Consolidation (Scotland) Act 1845,

including any of those enactments as incorporated in any statutory provision passed or made whether before or after the passing of this Act.

1871 c. 78.

2. In the Regulation of Railways Act 1871, references to a railway company or a company as defined by that Act shall include references to the Freight Corporation.

3.—(1) For the avoidance of doubt it is hereby declared that the matters to which the licensing authority is to have regard in exercising his discretion under section 174 of the Act of 1960 do not include any duty imposed upon any of the new authorities by this Act.

(2) For the purposes of section 180 of the Act of 1960 (which relates to carriers' licences for the vehicles of a subsidiary) each of the new authorities shall be deemed to be a company.

(3) Where on a vesting by virtue of this Act a subsidiary of one body becomes a subsidiary of another body, any carriers' licence under Part IV of the Act of 1960 held by the first-mentioned body for a vehicle owned by the subsidiary shall thereafter have effect as if granted to the second-mentioned body ; and for the purposes of the said section 180 the second-mentioned body shall be deemed to have made the application for the licence and to have signified to the licensing authority their desire that the section should have effect as respects the subsidiary.

AAA 3AEP (PACR)  
- 1966. 4Y3  
SS 94 (8), 165 (D),  
SCH 15 PT N.

(4) If, as a result of a transaction effected by any of the new authorities not more than twelve months after the transfer date for a transfer to that authority under section 4, 5 or 28 of this Act and at a time when that authority hold carriers' licences under the said Part IV for vehicles owned by a subsidiary, the subsidiary becomes a wholly-owned subsidiary of a company (hereafter in this subparagraph referred to as "the company") which is itself a wholly-owned subsidiary of that authority, any such licence for a vehicle then owned by the subsidiary shall thereafter have effect as if granted to the company; and for the purposes of the said section 180 the company shall be deemed to have made the application for the licence and to have signified to the licensing authority their desire that the section should have effect as respects the subsidiary.

(5) For the purposes of this paragraph, the provisions of section 51(5) of this Act shall be disregarded.

4.—(1) The power to make bylaws conferred by subsection (1) of section 67 of the Act of 1962 shall be exercisable by the Freight Corporation as well as by the Boards there referred to and the power to make bylaws conferred by subsection (2) of that section shall be exercisable by the Scottish Group as well as by the Railways Board, and accordingly, subsections (3) to (12) of that section shall apply as if the expression "Board" included the Corporation and the Scottish Group.

(2) Any bylaws made by the Railways Board under the said subsection (1) and in force with respect to any railway or railway premises immediately before their transfer to the Freight Corporation or a wholly-owned subsidiary of the Freight Corporation shall continue in force until varied or revoked by the Corporation by virtue of the said subsection (12).

(3) Any bylaws made by the Railways Board under the said subsection (2) and in force with respect to any harbour immediately before its transfer to the Scottish Group or to a wholly-owned subsidiary of that Group shall continue in force until varied or revoked by the Scottish Group by virtue of the said subsection (12).

(4) In relation to the Scottish Group any reference to the Minister in the said section 67 shall be construed as a reference to the Secretary of State.

(5) For the purposes of the said section 67, railways, railway premises, or officers and servants of, or ships operated by, a wholly-owned subsidiary of the Railways Board, the London Board, the Freight Corporation or the Scottish Group shall be deemed to be railways, railway premises, or officers or servants of, or ships operated by, that Board, Corporation or Group. [a]

5.—(1) This paragraph shall apply to the Freight Corporation and to the Scottish Group.

(2) The Railways Board may make an agreement with either of the authorities to whom this paragraph applies for making available to that authority or to any wholly-owned subsidiary of that authority

[a] Para. 4(5) am. (L.T.E.) - 1969 C. 35 S. 17(1), Sch. 3 para. 5(1).

SCH. 16

for such period, to such extent and on such terms as may be specified in the agreement, the services of the British Transport Police Force, that is to say, the force organised under the scheme set out in the Schedule to the British Transport Police Force Scheme 1963 (Approval) Order 1964 made under section 69 of the Act of 1962.

S.I. 1964/1456.

1949 c. xxix.

(3) Where such an agreement has been made members of the said Police Force may act, in accordance with the terms of the agreement, as constables in, on and in the vicinity of any premises of the authority or subsidiary in question notwithstanding the provisions of section 53(1) of the British Transport Commission Act 1949 (which restricts them to so acting in, on and in the vicinity of premises belonging to, leased to or worked by one of the Boards).

(4) The Minister, after consultation with the Boards and either or both of the authorities to whom this paragraph applies, may by order make such adaptations in the said scheme and in sections 69 to 71 of the Act of 1962 as appear to him expedient to enable that scheme and those sections to have effect as respects any period after the making of the order as if that authority or, as the case may be, each of those authorities were one of the Boards.

AMAB REP (PROP.)  
- 1966. c. 43 ss. 44 (5)  
165 (b), Sch 18 Pt. 14.

6. Section 82 of the Act of 1962 (modification of enactments relating to Wages Councils) shall have effect as if the expression "Board" included each of the new authorities.

7.—(1) The references to be substituted—

(a) as mentioned in Part I of Schedule 2 to the Act of 1962 in the provisions specified in sub-paragraph (2) of this paragraph; or

(b) as mentioned in Part III of that Schedule in the provisions specified in sub-paragraph (3) of this paragraph,

shall in each case include a reference to the Freight Corporation and to any wholly-owned subsidiary of the Freight Corporation or of any of the Boards. [α]

Para 7(2)(g) rep.  
1969 c. 16 (N.I.)

(2) The provisions referred to in sub-paragraph (1)(a) of this paragraph are—

1948 c. 58.

(a) section 41(3) of the Criminal Justice Act 1948;

1950 c. 36.

(b) section 22 of the Diseases of Animals Act 1950;

1954 c. 64.

(c) section 13(1) of the Transport Charges (Miscellaneous Provisions) Act 1954;

1955 c. 16.

(d) section 11(2) of the Food and Drugs Act 1955;

1956 c. 30.

(e) section 11(2) of the Food and Drugs (Scotland) Act 1956;

1959 c. 25.

(f) sections 192(3) and 295(5) of the Highways Act 1959;

1953 c. 14 (N.I.).

(g) section 12(3) of the Criminal Justice Act (Northern Ireland) 1953.

(3) The provisions referred to in sub-paragraph (1)(b) of this paragraph are—

(a) sections 54, 55, 56 and 57 of the British Transport Commission Act 1949;

[a] Para. 7(1) am. (L.T.F.) - 1969 c. 35 s 17(1), Sch. 3 para. 1(1)(2)

- (b) section 18 in the Schedule to the British Transport Commission Order Confirmation Act 1953 ; SCH. 16  
1953 c. xx.
- (c) section 52 of the British Transport Commission Act 1953 ; 1953 c. xxlii.
- (d) section 24 of the British Transport Commission Act 1954. 1954 c. lv.

(4) In section 23 of the British Railways Act 1964 (which provides for the aforesaid section 54 of the British Transport Commission Act 1949 to continue in force in its application to the Railways Board) and in any enactment passed after this Act which provides for the said section 54 so to continue in force for a further period, the reference to the Railways Board shall be construed as a reference to the Railways Board, the Freight Corporation and any wholly-owned subsidiary of that Board or Corporation. 1964 c. xvi.  
1949 c. xxix.

8.—(1) In the Harbours Act 1964— 1964 c. 40.

(a) in section 30(1), for paragraph (b) there shall be substituted the following:—

“(b) by virtue of section 43 of the Transport Act 1962 by any of the Boards at a harbour which, in the exercise and performance of statutory powers and duties, that Board are engaged in improving, maintaining or managing, except where the Board in question are the British Transport Docks Board, the British Railways Board or the British Waterways Board and the harbour in question is not specified in Schedule 9 to that Act”;

1962 c. 46.  
Para. 8(1)(d)(ii)  
rep. (16.5.1975) -  
1973. c. 65. s.  
237(1), sch. 29.

(b) in section 30(4) the words “(other than any of the Boards)” and the words from “or by” to “1962” shall cease to have effect ;

(c) in section 36(a) for the words “any of the Boards” there shall be substituted the words “the British Transport Docks Board, the British Railways Board or the British Waterways Board”;

(d) in section 57(1)—

(i) at the end of the definition of “the Boards” there shall be added the words “and includes the National Freight Corporation, the Scottish Transport Group and any subsidiary within the meaning of the Transport Act 1968 of any of those Boards or of that Corporation or Group”;

(ii) in the definition of “marine work” for the words “vested in any of the Boards or” there shall be substituted the words “which is vested in any of the Boards other than the Scottish Transport Group or a subsidiary within the meaning of section 154 of the Companies Act 1948 of that Group or which is”.

1948 c. 38.

(2) In any case where, by virtue of sub-paragraph (1)(d)(i) of this paragraph, the Board within the meaning of section 41 of the Docks and Harbours Act 1966 are a subsidiary of one or more of the Docks Board, the Railways Board, the Waterways Board, the 1966 c. 28.

SCH. 16 Freight Corporation and the Scottish Group, that section shall be construed as if—

- (a) any reference therein otherwise than in subsection (1) thereof to the Board were a reference to the body, or to each respectively of the bodies, of which the Board within the meaning of that section are a subsidiary; and
- (b) the property, rights and liabilities transferred by the order or scheme in question from the subsidiary were, to an extent proportionate to the extent of the interest of that body in the subsidiary, property, rights and liabilities so transferred from that body.

(3) The said section 41 shall have effect with the substitution—

(a) in subsection (2)(b)—

1962 c. 46.

(i) for the words “as determined under section 39 of the Transport Act 1962” of the words “under section 39 of the Transport Act 1962 or Schedule 2 to the Transport Act 1968”;

(ii) for the words “that Act” of the words “the Transport Act 1962”;

(b) in subsection (3)—

(i) for the words “section 39 of the said Act of 1962” of the words “the said section 39 or Schedule 2”;

(ii) for the words “section 20 of that Act” of the words “the said section 20”.

(4) In any application of the said section 41 to the Scottish Group or to any other body in the capacity of a subsidiary of that Group, any reference to the Minister shall be construed as a reference to the Secretary of State.

1966 c. 27.

9. In the Building Control Act 1966, in the Schedule, for the entry beginning “Any subsidiary” there shall be substituted the following:—

“The National Freight Corporation.

The National Bus Company.

The Scottish Transport Group.

Any subsidiary (as defined in the Transport Act 1968) of any of the bodies mentioned above.”

1966 c. 34.

10. In the Industrial Development Act 1966, in Schedule 2 (which specifies bodies which are not to be eligible for certain grants under that Act) after the entry relating to the Waterways Board there shall be inserted the following entries:—

“The National Freight Corporation.

The National Bus Company.

The Scottish Transport Group.”

1966 c. xvii.

11. The persons entitled to deposit money in the savings bank established under subsection (2) of section 32 of the British Rail-

ways Act 1966 shall, in addition to the persons specified in that subsection, include— SCH. 16

- (a) any persons who, on the transfer date for any transfer under section 4, 5, 7, 8, 28 or 29 of this Act—
  - (i) are depositors in that bank ; and
  - (ii) apart from this paragraph would by reason of the transfer cease to be entitled as aforesaid ; and
- (b) where any of those depositors is a man who dies leaving a widow, his widow during her widowhood.

12. In the Industrial Expansion Act 1968, in Schedule 1 (which specifies bodies not eligible for financial support under industrial investment schemes made under that Act) at the end there shall be added the following entries:— 1968 c. 32.  
Para. 12 rep-1971  
c 17 s 3(2), sch  
2 Pt. II

“The National Freight Corporation,  
The National Bus Company,  
The Scottish Transport Group.”

SCHEDULE 17

Section 164.

APPLICATION TO NORTHERN IRELAND

PART I

*Provisions extending to Northern Ireland*

Part I.

Part II (except sections 10(3), (4), (5) and (9), 13 and 18 to 21).

Sections 24 to 29.

Section 33.

Part IV (except sections 39, 40, 47(1)(a)(ii) and (v), 54 and 56).

Sections 100 and 101.

Sections 104 to 107 and 110, and so much of section 115 as relates to those sections. \* Rep. - 1975.c 24  
s. 10(2), sch. 3;  
c. 25. s. 5(2),  
sch. 3 Pt. I

Sections 134, 135, 136, 137, 146, 150, ~~155~~, 160, 161 and 164.

So far as they relate to any provision of this Act which extends to Northern Ireland sections 156 to 159, 163, 165 and 166.

Schedules 1 to 5, 7 and 16.

This Schedule.

In Schedule 18, Part I, ~~and so far as it relates to the House of Commons Disqualification Act 1957, Part III.~~ \* 1957 c. 20.

PART II

*Modifications*

1. In section 10(1)(xxix), the reference to Parliament shall include a reference to the Parliament of Northern Ireland.

- SCH. 17  
1946 c. 58.  
1946 c. 18 (N.I.).
2. In section 12(6), for the reference to section 1 of the Borrowing (Control and Guarantees) Act 1946 there shall, in relation to borrowing in Northern Ireland, be substituted a reference to section 2 of the Loans Guarantee and Borrowing Regulation Act (Northern Ireland) 1946.
- 1964 c. 16.  
1964 c. 18 (N.I.).
3. In section 135(4)(b), for the reference to a tribunal established under section 12 of the Industrial Training Act 1964 there shall be substituted a reference to a tribunal established under section 13 of the Industrial Training Act (Northern Ireland) 1964.
- 1891 c. 39.  
1895 c. 16.  
1899 c. 9.
4. In section 137(3)(a) and (4), the references to the Secretary of State for Employment and Productivity shall, in relation to agreements affecting persons employed in Northern Ireland by an authority to whom that section applies, include a reference to the Ministry of Health and Social Services for Northern Ireland.
5. In section 160, references to sections 12 and 112 of the Stamp Act 1891, section 12 of the Finance Act 1895 and section 8 of the Finance Act 1899 shall be construed as including references to those sections as they apply in relation to stamp duties chargeable in Northern Ireland; and for the purposes of the application of the said section 160 in relation to those duties, references to the Commissioners of Inland Revenue shall be construed as references to the Ministry of Finance for Northern Ireland.
6. In Schedule 4, in paragraph 2(4), the reference to the Secretary of State for Employment and Productivity shall, in relation to agreements affecting persons employed in Northern Ireland, include a reference to the Ministry of Health and Social Services for Northern Ireland.
- 1925 c. 20.  
1881 c. 41.
7. In Schedule 4, in paragraph 3, for the reference to section 64 of the Law of Property Act 1925, there shall be substituted a reference to section 9 of the Conveyancing Act 1881.
8. An arbitrator for the purposes of paragraph 13(3) of Schedule 4 shall, where the proceedings are to be held in Northern Ireland, be appointed by the Lord Chief Justice of Northern Ireland.
9. References to enactments or statutory provisions include references to enactments of the Parliament of Northern Ireland and provisions, whether of a general or special nature, contained in, or in any document made or issued under, any Act of the Parliament of Northern Ireland, whether of a general or a special nature.



## SCHEDULE 18

SCH. 18 REP. —  
1974, C. 22.  
S.L. (REPEALS.)

Sections 94 and  
165.

## REPEALS

## PART I

## REPEALS IN TRANSPORT ACT 1962 (10 &amp; 11 ELIZ. 2 c. 46)

## Section 2.

In section 4, as from the appointed day for the purposes of the transfer to the Bus Company under section 29(2) of this Act, subsection (2)(a) and (b) and subsections (3) and (4).

## Section 6.

In section 10, subsection (2) and, in subsection (4), the words "and (2)".

In section 11(4), the words from "but the Minister" to "by the Board".

In section 13, subsection (2), subsection (4) (except as respects proposals approved thereunder before the appointed day for the purposes of section 48 of this Act), and subsections (5) to (8).

## Section 18(1).

In section 19(3), as from 1st January 1969, paragraph (b) from "but" onwards and paragraph (i).

Sections 20(6), 22(2), (3), (6) and (7), 23(2), (3), (5), and (6), and 25(3) and (4).

In section 39(6), the words "Subject to the next following section".

## Sections 40 and 42(2).

In section 53, paragraph (a) of subsection (1), subsection (2), and in subsection (4) the words "paragraph (b) of subsection (2) or".

## Sections 55, 56(11), (16) and (18), 61(1) and (3), 64 and 72(4).

In section 85(1) the words from "After the entry relating to the National" onwards.

In section 85(2), the words "or the Hotel Company" and the words from "or of" onwards.

In section 85(3), the words from "or of" onwards.

## Section 87.

In Schedule 1, in the heading, the words "THE REGIONAL RAILWAY BOARDS" and Part II.

In Schedule 7, paragraphs 9 and 10.

In Schedule 11, in Part II, in paragraph 1, the words "In subsection (5) of section 2 and".

## PART II

## REPEALS IN ROAD TRAFFIC REGULATION ACT 1967 (1967 c. 76)

In section 1(2), the words from "The powers" onwards; and, in section 1(5), the words from "but" onwards.

## Sections 2, 3 and 4.

## SCH. 18

In section 5(1), the words "and confirmed by the appropriate Minister" and the words "and confirmed" in the second place where they occur; in section 5(2), the words "and confirmed" in both places where they occur; and section 5(5) and (6).

In section 6(2), the words "or the Minister" and the words from "but" onwards; and section 6(10).

Section 7(1).

Section 8(2) to (5).

In section 9(1), the words "and the next following" and the words from "(including" to "Minister"; in section 9(2), the words "or the appropriate Minister" and the words from "but" onwards; and section 9(6) and (7).

Section 10.

In section 11(2), the words "subject to section 84(2) of this Act".

Section 15(3); in section 15(4), the words "being the traffic area"; and section 15(5) to (7).

Section 26(3), (4), (7) and (8).

In section 28(7), the words "31(7) or 32(1)".

Section 32(1) to (4).

In section 33(2)(a), the words "with the consent of the Minister"; section 33(4); in section 33(5), the words "being the traffic area"; and section 33(6), (7) and (10).

Section 35(8); and in section 35(9) the words "or an order under subsection (8) above".

Section 38.

Section 39(3), (4) and (5).

Section 40(1); in section 40(2), the words "of the Minister or the appropriate Minister"; and section 40(3) to (8).

Section 41(4).

In section 42(1)(b), the words "of the appropriate Minister or the Greater London Council"; in section 42(3), the word "local", the words "(or the appropriate Minister, if he controls it) are or", and the words "or, as the case may be, that Minister"; and section 42(9).

Section 45(2).

In section 56(1), the words "Minister or the" in both places where they occur, the words "the Minister or, as the case may be", and the words "to the Minister or".

In section 56(2), the words from "or, to" to "or 9, the Minister" and the words "or Minister".

In section 56(3), the words from "and the Minister" onwards.

In section 62(3), the words "the Minister or" in both places where they occur, and the words "as the case may be".

In section 73(2), the words "by statutory instrument"; section 73(3) from the word "after" where first occurring onwards; and section 73(4) and (5).

In section 74(2)(b), the words "either the appropriate Minister or"; and section 74(3) to (6).

In section 76(2)(b), the words from "and, in" onwards.

Section 77(4).

In section 80(1)(a), the words "left or parked".

Section 84(2).

In section 97(2), the words "to 4" and the words from "(except" to "39(3))".

In section 104(1), in the definition of "designation order", the words "designating parking places" and the words from "and" onwards.

In section 106(1) and in section 106(3), the words "to 4".

Section 113(2) from the beginning to "the said".

Schedule 4.

So much of Schedule 6 as amends section 153(4) of the Act of 1960.

PART III

MISCELLANEOUS REPEALS

Chapter	Short Title	Extent of Repeal
51 & 52 Vict. c. 25.	The Railway and Canal Traffic Act 1888.	Section 45.
20 & 21 Geo. 5. c. 43.	The Road Traffic Act 1930.	Section 102.
10 & 11 Geo. 6. c. 49.	The Transport Act 1947.	Section 37.
1 & 2 Eliz. 2. c. 11.	The Harbours, Piers & Ferries (Scotland) Act 1953.	The whole Act.
3 & 4 Eliz. 2. c. 26.	The Public Service Vehicles (Travel Concessions) Act 1955.	In section 1, subsections (4) and (6).
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part II of Schedule 1, and in the Part substituted therefor by Schedule 3, the entries "The Nationalised Transport Advisory Council" and "A Regional Railway Board". In Part III of Schedule 1, in the entry beginning "Director of the Holding Company" the words "or the Hotel Company" and the words from "or of" onwards. In Schedule 3, in the Part substituted by that Schedule for the said Part III, in the entry beginning "Director of the Holding Company" the words from "or of" onwards.
6 & 7 Eliz. 2. c. 55.	The Local Government Act 1958.	Section 38(6).

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Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	Section 73. Section 154(1). Section 186. Section 188(1). Section 227(1) and (2). In section 234 the words " <del>section</del> 186 of this Act or". In section 237, in subsection (1), the words "(other than a docu- ment produced by virtue of subsection (2) of section 227)" and, in subsection (2), paragraph (d), together with the word "or" which precedes it. In section 250(3) the words "and 73".
10 & 11 Eliz. 2. c. 59.	The Road Traffic Act 1962.	Sections 20 and 21. In Schedule 4, in Part I, the entry relating to section 259 of the Road Traffic Act 1960.
1964 c. 40.	The Harbours Act 1964.	In section 30(4) the words "(other than any of the Boards)" and the words from "or by" to "1962".
1965 c. 62.	The Redundancy Payments Act 1965.	In section 48, in subsection (5), the words from "except" to "sub- section", and subsection (6)."
1966 c. 17.	The Transport Finances Act 1966.	Section 1(2). In section 1(3), the words from "except" to "pounds". Section 2. In section 3(3), the words "except section 2".
1966 c. 18.	The Finance Act 1966.	In section 35(3), the words "in either case".
1966 c. 46.	The Bus Fuel Grants Act 1966.	As from 1st January 1969, the whole Act.
1967 c. xx.	The Greater London Council (General Powers) Act 1967.	Section 26.
1968 c. 3.	The Capital Allow- ances Act 1968.	In section 83(4), the words "(wheth- er under paragraph (a) or (b) above)".
1968 c. 44.	The Finance Act 1968.	As from 1st January 1969, section 2(1)(b).

## PART IV

## REPEALS AS FROM APPOINTED DAY FOR PURPOSES OF SECTION 94(8)

Chapter	Short Title	Extent of Repeal
1 & 2 Geo. 6. c. 44.	The Road Haulage Wages Act 1938.	Section 9.
6 & 7 Eliz. 2. c. 66.	The Tribunals and Inquiries Act 1958.	In Schedule 1, in paragraph 21(b), as amended by Schedule 10 to this Act, the words "Part IV of the Road Traffic Act 1960 or".

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 69.	The Wages Councils Act 1959.	Section 21.
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act 1960.	<p>Sections 164 to 182. Section 188(2). In section 189, in subsection (2), the words from "licensing authorities" to "licensing authority" and the words "and any other officers or servants appointed for the purposes of this Part of this Act", and, in subsection (3), the words "establishment charges and", "licensing authorities" and "and any other officers or servants appointed by the Minister for the purposes of this Part of this Act". In section 190, in subsection (1), the words "or the Thirteenth Schedule thereto", paragraph (a), in paragraph (b) the words from "applications" to "licences, and on" and paragraphs (c) to (f), and subsection (2). In section 191, in subsection (1), the words "and the Thirteenth and Fourteenth Schedules thereto" and the definition of "statutory attendant", and subsection (2). In section 237(2), paragraphs (a) and (b), and the words "or plate" wherever they occur. In section 254(1), the words "and the Thirteenth Schedule thereto". Section 259(3). Schedules 13 and 14. In Schedule 19, in paragraph 4(2), the words from "except" onwards.</p>
10 & 11 Eliz. 2. c. 46.	The Transport Act 1962.	<p>In section 57(4) the words from "and shall consist" onwards. Section 60(1). Section 82. In Schedule 2, in Part I, the provision relating to section 174 of the Road Traffic Act 1960.</p>
11 & 12 Eliz. 2. c. 59. 1967 c. 30.	The Road Traffic Act 1962. The Road Safety Act 1967.	<p>Section 22. Section 18(4). In section 33(3) the words "or paragraph (2) of Schedule 14 to". In Schedule 1, paragraph 19.</p>
1968 c. 73.	The Transport Act 1968.	In Schedule 16, paragraphs 3 and 6.