



# Transport Act 1962

## 1962 CHAPTER 46

### PART III

#### TRANSPORT CHARGES AND FACILITIES

##### *Passenger fares in London*

#### **44 Application of current passenger charges scheme in London**

The Minister shall by order contained in a statutory instrument make such amendments in the charges scheme relating to passengers which is in operation under Part V of the Transport Act, 1947, immediately before the date on which this section comes into force as appear to him to be necessary for the purpose of limiting the application of the scheme—

- (a) to charges for the carriage of passengers by railway on journeys wholly within the London Passenger Transport Area, and
- (b) to charges for the carriage of passengers by road on routes wholly or partly within the London special area,

including in each case any provision of the scheme as to the luggage which a passenger is entitled to take with him and the charges, if any, to be made in respect of that luggage ; and that scheme, as so amended, shall continue in force on and after that date and apply to the London Board and the Railways Board.

#### **45 Transport Tribunal's power to make orders**

(1) The Transport Tribunal shall, subject to and in accordance with the provisions of this Part of this Act, have power to make orders as respects the following charges of the London Board and the Railways Board, that is to say—

- (a) charges for the carriage of passengers by railway on journeys wholly within the London Passenger Transport Area, and
- (b) charges for the carriage of passengers by road on routes wholly or partly within the London special area except—

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- (i) charges for any service or part of a service which is the subject of a road service licence, and
  - (ii) charges for carriage in contract carriages,
- and any such order may include provisions as to the luggage which a passenger is entitled to take with him and as to the charges, if any, to be made in respect of that luggage.
- (2) An order under this section may vary or revoke the charges scheme continued in force by the last foregoing section or any previous order under this section, and the said scheme and any orders for the time being in force under this section are hereinafter referred to as " the London fares orders".
- (3) Any order under this section shall comply with the following requirements, that is to say—
- (a) it shall fix maximum charges except in cases where it appears not to be reasonably practicable or to be undesirable so to do ;
  - (b) in cases in which no maximum charge is fixed it shall authorise the making of such charges as may be reasonable and provide for any questions as to the reasonableness of any such charge being determined, on the application either of the Board making the charge or of the person liable to be charged, by the Transport Tribunal, to the exclusion of any other court;
  - (c) it shall, save as aforesaid and subject to the provisions of this Act, secure that the charges to be made are left to the discretion of the Board concerned and that no limitations are imposed on that discretion ;
  - (d) it shall secure that the Board concerned have to publish maximum charges but do not have to publish any other charges.
- (4) In exercising their power to make orders under this section, the tribunal shall do nothing which will in the opinion of the tribunal prevent the London Board and the Railways Board from levying charges which make a proper contribution to the discharge of their financial duty, taking into account their present circumstances and future prospects and any directions given to them by the Minister under this Act.
- In this subsection " financial duty " means the duty imposed by subsection (1) of section eighteen of this Act and includes, in the case of the Railways Board, the duty imposed by subsection (4) of section twenty-two of this Act.
- (5) Where the tribunal make, or decline to make, an order under this section, they shall furnish a written statement of the reasons for their decision to the applicant and to every other person entitled to be heard on the application.
- (6) It shall be the duty of the said two Boards to give to the tribunal all such assistance as is necessary or as the tribunal may require for the purpose of exercising their power to make orders under this section.

#### **46 Applications for orders**

- (1) An application for an order under the last foregoing section may be made to the Transport Tribunal—
- (a) by the London Board or by the Railways Board, or
  - (b) by any representative body,
- and shall be accompanied by a written case in support of the application.

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- (2) The London Board and the Railways Board may make a joint application under this section.
- (3) The Transport Tribunal shall not entertain any application under this section by a representative body where in their opinion the application relates to a matter—
  - (a) which has been the subject of consideration by the tribunal within the twelve months preceding the making of the application, or
  - (b) which is of such magnitude that it should not be dealt with except as the result of such a review as is provided for by the next following section.
- (4) The London Board and the Railways Board shall make such applications under this section as appear to them to be necessary in order to secure that their charges subject to the London fares orders make a proper contribution to the discharge of their financial duty, taking into account their present circumstances and future prospects and any directions given to them by the Minister under this Act.

In this subsection " financial duty " has the same meaning as in subsection (4) of the last foregoing section.

- (5) Where an application is made under this section (not being an application which the tribunal refuse to entertain) the person making the application shall publish it in such manner as the tribunal may direct together with a notice stating where copies of the written case submitted in support of the application are available and specifying the time and manner (which shall be determined by the tribunal) in which objections to the application and other representations with respect thereto may be lodged with the tribunal by either of the Boards or by any representative body.
- (6) As soon as may be after the time for lodging objections and representations has elapsed, the tribunal shall hold a public inquiry and shall at that inquiry hear the applicant and (where they are not the applicant) the Boards, and any representative body which has duly lodged with the tribunal an objection or other representation with respect to the application.
- (7) The Transport Tribunal shall not vary any charge other than those to which the application relates unless the tribunal is satisfied that the Board concerned and such other persons as appear to the tribunal to have a substantial interest have had an opportunity of being heard thereon but, subject to that, the tribunal may on the application make such order, if any, as they think fit, and particulars of the order shall, unless the tribunal determine that in all the circumstances publication is unnecessary, be published in such manner as the tribunal may specify.
- (8) In this and the next following section the expression " representative body " means any body representative of, or of any section of, passengers travelling on journeys or routes the charges for which are subject to the London fares orders, and—
  - (a) the London County Council, the council of any metropolitan borough and the Common Council of the City of London, and
  - (b) the council of any county or county borough outside the county of London but wholly or partly within the London Passenger Transport Area, and
  - (c) the council of any non-county borough or urban district wholly or partly within that Area and having a population of not less than fifty thousand according to the last census for the time being.

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#### **47 Review of London fares**

- (1) The Minister may at any time require the Transport Tribunal to review the operation of the London fares orders.
- (2) The tribunal shall give notice of any such requirement to the London Board and the Railways Board, and shall require the London Board to publish notice thereof in such manner as the tribunal may specify, together with a notice specifying the time and manner (which shall be determined by the tribunal) in which representations may be lodged with the tribunal by any representative body.
- (3) As soon as may be after the time for lodging representations has elapsed, the tribunal shall hold a public inquiry and shall at that inquiry hear both the Boards and any representative body which has duly lodged a representation for the purposes of the review.
- (4) The tribunal may then under section forty-five of this Act make such order, if any, as they think fit and particulars of the order shall, unless the tribunal determine that in all the circumstances publication is unnecessary, be published in such manner as the tribunal may determine.

#### **48 Special procedure for temporary authorisation of increased charges**

- (1) If it appears to the London Board or the Railways Board that there has been or will be an increase in costs or a fall in revenue which will seriously affect their financial position unless met quickly by an increase in their charges subject to the London fares orders, they may by notice published in the London Gazette and in such other manner as may appear to them best adapted for informing persons affected, declare that all or any of their maximum charges fixed under the London fares orders are to be treated, as from a date specified in the notice, as increased by such amounts as may be so specified in relation to those maximum charges respectively; and the notice shall have effect notwithstanding anything contained in, or having effect under, the foregoing provisions of this Part of this Act.
- (2) A notice under this section shall contain a brief statement of the grounds on which it is given.
- (3) Neither of the Boards shall, by means of a notice or notices having effect at any one time under this section, make increases in charges which appear to them to bring about an increase in their revenue from charges subject to the London fares orders exceeding ten per cent.
- (4) Within one month, or such longer period as the Minister may allow, from the publication of a notice under this section in the London Gazette, the Board by whom the notice was given shall apply under section forty-six of this Act to the tribunal for the alteration of all or any of their fares subject to the London fares orders (whether or not all or any of those specified in the application were the fares affected by the notice).
- (5) The written case submitted in support of the application shall also set out the grounds on which the Board gave the notice.
- (6) The London Board and the Railways Board may give a joint notice under subsection (1) of this section.

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- (7) When the Transport Tribunal determine any application in pursuance of this section they shall by order fix a date for the termination of the relevant notice under this section.

#### **49 Transitional provisions**

The transitional provisions in Part II of the Seventh Schedule to this Act shall have effect for the purposes of the foregoing provisions of this Part of this Act relating to passenger fares in London.