



Transport Act 1962

1962 CHAPTER 46

PART IV

MISCELLANEOUS AND GENERAL

The Nationalised Transport Advisory Council, the Consultative Committees and the Transport Tribunal

55 The Nationalised Transport Advisory Council

- (1) There shall be established in accordance with this section a Nationalised Transport Advisory Council for the purpose of advising the Minister on questions relating to the co-ordination, or any other aspect, of the nationalised transport undertakings.
- (2) The Council shall consist of—
 - (a) a chairman, a vice chairman and not more than five other members who shall be 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 chairmen of the Boards and the Holding Company; and
 - (c) until the vesting date, the chairman of the Commission.
- (3) The Minister may, if he thinks fit, appoint any other person (who shall not be a member of the Council) to assist the Council in its work.
- (4) Notwithstanding subsection (2) of this section, the Minister may, instead of appointing a chairman of the Council, preside over the Council himself, and may in any case preside over it on any particular occasion.
- (5) The persons appointed under subsection (2) 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 re-appointment :

Provided that any such person may at any time by notice in writing to the Minister resign his office.

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- (6) Any person whom the Minister proposes to appoint under subsection (2) of this section shall, when requested by the Minister so to do, furnish to him such information as the Minister may consider necessary for the purpose of satisfying the Minister that that person will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions under this section.
- (7) The Minister may pay out of money provided by Parliament to the persons appointed by him under 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.
- (8) In this section " the nationalised transport undertakings " means, before the vesting date, the undertakings of the Commission and of the bodies which are subsidiaries of the Commission, and, after that date, the undertakings of the Boards, the activities of the Holding Company and the undertakings of the bodies which are subsidiaries of any of the Boards or the Holding Company.

56 The Transport Consultative Committees

- (1) There shall be established in accordance with this section—
 - (a) a Central Transport Consultative Committee for Great Britain (hereinafter referred to as the " Central Committee "), and
 - (b) Area Transport Users Consultative Committees (herein after referred to as " Area Committees ") for such areas of Great Britain as the Minister may from time to time direct, but so that there is no part of Great Britain which is not within the area of an Area Committee and so that there is at all times an Area Committee for Scotland and an Area Committee for Wales and Monmouthshire.
- (2) The Central Committee shall consist of a chairman appointed by the Minister, the chairmen of the Area Committees and such other members (not exceeding six) as the Minister may appoint after consultation with such bodies as appear to him to be representative of the interests of persons likely to be concerned with matters within the competence of the committee; and each Area Committee shall consist of a chairman appointed by the Minister, such other members as the Minister may appoint after consultation with such bodies as appear to him to be representative of the interests of persons likely to be concerned with matters within the competence of the committee and such other members (not exceeding two) as the Minister may appoint without such consultation.

The chairman of any Area Committee may appoint another member of that committee to attend a meeting of the Central Committee in his stead.
- (3) The persons appointed to be members of any committee under this section shall hold and vacate office in accordance with the terms of their respective appointments and shall, on ceasing to be members of the committee, be eligible for re-appointment:

Provided that any such person may at any time by notice in writing to the Minister resign his office.
- (4) Subject to the following provisions of this section, it shall be the duty of the Central Committee and of each Area Committee to consider and, where it appears to them to

be desirable, make recommendations with respect to any matter affecting the services and facilities provided by any of the Boards—

- (a) which has been the subject of representations (other than representations appearing to the committee to be frivolous) made to the committee by or on behalf of users of those services or facilities, or
- (b) which has been referred to the committee by the Minister or by a Board, or
- (c) which appears to the committee to be a matter to which consideration ought to be given;

and copies of the minutes, conclusions and recommendations of each committee shall be sent to the Board concerned and—

- (i) in the case of any Area Committee, to the Central Committee; and
- (ii) in the case of the Central Committee and the Area Committees for Scotland and for Wales and Monmouthshire, to the Minister.

- (5) Nothing in the last foregoing subsection shall entitle any committee to consider the charges made for any service or facility, or to consider any question relating to the discontinuance or reduction of railway services except as provided in the following provisions of this section; and the Central Committee shall not be obliged to consider any representation which appears to them to be more suitable for consideration by an Area Committee or which has been previously considered by an Area Committee.
- (6) Where the Minister receives a recommendation under subsection (4) of this section he may give to the Board concerned such directions as he thinks fit with respect to the matters dealt with in the recommendation.
- (7) Where the Railways Board or London Board propose to discontinue all railway passenger services from any station or on any line (hereinafter referred to as a closure), they shall, not less than six weeks before carrying their proposal into effect, publish in two successive weeks in two local newspapers circulating in the area affected, and in such other manner as appears to them appropriate, a notice—
 - (a) giving the date and particulars of the proposed closure, and particulars of any alternative services which it appears to the Board will be available and of any proposals of the Board for providing or augmenting such services; and
 - (b) stating that objections to the proposed closure may be lodged in accordance with this section within six weeks of a date specified in the notice (being the date on which the notice is last published in a local newspaper as required by this section);

and copies of the notice shall be sent to the appropriate Area Committee.

For the purposes of this and the next following subsection the appropriate Area Committee is the committee for the area in which the station or the line, or any part of the line, affected by the proposed closure is situated.

- (8) Where a notice has been published under the last foregoing subsection any user of any service affected and any body representing such users may within the period specified in the notice lodge with the appropriate Area Committee an objection in writing; and where such an objection is lodged the committee shall forthwith inform the Minister and the Board concerned and the closure shall not be proceeded with until the committee has reported to the Minister and the Minister has given his consent.
- (9) A committee with whom an objection has been lodged under the last foregoing subsection shall consider the objection and any representations made by the Board concerned and report to the Minister as soon as possible on the hardship, if any, which

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they consider will be caused by the proposed closure, and the report may contain proposals for alleviating that hardship.

Where objections with respect to any proposed closure have been lodged with more than one Area Committee, the committees in question—

- (a) may report to the Minister jointly, or
- (b) may agree that the consideration of objections and representations relating to the closure and the making of a report to the Minister shall be delegated to any of those committees appearing to them to be principally concerned;

and copies of every report under this and the next following subsection shall be sent to the Central Committee and to the Board concerned.

- (10) The Minister may require an Area Committee to make a further report; and if in any case the Minister considers that a report or further report has been unreasonably delayed he may, after consulting the committee concerned and making such enquiries as he thinks fit, consent to the proposed closure without awaiting the report or further report.
- (11) In any case in which a closure requires the consent of the Minister under this section, the Minister may give his consent subject to such conditions as he thinks fit and may from time to time vary those conditions; and the Minister may in connection with the closure from time to time give such directions to the Board concerned as he thinks fit.

Where a condition attached to a consent, or a direction, requires the Board to provide or assist in the provision of alternative services, the Minister may refer to an Area Committee any matter relating to those services, and the committee shall consider and report to the Minister on that matter.

- (12) Every committee established under this section shall meet when convened by the chairman thereof, but in no case less frequently than twice a year, and, without prejudice to the discretion of the chairman to call a meeting whenever he thinks fit, he shall call a meeting when required so to do by any three members of the committee, and minutes shall be kept of the proceedings at every meeting.
- (13) Where for the purposes of subsection (9) of this section a committee decide to hear an objector orally, or to hear oral representations made on behalf of a Board, they shall hear the objector and the representations in public.
- (14) Subject to subsections (12) and (13) of this section, every committee established under this section shall determine its own procedure including the quorum at meetings of the committee ; and the Central Committee may from time to time make general recommendations to the Area Committees with respect to any matter affecting the procedure or functions of those committees.
- (15) The Central Committee and the Area Committees for Scotland and for Wales and Monmouthshire shall make an annual report to the Minister, and the Minister shall lay a copy of those reports before each House of Parliament.
- (16) The Boards shall provide every committee established under this section with such officers and servants, and such office accommodation, as appear to the Boards to be requisite for the proper discharge of the committees' functions or as may be directed by the Minister; and the Boards may pay to the members of any such committee 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 Boards may determine.

The Boards shall contribute to the expenses incurred by them under this subsection in such proportions as they may agree or as the Minister may in default of agreement direct.

- (17) The transitional provisions in Part III of the Seventh Schedule to this Act shall have effect for the purposes of this section.
- (18) For the purposes of subsection (4) of this section, any shipping service provided by the Caledonian Steam Packet Company Limited or the Caledonian Steam Packet Company (Irish Services) Limited shall, so long as the company providing the service is a subsidiary of the Railways Board, be deemed to be a service provided by that Board.
- (19) Before the vesting date references in this section to the Boards or to any Board shall be construed, except so far as the context otherwise requires, as references to the Commission.

57 The Transport Tribunal

- (1) The number of members of the Transport Tribunal shall be increased from three to five, and of the members appointed by virtue of this section—
 - (a) one shall be a person of experience in transport business, and
 - (b) one shall be a person of experience in financial matters or economics.
- (2) As from the date on which this section comes into force, the tribunal shall sit in two divisions to be known as the London Fares and Miscellaneous Charges Division and the Road Haulage Appeals Division.
- (3) The London Fares and Miscellaneous Charges Division shall exercise the jurisdiction of the tribunal under—
 - (a) Part III of this Act, and
 - (b) the Post Office Act, 1953, and section twenty-four of the Transport Act, 1953 (which relate to charges for the carriage of mail and of the armed forces and police),and shall consist of the president of the tribunal and two members of the tribunal having respectively the qualifications mentioned in subsection (1) of this section.
- (4) The Road Haulage Appeals Division shall exercise the jurisdiction of the tribunal under Part IV of the Road Traffic Act, 1960 (which relates to road carriers' licences), and 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 and the other a person of experience in commercial affairs.
- (5) Notwithstanding the last foregoing subsection, for the purpose of any proceedings coming before the tribunal under Part IV of the Road Traffic Act, 1960, the president of the tribunal may, if he thinks fit, appoint one or more persons from a special panel (constituted in accordance with paragraph 6 of the Tenth Schedule to this Act) to hear and determine those proceedings, whether alone or with a member or members of the Road Haulage Appeals Division; and where the president does not himself sit in any such proceedings he shall direct which person is to preside.
- (6) The jurisdiction of the tribunal under any enactment other than those mentioned in the foregoing provisions of this section is hereby abolished.

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- (7) Any objection or application which, before the date on which this section comes into force, was referable to the tribunal under the Railway Employment (Prevention of Accidents) Act, 1900 (which relates to safety rules), shall be referred instead to a referee appointed (either generally or for the purpose of a particular case) by the Minister; and the said Act shall have effect with the necessary modifications.

Any objection or application under the said Act which is pending before the tribunal on that date shall be proceeded with before a referee appointed under this subsection in such manner as the Minister may direct.

- (8) There shall be transferred to the High Court the jurisdiction which before the date on which this section comes into force was vested in the tribunal under subsection (2) of section sixteen of the Railway and Canal Traffic Act, 1888 (which relates to the apportionment of expenses in certain cases), and any proceedings by virtue of that jurisdiction which are pending before the tribunal on that date shall be proceeded with in the High Court in such manner as the court may direct.
- (9) Any local enactment which makes provision corresponding to Part III of the Railways Clauses Act, 1863 (which relates to the approval by the tribunal of working agreements), shall cease to have effect; and where before the date on which this section comes into force any jurisdiction was vested in the tribunal under any other local enactment (except an enactment ceasing to apply by virtue of Part III of this Act) that jurisdiction shall be transferred to the High Court, and any proceedings by virtue of that jurisdiction which are pending before the tribunal on that date shall be proceeded with in the High Court in such manner as the court may direct.
- (10) In the application of the two last foregoing subsections to Scotland, references to the High Court shall be construed as references to the Court of Session.
- (11) The general panel and the transport panel constituted under section twenty-four of the Railways Act, 1921, and the shipping panel constituted under section thirty-nine of the Road and Rail Traffic Act, 1933, are hereby abolished.
- (12) The provisions of the Tenth Schedule to this Act (which reproduce the existing law with minor modifications and the modifications consequent on this section) shall have effect with respect to the constitution, powers and proceedings of the tribunal.