



Railways Act 1921

1921 CHAPTER 55

PART III

RAILWAY CHARGES.

Constitution and Procedure of Rates Tribunal.

20 Rates tribunal.

- (1) There shall be established a court styled the Railway Rates Tribunal (in this Act referred to as the "rates tribunal"), consisting of three permanent members, with power to add to their number as hereinafter provided, and the rates tribunal shall be a court of record and have an official seal which shall be judicially noticed, and the rates tribunal may act notwithstanding any vacancy in their number.
- (2) The permanent members of the rates tribunal shall be whole-time officers and shall hold office for such term not exceeding seven years from the date of their appointment as may be determined at the time of appointment and then retire, but a retiring member shall be eligible for reappointment.
- (3) The permanent members of the rates tribunal may be appointed by His Majesty at any time after the passing of this Act, and from time to time as vacancies occur, and shall be so appointed on the joint recommendation of the Lord Chancellor, the President of the Board of Trade, and the Minister.
- (4) Of the permanent members of the rates tribunal one shall be a person of experience in commercial affairs, one a person of experience in railway business, and one, who shall be the president, shall be an experienced lawyer.

21 Appointment of officers and expenses of tribunal.

- (1) The rates tribunal may appoint a clerk and such other officers and servants (subject to the consent of the Treasury as to number and not exceeding ten) as they may consider necessary for assisting them in the proper execution of their duties, and there shall be

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paid to the permanent members of the rates tribunal and to any such clerk, officer or servant as aforesaid such remuneration (including, in the case of such clerk, officers, and servants, superannuation allowances or gratuities on retirement) as the Minister, with the approval of the Treasury, may determine.

- (2) Any such remuneration and any other expenses of the rates tribunal incurred in the exercise and performance of their powers and duties shall be defrayed by the Minister out of moneys provided by Parliament, but, so far as the aforesaid expenses are not met out of the amount recovered by way of fees, they shall, on demand, be repaid to the Minister by the amalgamated companies as part of their working expenses in such proportions as the rates tribunal may determine.

22 Procedure.

- (1) The rates tribunal may, from time to time, with the approval of the Lord Chancellor, the Lord President of the Court of Session, and the Minister, make general rules governing their procedure and practice and generally for carrying into effect their duties and powers under this Part of this Act, and such rules may, amongst other things, provide for—
- (a) the awarding of costs by the tribunal, but so that in proceedings before the rates tribunal at the instance of any company or person, other than disputes between two or more railway companies, the tribunal shall not have power to award costs unless they are of opinion that either the application or claim or complaint or defence or objection, as the case may be, is frivolous and vexatious ;
 - (b) the reference of any question to a member or officer of the tribunal, or any other person appointed by them, for report after holding a local inquiry;
 - (c) the number of members of the tribunal to constitute a quorum;
 - (d) enabling the tribunal to dispose of any proceedings before them, notwithstanding that in the course of the proceedings there has been a change in the persons sitting as members of the tribunal;
 - (e) the right of audience before the tribunal, provided that any party shall be entitled to be heard in person, or by a representative in the employment of the party duly authorised in Writing, or by counsel or solicitor;

and may, subject to the consent of the Treasury, prescribe a scale of fees for and in connection with the proceedings before the tribunal.

- (2) The Minister shall give to the rates tribunal such assistance as the tribunal may require, and shall place at the disposal of the tribunal any information in his possession which he may think relevant to the matter before the tribunal, and the Minister shall be entitled to appear and be heard in any proceedings before the tribunal.
- (3) The rates tribunal shall annually make a report to the Minister of their proceedings under this Act, which report shall be laid before Parliament.

23 Sittings.

Subject to the provisions of this Part of this Act and to the rules made thereunder, the rates tribunal may hold sittings in any part of Great Britain in such place or places as may be convenient for the determination of the proceedings before them. The central office of the tribunal shall be in London.

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24 Additional members of tribunal.

- (1) There shall be constituted two panels, the one (hereinafter referred to as the general panel) consisting of thirty-six persons, "twenty-two being nominated by the President of the Board of Trade after consultation with such bodies as he may consider to be most representative of trading interests twelve being nominated by the Minister of Labour after consultation with such bodies as he may consider most representative of the interests of labour and of passengers upon the railways, and two being nominated by the Minister of Agriculture and Fisheries after consultation with such bodies as he may consider most representative of agricultural and horticultural interests, and the other (hereinafter referred to as the railway panel) consisting of eleven persons nominated by the Minister after consultation with the Railway Companies' Association, and one person nominated by the Minister to represent railways and light railway companies not parties to the Railway Companies' Association.
- (2) A member of a panel shall hold office for such term, not exceeding three years from the date of his appointment, as "may be determined at the time of appointment, and then retire, but shall be eligible for reappointment.
- (3) If a vacancy occurs amongst the permanent members of the rates tribunal, or if any permanent member of the rates tribunal is incapacitated by prolonged illness or other unavoidable cause from attending meetings of the tribunal, then pending the filling up of such vacancy or during such absence,
 - (a) in the case of the president, the Lord Chancellor may appoint a person to act in his place;
 - (b) in the case of either of the other permanent members, the Minister may appoint a member of a panel to act in his place, the person so appointed being selected from the general panel or the railway panel according to the qualification of the permanent member in question.
- (4) Whenever for the purposes of any particular case or proceeding the rates tribunal either upon application by any of the parties or otherwise so request, or the Minister thinks it expedient, there shall be added to the rates tribunal two additional members nominated by the Minister from the panels, one selected from the general panel and one from the railway panel.

In selecting a member from the general panel, regard shall be had to the particular class of case or proceeding to be heard, so that, as nearly as may be, the person so selected shall be conversant with and have knowledge of the technicalities that may arise in such particular case or proceeding.
- (5) Any person appointed under the provisions of this section shall, for the purposes of any proceedings in respect of which he may be so appointed, be a member of the rates tribunal and shall, subject to the provisions of this Part of this Act and to the general rules made thereunder, exercise all the powers and functions of a permanent member of the rates tribunal.

25 Decisions.

The decisions of the rates tribunal shall be by a majority of the members including the additional members, and shall not be subject to review otherwise than under the provisions of this Part of this Act relative to appeals from the rates tribunal.

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26 Appeals.

Section seventeen of the Railway and Canal Traffic Act, 1888, shall apply in respect of appeals from the rates tribunal in like manner as it applies to appeals from the Railway and Canal Commission :

Provided that, in cases where an appeal lies, the question whether the appeal is to be to the court of appeal or to the Court of Session shall be determined in accordance with general rules made under this Part of this Act.