



Transport Act (Northern Ireland) 1967

1967 CHAPTER 37

PART VI

DISTRIBUTION OF THE UNDERTAKING OF THE AUTHORITY

68 Vesting of the Authority's undertaking in the Holding Company

- (1) On the appointed day the undertaking of the Ulster Transport Authority (in this Act referred to as “the Authority”) shall by virtue of this Act be transferred to and vest in the Holding Company.
- (2) Subject to the following provisions of this section, all property which immediately before the appointed day was the property of the Authority shall vest in the Holding Company and, as from the appointed day, the Holding Company shall, to the exclusion of the Authority, have all rights and be subject to all liabilities which the Authority had or to which the Authority were subject immediately before the appointed day (not being rights or liabilities arising under any enactment repealed by this Act).
- (3) Subject to the provisions of this section, every agreement to which the Authority were a party, whether in writing or not and whether or not of such nature that rights and liabilities thereunder could be assigned by the Authority, shall, unless its terms or subject-matter make it impossible that it should have effect as modified in the manner provided by this subsection have effect as from the appointed day as if—
 - (a) the Holding Company had been a party to the agreement; and
 - (b) for any reference (however worded and whether express or implied) to the Authority there were substituted, as respects anything falling to be done on or after the appointed day, a reference to the Holding Company; and
 - (c) any reference (however worded and whether express or implied) to any officer or any servant of the Authority were, as respects anything falling to be done on or after the appointed day, a reference to such person as the Holding Company may appoint, or, in default of appointment, to the officer or servant of the Holding Company who corresponds as nearly as may be to the first mentioned officer or servant; and

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- (d) in the case of an agreement for the rendering of personal services to the Authority, the services to which the agreement relates were, on and after the appointed day, any reasonably comparable services under the Holding Company, to be selected, by the Company; and
 - (e) save as provided by paragraphs (c) and (d), any reference (however worded and whether express or implied) to the undertaking of the Authority were as respects the period beginning with the appointed day a reference to so much of the undertaking of the Holding Company as corresponds to the undertaking of the Authority.
- (4) The provisions of subsection (3) (except paragraphs (a) and (d) thereof) shall apply in relation to any statutory provision, any provision of any agreement to which the Authority were not a party, and any provision of any other document not being an agreement, as they apply in relation to an agreement to which the Authority were a party.

The statutory or other provisions to which this subsection applies include statutory or other provisions passed or made after the passing of this Act but before the appointed day.

- (5) Without prejudice to the generality of the preceding provisions of this section, where, by the operation of any of the said provisions, any right or liability becomes a right or liability of the Holding Company, the Company and all other persons shall, as from the appointed day, 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 that right or liability as they would have had if it had at all times been a right or liability of the Company, and any legal proceedings or applications to any authority pending on the appointed day by or against the Authority, in so far as they relate to any property, right or liability transferred to the Company under this section, or to any agreement, statutory provision or document which has effect in accordance with subsection (3) or subsection (4) of this section, shall be continued by or against the Company to the exclusion of the Authority.

69 Transfer or letting of property of the Holding Company to the railway undertaking.

- (1) The Holding Company may, and if so required by the Minister shall,—
- (a) transfer to the railway undertaking without requiring any payment therefor any vehicles, rolling stock, plant, machinery, fixtures, fittings or other equipment vested in the Holding Company by virtue of section 68 which the railway undertaking may reasonably require to operate the railway system as it exists at the date of the transfer of the equipment;
 - (b) let to the railway undertaking, at such rent and on such terms and conditions as the Holding Company and the railway undertaking may agree, any immovable property vested in the Holding Company by virtue of^[F1] section 67B or] section 68 which the railway undertaking may reasonably require to operate the railway system as it exists at the date of the letting.
- (2) In determining the amount of any rent to be paid in respect of the letting under subsection (1)(b) of any property which comprises or includes railway track or associated signalling and communication equipment, that track and equipment shall be deemed not to have any letting value.

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- (3) Any dispute arising between the Holding Company and the railway undertaking as to the property to be transferred or let under subsection (1) or as to the rent, terms or conditions at or upon which any property is to be let under subsection (1)(*b*), shall be referred to and determined by the Minister or, if he so directs, by the Lands Tribunal.

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70 Supplementary provisions as to the letting of property by the Holding Company to the railway undertaking.

- (1) Where in the opinion of the railway undertaking any property let to it under section 69, or re-let to it under subsection (2), is no longer required in connection with the provision of railway services, the railway undertaking may, notwithstanding any term or condition contained in the letting agreement, terminate the letting of that property.
- (2) Where the railway undertaking at any time before the termination of the letting of any property to it under section 69 or this subsection notifies the Holding Company in writing that the property will, on the termination of the letting, continue to be required in connection with the provision of railway services, the Holding Company shall, subject to subsection (3), re-let that property to the railway undertaking at such rent and on such terms and conditions as may be agreed or, in default of agreement, as may be determined by the Minister or, if he so directs, by the Lands Tribunal.
- (3) Subsection (2) shall not apply where, at or before the termination of a letting of property to the railway undertaking, the Holding Company—
- (a) provides or undertakes to provide adequate alternative accommodation; or
 - (b) pays or undertakes to pay such compensation to the railway undertaking as may be agreed or, in default of agreement, as may be determined by the Lands Tribunal.

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