

ELIZABETH II



1980 CHAPTER xxviii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to British Railways. [1st August 1980]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52. Order should be confirmed by Parliament:

Be it therefore 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:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.
2. This Act may be cited as the British Railways Order Confirmation Act 1980. Short title.

SCHEDULE

BRITISH RAILWAYS

Provisional Order to amend section 53 of the British Transport Commission Act 1949 in its application to Scotland.

1962 c. 46.

Whereas by the Transport Act 1962 the British Railways Board (hereinafter referred to as "the Board") were established:

And whereas it is the duty of the Board under the Transport Act 1962 (inter alia) to provide railway services in Great Britain and, in connection with the provision of railway services, to provide such other services and facilities as appear to the Board to be expedient, and to have due regard, as respects all those railway and other services and facilities, to efficiency, economy and safety of operation:

1949 c. xxix.

And whereas it is expedient that section 53 of the British Transport Commission Act 1949 should in its application to Scotland be amended as in this Order provided:

And whereas it is expedient that the other provisions in this Order contained should be enacted:

1936 c. 52.

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the last-mentioned Act, the Secretary of State orders as follows:—

Short title.

1. This Order may be cited as the British Railways Order 1980.

Interpretation.

2.—(1) In this Order—

"the Board" means the British Railways Board;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment.

(2) Any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended or amended by, or by virtue of, any subsequent enactment, including this Order.

3. For section 53 of the British Transport Commission Act 1949 Appointment of constables. 1949 c. xxix. in its application to Scotland there shall be substituted the following section:—

“Appoint-
ment of
constables in
Scotland.”
53.—(1) In this section, unless the context otherwise requires—

1962 c. 46.

‘the approved scheme’ means the scheme in force for the organisation of the transport police of the Boards approved under section 69(5) of the Transport Act 1962;

‘the Boards’ means the British Railways Board, the British Transport Docks Board and the British Waterways Board;

1967 c. 77.

‘police authority’ has the meaning assigned to it by section 50 (b) of the Police (Scotland) Act 1967;

‘sheriff’ includes sheriff-principal;

‘transport police’ means constables appointed or deemed to be appointed under this section;

‘wholly-owned subsidiary’ has the same meaning as in section 92 of the Transport Act 1962.

(2) Subject to the provisions of this section and the approved scheme, any sheriff may, on the application of any one or more of the Boards having power under the approved scheme to employ transport police, appoint all or so many as he thinks fit of the persons recommended to him by that Board or those Boards to act as constables in Scotland.

(3) Every constable on being so appointed shall make oath or declaration before the sheriff faithfully to execute the office of a constable.

(4) Every constable so appointed shall during the continuance of his appointment have all the powers, protection and privileges of a constable—

(a) in, on and in the vicinity of the railways, harbours, docks, inland waterways, stations, wharves, garages, hotels, works, depots and other premises, and in vessels and hovercraft, belonging or leased to or worked by any of the Boards or their wholly-owned subsidiaries;

(b) elsewhere, but only for the purposes of—

(i) carrying out investigations; and

(ii) arresting any person—

(aa) whom he has followed from, or from the vicinity of, any such premises or from any such vessel or hovercraft, in circumstances where

that person could have been arrested in, on or in the vicinity of, such premises or in such vessel or hovercraft; or

(bb) who is in possession of goods or money which the constable reasonably believes to have been stolen from, or from the vicinity of, any such premises or from such vessel or hovercraft or from the custody of the transport police.

(5) Any one or more of the Boards may dismiss from his office or accept the resignation of any constable employed by them and thereupon all powers, protection and privileges belonging to such constable by virtue of his appointment shall wholly cease. No constable so dismissed or resigning shall be capable of being reappointed except with the consent of the Board or Boards by whom he was dismissed or by whom his resignation was accepted or, in the case of a constable dismissed by the British Transport Commission, or whose resignation was accepted by the Commission, except with the consent of the British Railways Board.

(6) The police authority of any area shall not be liable for any expense of, or be responsible for any acts or defaults of, constables appointed under this section or for anything connected with or consequent upon their appointment and nothing in this Act shall restrict or affect the jurisdiction or powers of any such police authority or of any police force under their control.

(7) A constable appointed under this section shall not act as a constable unless he is in uniform or is provided by the sheriff or the chief police officer of the transport police with an authority to act as such while not in uniform, and if the constable is not in uniform he shall show such authority when called upon to do so.

(8) Every person who immediately prior to the passing of the British Railways Order 1980 is by virtue of section 53 of the British Transport Commission Act 1949 empowered to act as a constable in Scotland shall be deemed, for the purposes of this Act, to have been appointed under this section.”

Repeal.
1962 c. 46.

4. Section 70 (except subsection (6)) of the Transport Act 1962 so far as it applies to Scotland is hereby repealed.

Costs of Order.

5. The costs, charges and expenses of, and incidental to, the preparing for, obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Board, and may in whole or in part be defrayed out of revenue.

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