



Transport Act 1968

1968 CHAPTER 73

PART X

MISCELLANEOUS AND GENERAL

137 Machinery for negotiation and consultation with staff.

- (1) This section applies to the following authorities, namely—
- (a) the Railways Board, the Waterways Board. . . ^{F1};
 - (b) the new authorities;
 - (c) the Executive for any [^{F2}designated area within the meaning of section 9(1)] [^{F2}area which is a passenger transport area for the purposes of Part II] of this Act.
- (2) In the case of each authority to whom this section applies, except so far as the authority are satisfied that adequate machinery exists for achieving the purposes of this section, being machinery for operation at national level or local level or a level falling between those levels and appearing to the authority to be appropriate, it shall be the duty of the authority, either directly, or indirectly by exercising control over subsidiaries, to seek consultation with any organisation appearing to them to be appropriate with a view to the conclusion between the authority and that organisation or, if the authority so decide, between subsidiaries of theirs and that organisation, of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance, for operation at any such level as aforesaid, of machinery for—
- (a) the settlement by negotiation of terms and conditions of employment of persons employed by the authority and by their subsidiaries with provision for reference to arbitration in default of such settlement in such cases as may be determined by or under the agreements;
 - (b) the promotion and encouragement of measures affecting efficiency, in any respect, in the carrying on by the authority and by their subsidiaries of their activities, including in particular the promotion and encouragement of the training of persons employed as aforesaid; and

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

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- (c) the promotion and encouragement of measures affecting the safety, health and welfare of persons employed as aforesaid.
- (3) Every authority to whom this section applies shall send—
- (a) except in the case of such an Executive as aforesaid, to the Minister and to the Secretary of State for Employment and Productivity;
 - (b) in the case of such an Executive, to the [^{F3}Authority established under the said section 9(1) for the designated area in question][^{F3}Passenger Transport Authority for the passenger transport area in question (referred to below in this section as the relevant Passenger Transport Authority)],
- copies of any such agreement as aforesaid and of any instrument varying the terms of any such agreement.
- (4) Every authority to whom this section applies shall from time to time, at such times and within such period as—
- (a) except in the case of such an Executive as aforesaid, the Minister; or
 - (b) in the case of such an Executive, the [^{F4}Authority established as aforesaid][^{F4}relevant Passenger Transport Authority],
- may direct, report to the Minister and to the Secretary of State aforesaid or, as the case may be, to the Authority so established as to the progress or lack of progress made in arriving at such agreements as aforesaid.
- (5) Where it falls to any authority to whom this section applies or any subsidiary of theirs to participate in the operation of machinery established under this section, and the operation involves discussion of a subject by other persons participating therein, the authority or subsidiary shall make available to those persons, at a reasonable time before the discussion is to take place, such information in their possession relating to the subject as, after consultation with those persons, appears to the authority, or as the case may be, to the subsidiary to be necessary to enable those persons to participate effectively in the discussion.
- (6) Nothing in this section shall be construed as prohibiting any of the authorities to whom this section applies or any subsidiary of theirs from taking part together with other employers or organisations of employers in the establishment and maintenance of machinery for the settlement of terms and conditions of employment and the promotion and encouragement of measures affecting the health, safety and welfare of persons employed by them and the discussion of other matters of mutual interest to the authority or subsidiary and persons employed by them.
- [^{F5}(7) In this section “the Minister”—
- (a) in relation to the British Waterways Board, means the Secretary of State for the Environment;
 - (b) in relation to the Scottish Group, means the Secretary of State for Scotland; and
 - (c) in relation to any other authority, means [^{F6}the Secretary of State].]

(8) Section 72 of the Act of 1962 shall cease to apply to the Railways Board, the Waterways Board. . . ^{F1}

Textual Amendments

F1 Words repealed by S.I. 1973/338, Sch. 2

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- F2** Words commencing “area which is” substituted (E.W.S.) for words commencing “designated” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), **Sch. 3 para. 18**
- F3** Words commencing “Passenger Transport Authority” substituted (E.W.S.) for words commencing “Authority” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), **Sch. 3 para. 18(b)**
- F4** Words commencing “relevant” substituted (E.W.S.) for words commencing “Authority established” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), **Sch. 3 para. 18(c)**
- F5** [S. 137\(7\)](#) substituted by [S.I. 1976/1775](#), **Sch. 3 para. 8**
- F6** Words substituted by virtue of [S.I. 1979/571](#), **arts. 2, 3(5)** and [1981/238](#), arts. 2(2), 3(2)-(4)

Modifications etc. (not altering text)

- C1** [S. 137](#) extended by [Transport \(London\) Act 1969 \(c. 35\)](#), **s. 13**

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