

Transport (London) Act 1969

CHAPTER 35

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ELIZABETH II



1969 CHAPTER 35

An Act to make provision with respect to transport in and around Greater London and for connected purposes. [25th July 1969]

BE IT 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:—

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GENERAL FUNCTIONS OF GREATER LONDON COUNCIL
AS TO TRANSPORT

1. Without prejudice to any other duty imposed on them under any other Act, and in particular to their duty under section 84(1) of the Act of 1967, it shall be the general duty of the Greater London Council (hereafter in this Act referred to as "the Council") to develop policies, and to encourage, organise and, where appropriate, carry out measures, which will promote the provision of integrated, efficient and economic transport facilities and services for Greater London. General duty of Greater London Council with respect to transport.

2.—(1) Without prejudice to their duties under the enactments relating to town and country planning, the Council shall from time to time prepare, and cause to be published in such manner as seems to the Council appropriate for informing persons appearing to the Council to be concerned, plans relating to transport in Greater London with due regard to the relationship and interaction between transport facilities and services within, and such facilities and services outside, Greater London; and the Council shall send to the Minister a copy of any plan prepared by them under this section. Transport plans for Greater London.

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(2) Plans under this section shall be in such form, and relate to such aspects of transport and such periods, as the Council and the Minister may from time to time agree; and in preparing any such plan the Council shall consult with the Minister, the Railways Board and the London Transport Executive established under section 4 of this Act (hereafter in this Act referred to as "the Executive"), with any other local authority (being the council of a London borough, the Common Council or a county council) any part of whose area appears to the Council to be affected to a significant degree by the plan, and with any other bodies who appear to the Council to be able to contribute substantially to the formulation of the plan, and shall have regard—

(a) to any considerations to which the Minister may from time to time draw their attention, including, in particular, considerations of national or regional transport policy;

(b) to such of the following as are for the time being appropriate, namely—

(i) the initial development plan for Greater London within the meaning of section 25(2) of the London Government Act 1963;

(ii) any proposals for alterations or additions to that plan made under section 26(2) of that Act;

(iii) any proposals for the Greater London development plan;

(iv) the Greater London development plan and any proposals for any alteration or addition to that plan under Part III of the said Act of 1963 or Part I of the Town and Country Planning Act 1968;

(c) to any proposals for a further survey of Greater London under the said Part III or the said Part I; and

(d) to any exercise or proposed exercise by a local planning authority of their functions in connection with the development of any part of Greater London or of any area in the vicinity of Greater London.

(3) The Minister and the Railways Board shall have regard to any plan prepared, and to any proposals for such a plan on which they have been consulted, under this section for the purposes of settling in accordance with section 27(2) of the Act of 1962 the lines on which that Board are to act in framing and carrying out proposals involving substantial outlay by that Board or a subsidiary of theirs on capital account and, in the case of that Board, when framing and carrying out any such proposals which are likely to affect substantially transport in Greater London.

1963 c. 33.

1968 c. 72.

3.—(1) Without prejudice to any other power of the Council to make grants for transport purposes, the Council shall have power to make grants—

PART I
Power of
Council to
make grants.

- (a) to the Executive for any purpose ; or
- (b) to the Railways Board in respect of passenger transport services or other passenger transport amenities or facilities provided or to be provided by them which appear to the Council to be required to meet the needs of Greater London ;

but any expenditure incurred by the Council in making grants under this section shall not be relevant expenditure of the Council for the purposes of section 1 of the Local Government Act 1966 c. 42. 1966.

(2) In section 83(4) of the Capital Allowances Act 1968 and, in relation to chargeable periods ending on or before 5th April 1968, in section 35(3) of the Finance Act 1966 (which specify certain grants the making of which in respect of any expenditure disentitles the grantee to investment allowances or initial allowances in respect of that expenditure) at the end of the paragraph (c) added by section 161(3) of the Act of 1968 there shall in each case be inserted the words “ or

- (d) a grant made under section 3 of the Transport (London) Act 1969 ”.

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THE LONDON TRANSPORT EXECUTIVE

4.—(1) For the purpose of implementing the policies which it is the duty of the Council under section 1 of this Act to develop, there shall be constituted a public authority to be called the London Transport Executive who shall be a body corporate with perpetual succession and a common seal and shall consist of—

London
Transport
Executive.

- (a) a chairman appointed by the Council ; and
- (b) not less than four nor more than ten other members appointed by the Council after consultation with the chairman of the Executive.

(2) The chairman and other members of the Executive shall be appointed by the Council from among persons who appear to the Council to have had wide experience of, and shown capacity in, transport, industrial, commercial or financial matters, administration, applied science, or the organisation of workers.

(3) Before appointing a person to be a member of the Executive, the Council shall satisfy themselves that he will have no such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the

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Executive, and the Council shall also satisfy themselves from time to time with respect to every member of the Executive that he has no such interest ; and any person who is, or whom the Council propose to appoint to be, a member of the Executive shall, whenever requested by the Council so to do, furnish to the Council such information as the Council consider necessary for the performance by the Council of their duties under this subsection.

(4) The Executive—

- (a) shall pay to the members thereof such salaries or fees, and such allowances, as the Council may from time to time determine, and
- (b) as regards any of the members in whose case the Council determine that such provision should be made, shall pay such pensions to or in respect of those members, or enter into and carry into effect agreements or arrangements with some other person for securing or preserving such pension rights for those members, as the Council may determine ;

and if a person ceases to be a member of the Executive, otherwise than on the expiration of his term of office, and it appears to the Council that there are special circumstances which make it right that that person should receive compensation, the Council may require the Executive to pay to or in respect of that person a sum of such amount as the Council may determine.

1953 c. 25.

(5) Section 15 of the Local Government Superannuation Act 1953 (which enables local authorities to admit to their superannuation schemes employees of statutory undertakers) and section 6(1)(k) of this Act shall have effect as if members of the Executive were employees of the Executive ; but where a member of the Executive is admitted to participate in the benefits of a superannuation fund maintained by a local authority or of a pension fund or scheme in which employees of the Executive or any subsidiary of theirs participate—

- (a) subsection (4)(b) of this section shall not apply to him ; and
- (b) the Executive shall make any payments which are required to be made in respect of him to the superannuation fund by the employing authority or, as the case may be, to the pension fund or under the pension scheme by the employer, and may make from his remuneration any deductions which the employing authority or, as the case may be, the employer might make in respect of his contributions to that fund or under that scheme if he were an employee of the Executive.

(6) So much of subsection (4) of this section as requires that the pensions, if any, which are to be paid in the case of members of the Executive are to be determined by the Council shall not apply in relation to any pension payable apart from the provisions of that subsection.

(7) The provisions of Schedule 1 to this Act shall have effect as regards the Executive.

5.—(1) Subject always to the requirements of section 7(3) of this Act, it shall be the general duty of the Executive to exercise and perform their functions, in accordance with principles from time to time laid down or approved by the Council, in such manner as, in conjunction with the Railways Board and the Bus Company, and with due regard to efficiency, economy and safety of operation, to provide or secure the provision of such public passenger transport services as best meet the needs for the time being of Greater London.

General duties of Executive and other bodies with respect to passenger transport services for Greater London.

(2) It shall be the duty of the Executive, the Railways Board and the Bus Company, either acting directly, or acting indirectly through subsidiaries of theirs, to co-operate with one another in the exercise and performance of their respective functions for the purpose—

- (a) of co-ordinating the passenger transport services provided by, or by subsidiaries of, those authorities respectively; and
- (b) of securing or facilitating the proper discharge of the Executive's duty under subsection (1) of this section,

and to afford to one another such information as to their services as may be reasonably required for those purposes; and for the purposes of such co-operation those authorities shall have power to enter into such arrangements with one another with respect to the exercise and performance of their respective functions on such terms as may appear to them to be expedient.

(3) It shall be incumbent on the Executive to take such steps as appear to them to be practicable and desirable for promoting—

- (a) research on lines settled from time to time with the approval of the Council into matters affecting, or arising out of, the exercise of the functions of the Executive or any subsidiary of theirs; and
- (b) the doing of such work as is requisite to enable there to be turned to account—

- (i) the results of any research into any such matter as aforesaid (whether or not promoted by the Executive); and

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(ii) anything resulting from any idea affecting, or arising out of, the exercise of any of those functions.

(4) The Executive may take such steps as are referred to in subsection (3) of this section with respect to any matter either by themselves carrying out the necessary research or doing the necessary work or by arranging for that research to be carried out or that work to be done by some other person with or without assistance (including financial assistance) from the Executive; but nothing in this section shall authorise the Executive to do themselves, either directly or through a subsidiary, any work such as is mentioned in paragraph (b) of the said subsection (3) which the Executive would not have power to do apart from this section.

(5) The Council may give directions to the Executive with respect to the exercise and performance of the Executive's functions under subsections (3) and (4) of this section.

(6) Nothing in subsection (1), (2) or (3) of this section shall be construed as imposing, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which the Executive, the Railways Board or the Bus Company, as the case may be, would not otherwise be subject.

General powers
of Executive.

6.—(1) Subject to the provisions of this Act, the Executive shall have power—

- (a) to carry passengers by any form of land or water transport (including in either case hovercraft) within, to or from Greater London;
- (b) so far as the Executive consider requisite—
 - (i) in connection with the exercise of their powers under paragraph (a) of this subsection, or
 - (ii) in order to avoid an interruption of services formerly provided by the London Board,
 to carry passengers as mentioned in the said paragraph (a) between places outside Greater London;
- (c) in any vehicle or vessel used for the carriage of passengers in pursuance of paragraph (a) or (b) of this subsection, or in another vehicle drawn by or with, or propelled with, any vehicle so used, to carry also luggage and other goods;
- (d) to let passenger vehicles on hire with or without other vehicles drawn by or with, or propelled with, those passenger vehicles for the carriage of goods;
- (e) to store within Greater London or in any premises of the Executive outside Greater London goods which

have been or are to be carried by the Executive or a subsidiary of theirs and, so far as any premises provided for the purposes of that or any other part of their business are not required for those purposes, to use them to provide facilities for the storage of other goods ;

- (f) to make arrangements with any person providing passenger transport services by air for the provision of such services between places in Greater London or between such places and places outside Greater London, and to include in such arrangements provision for the making of payments to that person by the Executive ;
- (g) to supply, maintain and repair anything required for the purposes of the business of, or of a subsidiary of, the Executive or any of the national transport authorities or for the purposes of the Council ;
- (h) to supply to any person spare parts and components for passenger road vehicles disposed of by the Executive in the exercise of their powers under section 14(1)(e) of the Act of 1962 as applied by subsection (2) of this section, or by a subsidiary of the Executive, as being no longer required for the purposes of their business, and, for the purpose of supplying such spare parts or components which the Executive are satisfied cannot be satisfactorily obtained for the purpose by any other means, to manufacture them ;
- (i) subject to any directions by the Council, to construct, manufacture and produce anything which is required for any of the purposes of, or of a subsidiary of, the Executive or any of the national transport authorities or for the purposes of the Council ;
- (j) subject to any directions by the Council, at any place where the Executive, in the exercise of their powers under section 14(1)(d) of the Act of 1962 as applied by subsection (2) of this section, provide a car park, to repair motor vehicles for any persons, and to sell to any persons petrol, oil and spare parts and accessories for motor vehicles, whether or not those persons are using the car park ;
- (k) subject to any directions by the Council, to establish and administer pension schemes and pension funds in the interest of persons who are or have been employed by, or by a subsidiary of, the Executive or the London Board or by any other person of whom the Council are satisfied that the Executive are a successor in title, and

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to pay pensions to or in respect of such persons, or to enter into and carry into effect agreements or arrangements with any other person for securing or preserving pension rights for such persons ;

- (l) with the consent of the Council, to lend money to be applied for the purposes of a pension scheme under which the Executive or a subsidiary of theirs pay employer's contributions or are subject to any other obligations ;
- (m) to do anything necessary for the purpose of fulfilling a contract entered into by the London Board before the vesting date notwithstanding that apart from this paragraph the Executive would not have power to do that thing ;

but if the Executive engage, either directly or through a subsidiary, in any activities authorised by paragraph (d) or (j) of this subsection, the Executive shall in carrying on those activities act as if they were a company engaged in a commercial enterprise or, as the case may be, shall exercise their control over that subsidiary so as to ensure that the subsidiary in carrying on those activities acts as a company so engaged.

(2) Subject to the provisions of this Act, the following provisions with respect to the powers of the Boards, namely—

- (a) section 11 of the Act of 1962 and section 49(1) to (3) of the Act of 1968 (which relate to the development of land) ;
- (b) section 12 of the Act of 1962 (which relates to pipe-lines) so far as it relates to the construction and operation of pipe-lines required for the purposes of the business of a Board other than the operation of pipe-lines ;
- (c) sections 14(1) to (4) and 16 of the Act of 1962 and section 50(7) to (9) of the Act of 1968 (which contain supplemental provisions relating to the powers of the Boards) ;
- (d) section 15 of the Act of 1962 (which relates to the power of the Minister to authorise the compulsory purchase of land by a Board) ;
- (e) section 17(1) and (2) of the Act of 1962 (which relate to powers to promote or oppose Bills and orders) ;
- (f) section 25(1) and (2) of the Act of 1962 and section 51(2) and (4) to (6) of the Act of 1968 (which relate to subsidiaries) ;

- (g) section 43 of the Act of 1962 and sections 50(10) and (so far as relating to the said section 43) 51(2) of the Act of 1968 (which contain general provisions as to charges and facilities of the Boards),

shall apply to the Executive as they applied, apart from any other provision of the Act of 1962 or of 1968, to the London Board and have effect accordingly as if the Executive were one of the Boards, except that in their application to the Executive those provisions other than section 15 of the Act of 1962 shall have effect as if for any reference to the Minister there were substituted a reference to the Council.

(3) Subsection (1)(l) of this section and subsections (3) and (4) of section 14 of the Act of 1962 as applied by subsection (2) of this section shall not affect the power of the Executive—

- (a) to lend money by way of investment or to subscribe for or acquire securities by way of investment; or
- (b) to leave outstanding any loan made or guarantee given, or to retain any securities acquired, before the vesting date by the Commission or the London Board.

(4) The Council, the Executive and any subsidiary of the Executive shall each have power to enter into and carry out agreements with one another for the giving of assistance to one another by making available to the assisted party any services or facilities provided by, or any property of, the assisting party on such terms as may be agreed between those parties; and in section 72(2) of the London Government Act 1963 (which sets out the authorities for whom the Council may purchase, store and supply goods) at the end there shall be added the following paragraph:—

“(h) the London Transport Executive and any subsidiary within the meaning of the Transport (London) Act 1969 of that Executive.”

(5) Each of the powers conferred on the Executive by the foregoing provisions of this section shall be deemed to be in addition to, and not in derogation of, any other powers so conferred; and it is hereby declared that those provisions relate only to the capacity of the Executive as a statutory corporation, and nothing in those provisions shall be construed as authorising the disregard by the Executive of any enactment or rule of law.

(6) If at the vesting date any action has been taken by the London Board for the purpose of promoting a Bill in Parliament in pursuance of the powers conferred by, and with the consent of the Minister under, section 17 of the Act of 1962, the Executive may proceed with the promotion of that Bill as if that action had been taken by them in pursuance of the powers

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conferred by, and with the consent of the Council under, the said section 17 as applied by subsection (2) of this section.

Financial duty
of Executive.

7.—(1) In respect of each accounting period of the Executive, the Executive shall charge to revenue account, and secure that any subsidiary of theirs so charges, all charges which are proper to be made to revenue account, including, in particular, proper provision for the depreciation or renewal of assets.

(2) Without prejudice to the power of the Executive to establish specific reserves, they shall establish and maintain a general reserve, and the Council may give to the Executive directions as to any matter relating to the establishment or management of that general reserve, or the carrying of sums to the credit thereof, or the application thereof; but no part of the moneys comprised in that general reserve shall be applied otherwise than for purposes of the Executive or a subsidiary of theirs.

(3) The Executive shall so perform their functions as to ensure so far as practicable—

(a) that at the end of each such period as may from time to time be agreed for the purpose of this paragraph between the Executive and the Council the aggregate of the net balance of the consolidated revenue account of the Executive and any subsidiaries of theirs and the net balance of the general reserve of the Executive is such (not being a deficit) as may be approved by the Council with respect to that period, and

(b) that, if at the end of any accounting period of the Executive the said aggregate shows a deficit, the amount properly available to meet charges to revenue account of the Executive and their subsidiaries in the next following accounting period of the Executive exceeds those charges by at least the amount of that deficit.

(4) The Executive may, with the consent of the Council, make charges to capital account representing interest on expenditure of a capital nature (including expenditure of a capital nature incurred by the London Board before the vesting date), being interest for any period which ends on or before the end of the accounting period of the Executive in which the project or scheme to which the expenditure relates is in the opinion of the Council completed.

(5) The Executive shall from time to time, at such times, in such form and manner, and as respects such periods, as the Minister may after consultation with the Council require, submit to the Minister a statement approved by the Council of the

Executive's proposals for expenditure on capital account by the Executive and any subsidiaries of theirs ; and—

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- (a) the Minister from time to time by notice in writing to the Executive may impose a limit on such expenditure by the Executive and their subsidiaries ; and
- (b) the Executive shall secure that any such expenditure is restricted within that limit.

(6) The Council, in exercising or performing their functions under this Act, shall have regard—

- (a) to the duty imposed on the Executive by subsection (3) of this section ; and
- (b) to the provisions of subsection (5) of this section ; and
- (c) to any limit on capital expenditure by the Executive and their subsidiaries imposed by the Minister under the said subsection (5) ;

and where the requirements of paragraph (b) of the said subsection (3) fall to be complied with by the Executive, the Council shall take such action in the exercise and performance of their functions under this Act as appears to the Council to be necessary and appropriate in order to enable the Executive to comply with those requirements.

(7) For the purposes of subsections (1) and (3) of this section, the provisions of section 51(5) of the Act of 1968 shall be disregarded.

8.—(1) The Executive may borrow temporarily, by way of overdraft or otherwise, from any person such sums as they may require for meeting their obligations and discharging their functions ; but the Executive shall ensure that the aggregate of the amount outstanding in respect of any temporary loans raised by the Executive under this subsection or raised by any subsidiary of the Executive does not at any time exceed such amount as the Council may for the time being have approved.

Borrowing
by and loans
to Executive.

(2) The Executive may, with the approval of the Council, borrow otherwise than by way of temporary loan from any person and in any manner such sums as the Executive may require for all or any of the following purposes, namely—

- (a) for meeting any expenses properly chargeable to capital, being expenses incurred in connection with the provision or improvement of assets in connection with their business ;
- (b) for the provision of working capital ;
- (c) for acquiring an undertaking or part of an undertaking ;
- (d) for the making of any payment which they are required by or under this Act to make by way of compensation ;

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- (e) for subscribing for or acquiring securities of a body corporate otherwise than by way of investment ;
- (f) for the payment of interest charged to capital account under section 7(4) of this Act ;
- (g) to pay off any debt incurred by the Executive or any liability (including the fulfilment of any guarantee given by the Commission or the London Board) assumed by or transferred to the Executive in pursuance of this Act ;
- (h) for making any loan, or fulfilling any guarantee given, in pursuance of the powers conferred on the Executive by this Act ;
- (j) for any purpose for which capital moneys are properly applicable, whether or not specified in the foregoing paragraphs of this subsection ;

and the Executive shall exercise their control over any subsidiary of theirs so as to ensure that the subsidiary does not borrow otherwise than by way of temporary loan from any person without the approval of the Council or for any purpose other than purposes of the subsidiary such as are specified in paragraphs (a) to (e) and (j) of this subsection or for paying off any debt incurred by the subsidiary.

(3) The approval of the Council to a borrowing by the Executive under subsection (1) or (2) of this section from a person other than the Council shall operate as a guarantee by the Council of the repayment of the principal of, and the payment of interest on, the sum borrowed.

1963 c. 33.

(4) In Schedule 2 to the London Government Act 1963, in sub-paragraph (2) of paragraph 27 (which specifies the classes of persons to whom the Council may make loans under that paragraph) after paragraph (b) there shall be inserted the following paragraph:—

“(bb) the London Transport Executive”;

and notwithstanding anything in paragraphs 25 to 29 of that Schedule the Council shall have power to lend to the Executive any amount which the Executive desire to borrow under subsection (1) of this section and for that purpose may themselves borrow temporarily, by way of overdraft or otherwise, from any person such sums as they may require so to lend to the Executive.

(5) Any loan by the Council to the Executive shall be made at a rate of interest sufficient to ensure so far as reasonably practicable that having regard to all the circumstances existing at the time when the loan to the Executive is made no loss will be incurred by the Council in respect of that loan.

(6) All moneys borrowed by the Executive shall be charged indifferently on all their revenues, and all securities created by the Executive shall rank equally without any priority; but nothing in this subsection shall affect any right to priority conferred by a security for any liability assumed by or transferred to the Executive in pursuance of this Act.

(7) The provisions of this section shall have effect subject to any order made under section 1 of the Borrowing (Control and Guarantees) Act 1946, and for the purposes of that Act and any such order the Executive shall be deemed to be a local authority within the meaning of that Act. 1946 c. 58.

(8) The Executive shall be deemed to be a local authority for the purposes of—

(a) the enactments relating to loans by or borrowing from the Public Works Loan Commissioners; and

(b) section 203 of the Local Government Act 1933 and section 278 of the Local Government (Scotland) Act 1947 (which relieve lenders from making certain inquiries); 1933 c. 51. 1947 c. 43.

and the Minister may, on the application of the Executive made with the approval of the Council, by order provide for the application with or without modifications to borrowing by the Executive of any specified statutory provision relating to borrowing by a local authority.

(9) References in this section to borrowing do not include—

(a) borrowing by the Executive from a subsidiary of theirs; or

(b) the receipt of money by the Executive in the course of the carrying on of a savings bank operated by the Executive or the use by the Executive of money so received; or

(c) the receipt or use by the Executive of money of a pension fund established for the purposes of a pension scheme in which employees of the Executive or a subsidiary of theirs participate.

9.—(1) Section 130 of the Local Government Act 1948 (which relates to insurance by local authorities against accidents to members) shall apply to the Executive as it applies to a local authority. Provisions as to insurance by Executive. 1948 c. 26.

(2) In subsection (2) of section 202 of the Act of 1960 (which specifies certain vehicles to which the requirements of section 201 of that Act as to users of motor vehicles being insured or

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secured against third-party risks are not to apply) at the end there shall be added the following paragraph:—

“(e) to a vehicle owned by the London Transport Executive or by a body which is within the meaning of the Transport (London) Act 1969 (but disregarding section 51(5) of the Transport Act 1968) a wholly-owned subsidiary of that Executive, at a time when the vehicle is being driven under the owner’s control.”

1968 c. 73.

Accounts of Executive.

10.—(1) The Executive shall—

- (a) cause proper accounts and other records in relation to their business to be kept ; and
- (b) prepare an annual statement of accounts in respect of such accounting period, in such form, and containing such particulars, compiled in such manner, as the Council may from time to time direct.

(2) The accounts of the Executive shall be audited by an auditor or auditors to be appointed annually by the Council, and any person so appointed as auditor shall be either the district auditor or some other person who is a member, or is a firm in Scotland each of the partners wherein is a member, of one or more of the following bodies namely—

the Institute of Chartered Accountants in England and Wales ;

the Institute of Chartered Accountants of Scotland ;

the Association of Certified and Corporate Accountants ;

the Institute of Chartered Accountants in Ireland ;

the Institute of Municipal Treasurers and Accountants ;

any other body established in the United Kingdom who are—

(a) a body of accountants, and

(b) for the time being recognised for the purposes of section 161(1)(a) of the Companies Act 1948 by the Board of Trade ;

1948 c. 38.

and any auditor so appointed shall be entitled to require from any officer of the Executive or of any subsidiary of theirs such books, deeds, contracts, accounts, vouchers, receipts and other documents, and such information and explanations, as may be necessary for the performance of his duties.

Additional provisions as to control of Executive by Council.

11.—(1) In addition to any power of the Council under any other provision of this Act to give directions to the Executive as respects any matter, the Council may give to the Executive general directions as to the exercise and performance by the Executive of their functions (including the exercise of rights conferred by the holding of interests in companies) in relation to

matters appearing to the Council to affect the policies and measures which it is the duty of the Council under section 1 of this Act to develop, organise or carry out.

(2) Without prejudice to any requirement as to the approval or consent of the Council in any other provision contained in or applied by this Act, the Executive shall submit to the Council and obtain the Council's approval of—

- (a) such annual or other estimates of income or expenditure of the Executive and any subsidiaries of theirs as the Council may require to be so submitted ;
- (b) any major change proposed to be made in any of those estimates after their approval by the Council ;
- (c) any proposal for expenditure by the Executive or any subsidiary of theirs which involves a substantial outlay on capital account ;
- (d) the general level and structure of the fares to be charged for the time being for the carriage of passengers by the Executive or any subsidiary of theirs on railway services or London bus services ;
- (e) any proposal by the Executive to form, promote or assist, or to join with any other person in forming, promoting or assisting, a company for carrying on any activities which the Executive have power to carry on.

(3) Unless the Council are of opinion that in all the circumstances it is unnecessary so to do, they shall cause particulars of the general level and structure of the fares referred to in subsection (2)(d) of this section as for the time being approved by the Council to be published in such manner as the Council may determine, and the Executive shall comply with any directions of the Council as to that publication ; and the Council may direct the Executive to submit proposals for an alteration in the Executive's fare arrangements to achieve any object of general policy specified by the Council in the direction.

(4) The Executive shall provide the Council at such times or intervals and in such form and manner as the Council may require with information with respect to the operations and the expenditure on capital and revenue account respectively which are planned or under consideration by the Executive, and shall furnish the Council with such returns, accounts and other information with respect to the property and activities of the Executive or any subsidiary of theirs as the Council may from time to time require.

(5) In connection with the discharge of their functions under subsections (2)(d) and (3) of this section with respect to fares

PART II

for the carriage of passengers by the Executive's railways, the Council—

- (a) shall in each year consult with the council of any county within which any of those railways are situated as to the general level and structure of such fares on journeys within, to or from that county ; and
- (b) before approving any proposal for a change of substance in that general level and structure submitted to them for that purpose by the Executive shall inform the council of that county of that proposal and consider any offer by that council to make a financial contribution to the Executive in respect of the provision of services for the carriage of passengers by the Executive's railways within, to or from that county ;

and the Council shall so exercise their powers under subsection (4) of this section as to enable them to inform the council of that county in advance of any proposal by the Executive for a change of substance in the level of the provision made for such journeys.

(6) The Council may from time to time cause a review to be made of the organisation of the Executive's undertaking and may give to the Executive such directions as appear to the Council from any such review to be requisite to secure that the Executive's undertaking is organised in the most efficient manner ; and the Executive shall not make, or permit to be made, any substantial change in the manner in which their undertaking is organised except in pursuance of a direction given by the Council under this subsection or with the approval of the Council.

12.—(1) Where the activities of the Executive or any subsidiary of theirs include the carrying on—

- (a) of the business of providing services for the carriage of passengers by road which both do not, and if section 23(2)(a) of this Act had not been passed would not, require authorisation by a road service licence ; or
- (b) of any business of a description which the Executive are authorised to carry on by section 6(1)(i) of this Act,

subsection (2) of this section shall apply to that business.

(2) In the case of any business to which this subsection applies the annual report of the Executive under section 15 of this Act for any accounting period shall include a statement of—

- (a) the amount, as determined by the Executive, of the turnover of the Executive or subsidiary for that period in respect of that business ;

Minister's power to prevent improper conduct of subsidiary activities.

- (b) the extent or approximate extent (expressed in either case in monetary terms) to which, as so determined, the carrying on of that business contributed to, or restricted, the profit or loss of the Executive or subsidiary for that period before taxation ;
- (c) the method by which any determination for the purposes of paragraph (a) or (b) of this subsection was arrived at ; and
- (d) such further information, if any, relating to the carrying on by the Executive or subsidiary of that business as the Minister may from time to time direct.

(3) If, where the Executive or any subsidiary of theirs carry on any business to which subsection (2) of this section applies, it appears at any time to the Minister that, having regard to all the circumstances appearing to the Minister to be relevant, the charges made by the Executive or subsidiary in the course of that business are unduly low having regard to the cost of carrying on that business, the Minister shall, after consultation with the Council and with the Executive, either—

- (a) direct the Executive to make, or, as the case may be, to ensure that the subsidiary makes, such modifications in their or its method of conducting that business as may be specified in the direction ; or
- (b) direct the Executive to discontinue, or, as the case may be, to ensure that the subsidiary discontinues, that business.

(4) The Minister may by order provide that subsection (2) of this section shall apply with or without modifications of that subsection and subsection (3) of this section—

- (a) to any specified business carried on by the Executive or a subsidiary of theirs, being business of a description which the Executive are authorised by section 6(1)(d), (g), (h) or (j) of this Act to carry on ; or
- (b) to any other specified business of the Executive or any subsidiary of theirs, being business which appears to the Minister to be of a character only subsidiary or incidental to the discharge of the Executive's duty under section 5(1) of this Act and to be carried on on a substantial scale.

(5) The Executive shall secure that no subsidiary of theirs carries on any business with respect to which the Minister has given the Executive a direction under subsection (3)(b) of this section.

PART II
Machinery for
negotiation
and
consultation
with staff.

13. Section 137 of the Act of 1968 (which relates to machinery for negotiation and consultation with staff) shall apply to the Executive as if they were the Executive for a designated area within the meaning of section 9(1) of that Act and as if the Council were the Authority for that designated area, except that a copy of any such agreement as is referred to in subsection (2) of the said section 137 entered into by the Executive and of any instrument varying the terms of any such agreement shall be sent to the Secretary of State for Employment and Productivity as well as to the Council.

Users'
consultative
body.

14.—(1) As soon as may be after the vesting date, the Council shall establish a consultative body for the purpose of considering, and, where it appears to that body to be desirable, making recommendations with respect to, any matter affecting the services and facilities provided by the Executive which, not being concerned with the charges made for any service or facility or with a proposal for such a closure as is referred to in section 25(1) of this Act of a station or line on their railways—

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

and copies of the minutes, conclusions and recommendations of that body shall be sent to the Council and to the Executive.

(2) Before the Council appoint any person to be a member of the body aforesaid they shall consult with such as they consider appropriate of any bodies appearing to them to be representative of the interests of persons likely to be significantly concerned with matters within the competence of the body aforesaid.

(3) The Council may give to the Executive any directions which, after consultation with the Executive and having regard to the provisions of section 7(6) of this Act, the Council think fit with respect to the matters dealt with in any recommendation of the body aforesaid.

(4) The Council shall provide the body aforesaid with such officers and servants, and such office accommodation, as appear to the Council to be requisite for the proper discharge of that body's functions.

(5) The Council may pay to the members of the body aforesaid such allowances as the Council may determine, being

allowances of such description and not exceeding such amount as might have been paid by that body if that body had been a body to which Part VI of the Local Government Act 1948 applies.

PART II
1948 c. 26.

15.—(1) The Executive shall as soon as may be after the end of each of their accounting periods make to the Council a report on the exercise and performance of the Executive's functions during that period and shall send a copy of that report to the Minister; and the Council shall cause that report to be published in such manner as the Council think fit.

Annual report
by Executive.

(2) In addition to including the statement required by section 12(2) of this Act, the report of the Executive for any accounting period shall also set out—

- (a) the statement of accounts for that period referred to in section 10(1)(b) of this Act, together with the report on that statement made by the auditor or auditors by whom the Executive's accounts for that period were audited; and
- (b) any direction given in pursuance of this Act to the Executive during that period by the Council or by the Minister.

PART III

TRANSFERS OF PROPERTY, RIGHTS, LIABILITIES AND FUNCTIONS

16.—(1) Subject to the provisions of this Act, on the appointed day for the purposes of this section (in this Act referred to as "the vesting date") all property, rights and liabilities of the London Board shall be transferred to, and by virtue of this Act vest in, the Executive.

Transfer of
property etc.
of London
Board.

(2) In the case of the following property, rights and liabilities of the London Board, that is to say—

- (a) property which immediately before the vesting date was used or appropriated for use for the purposes of the part of the Board's undertaking commonly known as country buses and coaches and not for any other purposes of the Board;
- (b) property situated outside Greater London which immediately before that date was provided for the convenience or information both of passengers on road services forming part of the activities of the said part of the Board's undertaking and of passengers on other road services of the Board;

PART III

- (c) rights and liabilities subsisting immediately before that date for the purposes of the activities of the said part of the Board's undertaking,

subsection (1) of this section shall not apply but, subject to the provisions of this Act, the property, rights and liabilities in question shall on the vesting date be transferred to, and by virtue of this Act vest in, such company, being a wholly-owned subsidiary of the Bus Company, as the Bus Company may by notice published in the London Gazette designate for the purpose (hereafter in this Act referred to as "the designated company").

(3) Schedule 2 to this Act shall apply to any transfer under this section, and subsections (1) and (2) of this section shall have effect subject to the provisions of that Schedule.

17.—(1) As from the vesting date the statutory provisions referred to in Schedule 3 to this Act shall have effect in accordance with the provisions of that Schedule.

(2) Subject to the said Schedule 3 and to any other provision in this Act, as from the vesting date the functions of the London Board under any statutory provision other than the Act of 1962, the Act of 1968 and this Act, including any such provision passed or made between the passing of this Act and the vesting date, shall be transferred in accordance with the subsequent provisions of this section.

(3) If and so far as the statutory provision—

- (a) relates to that part of the London Board's undertaking, or to property, transferred by this Act to the Executive or, as the case may be, to the designated company; or
- (b) authorises the carrying out of works designed to be used in connection with the part of the London Board's undertaking so transferred or the acquisition of land for the purpose of carrying out such works,

the functions of the London Board under that statutory provision shall be transferred to the Executive or, as the case may be, to the designated company.

(4) If the statutory provision authorises the London Board to appoint, nominate, or concur in or approve the appointment or nomination of, a member of some body or the holder of some other office—

- (a) this Act shall not affect the tenure of office of any person appointed or nominated under that statutory provision before the vesting date; and

(b) subject to paragraph (a) of this subsection, the functions of the London Board under that statutory provision shall be transferred to the Executive, or to the designated company, or to both the Executive and the designated company acting either jointly or separately, as the Minister may by order direct.

(5) Subject to the foregoing provisions of this section, the functions of the London Board under any such statutory provision as is mentioned in subsection (2) of this section shall be transferred to the Executive.

18.—(1) Subject to subsection (3) of this section, the provisions of subsections (2) to (9) of section 74 of the Act of 1962 (which relate to the Minister's power to make orders about pensions) shall have effect as if—

Provisions
as to pensions
functions.

- (a) the expression "Board" included the Executive; and
- (b) the references in subsection (1)(a)(ii) of that section to the Commission included references to the London Board; and
- (c) the reference in subsection (2)(a) of that section to a pension scheme in which employees of the Commission or a subsidiary of the Commission participated before the date there mentioned included a reference to a pension scheme in which employees of, or of a subsidiary of, the London Board participated before the vesting date.

(2) The Minister shall by order under the said section 74 as applied by subsection (1) of this section provide for the rights, liabilities and functions of the London Board relating to pensions or pension schemes, and any property held by that Board on trust for a pension scheme, to be divided between the Executive and the designated company, and on the vesting date transferred to them respectively, in such manner as he considers appropriate; and—

- (a) that order may apply to the transfer under the order such of the provisions of Schedule 2 to this Act subject to such modifications as the Minister may consider appropriate; and
- (b) save as may be provided by that order, the provisions of sections 16 and 17 of this Act shall not apply in relation to the property, rights, liabilities or functions to which the order relates.

(3) Nothing in the provisions of the said section 74 as applied by subsection (1) of this section shall prejudice the powers con-

PART III referred on the Executive by section 6(1)(k) of this Act, and the powers conferred on the Minister by the said section 74—

(a) except on the application of the Executive made with the approval of the Council—

(i) shall not be exercisable in relation to any pension scheme established in pursuance of the powers conferred on the Executive as aforesaid ; or

(ii) in the case of any Executive-transferred scheme which is a London transport scheme, shall not be exercisable in relation to participants in that scheme who are or have been employees of, or of a subsidiary of, the Executive ; and

(b) except as aforesaid, and except where the Minister is satisfied that the exercise proposed of those powers will not result in any increase in the obligations or liabilities of the Executive, shall not be exercisable in the case of any other Executive-transferred scheme in relation to participants in that scheme who are or have been such employees as aforesaid ;

and nothing in, or in any order made under, the said section 74 as applied as aforesaid shall require the consent or approval of the Minister to any action by the Executive with respect to such only of the participants in any pension scheme as are or have been such employees as aforesaid.

In this subsection, the expression “ Executive-transferred scheme ” means a pension scheme in connection with which rights, liabilities and functions of, or property held by, the London Board have been transferred to the Executive under subsection (2) of this section, and the expression “ London transport scheme ” means a pension scheme specified in Part 2 of the Schedule to the British Transport Reorganisation (Pensions of Employees) (No. 3) Order 1962, or established by or for the former London Transport Executive set up under the Transport Act 1947 or by or for the London Board.

S.I. 1962/2758.

1947 c. 49.

(4) Any person who—

(a) on or before the vesting date, ceases to be employed by one, and becomes employed by another, of the following bodies, namely, the London Board, the Executive, any of the national transport authorities and any subsidiary of that Board, the Executive or any of those authorities ; or

(b) on the transfer date for the purposes of any transfer under section 21(3) or 22(2) of this Act is employed by a company which immediately before that date was a

subsidiary of one body but on that date becomes a subsidiary of another body,

shall not in consequence cease to be eligible to participate in any pension scheme in which he was a participant immediately before so ceasing to be employed or, as the case may be, immediately before that transfer date.

(5) In the application of subsection (3) or (4) of this section to a pension scheme the benefits under which are or will be receivable as of right, persons who have obtained pension rights under the scheme without having contributed under the scheme shall be regarded as participants in the scheme; and the reference in the said subsection (4) to being eligible to participate in a pension scheme shall be construed accordingly.

(6) Subsections (4) and (5) of this section shall have effect subject to any order under the said section 74 made by virtue of subsection (1) of this section, being an order taking effect on or at any time after the vesting date.

19.—(1) On the vesting date—

(a) there shall be extinguished—

(i) the commencing capital debt of the London Board under section 39 of the Act of 1962; and

(ii) the liability of the London Board in respect of the principal of all sums lent to that Board by the Minister under section 20 of that Act;

(b) the Council shall assume a debt due to the Minister (hereafter in this section referred to as the Council's "transferred capital debt") on such terms as may be imposed by the Minister under subsection (3) of this section;

(c) the Executive shall assume a debt due to the Council (hereafter in this section referred to as the Executive's "commencing capital debt") of an amount equal to the Council's transferred capital debt on the terms described in subsection (7) of this section; and

(d) the commencing capital debt of the Bus Company under Schedule 2 to the Act of 1968 shall be increased in accordance with the provisions of this section.

Transfer or extinguishment of London Board's debts to Minister and power to make deficit grants to Board.

(2) The amount of the Council's transferred capital debt and of the increase of the Bus Company's commencing capital debt taken together shall be equal to one-tenth of the aggregate amount extinguished under subsection (1)(a) of this section; and the respective amounts of that debt and that increase shall be equal to such proportions respectively of the amount of that one-tenth as the Minister may by order prescribe having regard to the manner in which the property, rights and liabilities of the

PART III

London Board to which section 16 of this Act applies are divided under that section between the Executive and the designated company.

(3) Subject to subsection (4) of this section, the rate of interest payable on the transferred capital debt of the Council, the time when the principal is to be paid off and the other terms of the debt shall be such as the Minister may with the approval of the Treasury from time to time direct ; and—

(a) any sums received by the Minister by way of interest on, or repayment of, that debt shall be paid into the National Loans Fund ; and

(b) in section 44(1) of the Act of 1968 (which requires an account by the Minister of the receipt and disposal of certain sums) at the end there shall be added the following paragraph :—

“ (c) any sums which, being received by the Minister by way of interest on, or the repayment of, the transferred capital debt of the Greater London Council under section 19 of the Transport (London) Act 1969, are required by subsection (3)(a) of that section to be paid by the Minister into the National Loans Fund.”

(4) For the purposes of any period between the vesting date and the date of the making of the order under subsection (2) of this section the Minister may estimate what the transferred capital debt of the Council and the increase in the commencing capital debt of the Bus Company are likely to be and require the Council and the Bus Company to make to him provisional payments by way of interest on the appropriate estimated amount ; and those provisional payments shall be on account of the payments of interest becoming due—

(a) in the case of the Council, under subsection (3) of this section ;

(b) in the case of the Bus Company, under section 39(6) of the Act of 1962 as applied by paragraph 1 of Schedule 2 to the Act of 1968.

(5) The Minister may from time to time, but not later than the expiration of the period of five years beginning with the vesting date, by order vary the amounts prescribed under subsection (2) of this section where that appears to him expedient to take account of any adjustments in pursuance of provisions of this Act in the property, rights and liabilities of the London Board transferred respectively to the Executive and to the designated company, and any such order may contain such transitional provisions as appear to the Minister expedient to

take account of any interest underpaid or overpaid on the transferred capital debt of the Council or, as the case may be, on the commencing capital debt of the Bus Company.

(6) The Minister's power to make an order under subsection (2) or (5) of this section shall be subject to the approval of the Treasury ; and any such order shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(7) In the case of the commencing capital debt of the Executive, the rate of interest payable, the time when the principal is to be paid off, and the other terms of that debt, shall be the same (subject to the necessary adaptations) as those for the time being applicable under subsection (3) of this section in the case of the transferred capital debt of the Council ; and—

- (a) if any variation is made by an order under subsection (5) of this section in the transferred capital debt of the Council, the like variation shall be made in the commencing capital debt of the Executive and the Council may by directions to the Executive make such transitional provision as appears to the Council expedient to take account of any interest underpaid or overpaid on the commencing capital debt of the Executive ;
- (b) for the purposes of the period referred to in subsection (4) of this section the Council may require the Executive to make to them provisional payments of the like amount as are required to be made by the Council to the Minister and those provisional payments shall be on account of the payments of interest becoming due under this subsection.

(8) The Minister may, with the approval of the Treasury, make grants to the London Board or, after the vesting date, to the Executive to meet any deficit arising on the revenue account of the London Board in respect of the period beginning with 1st January 1969 and ending with the vesting date.

20.—(1) Subject to subsection (2) of this section, the Council may direct the Executive to prepare and submit to the Council proposals for arrangements whereby—

- (a) specified transport services or facilities for the time being provided by, or by a subsidiary of, the Executive will instead be provided by some other person or will be discontinued ; or
- (b) specified transport services or facilities which the Executive have power to provide but which are for the time being provided by some person other than the

Power of Council to direct preparation of proposals for transfers of functions etc.

PART III

Executive or a subsidiary of theirs will instead be provided by, or by a subsidiary of, the Executive ;

and, subject to any directions of the Council, any such proposals may include arrangements agreed between the Executive, any subsidiary of theirs and the other person concerned for the transfer between the Executive or that subsidiary and that other person of property, rights and liabilities ; and on receiving any such proposals, the Council may direct the Executive to give effect to those proposals either without modification or with such modifications as may be specified by the Council, or not to proceed with the proposals, as the Council may think fit.

(2) The Council shall give to the Minister not less than eight weeks notice of their intention to give any direction to the Executive under subsection (1) of this section and shall furnish the Minister with all such information appearing to him to be relevant in connection with the direction as he may require ; and if it appears to the Minister that the implementation of arrangements such as are required by the direction to be proposed or, as the case may be, the giving of effect to the proposals in accordance with the direction would be likely to result in the Executive and their subsidiaries ceasing to be the main providers, apart from the Railways Board, the Bus Company and their subsidiaries, of the passenger transport services required to meet the needs of Greater London, he may at any time before the expiry of that notice direct the Council to modify their proposed direction to the Executive in such manner as the Minister may specify, or not to proceed with the giving of their direction to the Executive, as the Minister may think fit.

Schemes for transfers between Executive and Railways Board or Bus Company.

21.—(1) Subject to subsection (2) of this section, the Executive and the Railways Board, or the Executive and the Bus Company, acting jointly, may as occasion seems to them to require it make schemes for the transfer from one to another of the Executive, that Board or, as the case may be, that Company, and any wholly-owned subsidiary of the Executive or that Board or, as the case may be, Company of any specified property, rights and liabilities, or of all property, rights and liabilities comprised in a specified part of the transferor's undertaking ; and any such scheme may contain such supplementary, incidental and consequential provision as may appear to the Executive and the Railways Board or, as the case may be, to the Executive and the Bus Company to be necessary or expedient.

(2) A scheme under this section shall not come into force unless it has been approved by the Minister after consultation with the Council or until such date as the Minister may in giving his approval specify ; and the Minister may approve a scheme either without modification or with such modification as,

after consultation with the Council, with the Executive and with the Railways Board or, as the case may be, the Bus Company, he thinks fit ; but, without prejudice to his powers under section 22 of this Act, the Minister shall not approve any such scheme which makes provision for a transfer of any property, rights or liabilities which it appears to him would materially prejudice the proper discharge by the Executive, the Railways Board or the Bus Company of their respective functions.

(3) Subject to subsection (4) of this section, the property, rights and liabilities to which any such scheme relates shall on the date of the coming into force of the scheme be transferred, and by virtue of the scheme vest, in accordance with the scheme.

(4) Schedule 4 to the Act of 1968 shall apply to any transfer under subsection (3) of this section subject to any reference in that Schedule to a vesting by virtue of that Act being construed as a reference to a vesting by virtue of the scheme in question, and as if any other reference in that Schedule to that Act (otherwise than in a reference to a particular provision of that Act) were a reference to this Act ; and that subsection shall have effect subject to the provisions of that Schedule.

22.—(1) Subject to subsection (4) of this section, the Minister may by order—

(a) transfer from one to another of the Executive and their wholly-owned subsidiaries, or from, or from a wholly-owned subsidiary of, one to, or to such a subsidiary of, the other of—

- (i) the Executive and the Railways Board ; or
- (ii) the Executive and the Bus Company,

any functions of, or of that subsidiary of, the Executive, that Board or that Company, as the case may be, being functions in connection with the carriage of passengers, and for that purpose amend any of the enactments relating to those functions ;

(b) make any such provision with respect to, or to any wholly-owned subsidiary of, the authority or either of the authorities in question as is mentioned in section 21(1) of this Act,

and any such order shall make provision for the protection of the interests of persons transferred by or under the order from one employment to another and may contain such supplementary, incidental and consequential provision as may appear to the Minister to be necessary or expedient.

(2) Subject to subsection (3) of this section, in the case of an order under subsection (1) of this section making such provision as is mentioned in section 21(1) of this Act, the property, rights

Orders by
Minister for
transfers
between
Executive and
Railways
Board or Bus
Company.

PART III

and liabilities in question shall on such date as may be appointed for the purpose by the order be transferred, and by virtue of this Act vest, in accordance with the order.

(3) Schedule 4 to the Act of 1968 shall apply to any transfer under subsection (2) of this section and shall so apply as if for any reference in that Schedule to that Act (otherwise than in a reference to a particular provision of that Act) there were substituted a reference to this Act, and that subsection shall have effect subject to the provisions of that Schedule.

(4) The power to make orders under this section shall not be exercisable so as to cause all or substantially all of the functions of the Executive to become functions of, or of wholly-owned subsidiaries of, the Railways Board and the Bus Company; and before making any order under this section the Minister shall consult with the Council, the Executive, the Railways Board or, as the case may be, the Bus Company, and such other persons, if any, as the Minister may think fit, and lay a draft of the proposed order before each House of Parliament; and the order shall not be made unless that draft has been approved by resolution of each House of Parliament.

PART IV

PUBLIC SERVICE VEHICLES, RAILWAY CLOSURES AND PASSENGER
TRANSPORT CHARGES

Regulation of
services by
public service
vehicles in
and around
London.

23.—(1) As from the vesting date, any enactment passed before this Act which makes special provision as to the regulation of services by public service vehicles in the London Passenger Transport Area or the London Special Area shall cease to have effect; and, subject to the provisions of this section and Schedule 4 to this Act, Part III of the Act of 1960 shall have effect accordingly within as well as outside the limits of those areas.

(2) As from the vesting date, no person other than the Executive or a subsidiary of theirs shall provide a London bus service except in pursuance of an agreement with the Executive or under a consent continued in force or granted under Schedule 4 to this Act, and notwithstanding anything in Part III of the Act of 1960—

- (a) no road service licence shall be required for the provision of any bus service operated wholly as a London bus service; and
- (b) where such a licence is granted in respect of a bus service operated in part only as a London bus service, no condition shall be attached to the licence with respect

to the carriage of passengers who are both taken up and set down in Greater London ;

and any such licence in force immediately before the vesting date, if or so far as that licence relates to the operation of a London bus service, and any condition attached to such a licence, if or so far as that condition relates to the carriage of passengers who are both taken up and set down in Greater London, shall cease to have effect.

(3) Where it is proposed—

(a) to provide a bus service which is to be operated wholly or in part as a London bus service and which has not been provided continuously since immediately before the vesting date, whether the proposed service is to be provided by, or by a subsidiary of, the Executive or by some other person in pursuance of an agreement under subsection (2) of this section ; or

(b) to vary a bus service which is being, and has at all times since before the vesting date been, operated as aforesaid,

then, before deciding on, or on the provisions to be contained in such an agreement with respect to, or on any variation affecting, the route of that service or a terminal point, point at which passengers may or may not be taken up or set down, or place at which, or street by the use of which, vehicles used for that service may turn at a terminal point, the Executive shall, so far as the service is or is to be provided in Greater London, consult with the Council, with the commissioner or commissioners of police concerned, with any of the councils of the London boroughs or the Common Council within whose area that route, point, place or street is situated, and with any other person whom it appears proper to the Executive for them to consult.

(4) Where any agreement under subsection (2) of this section relates to a bus service part only of which is operated as a London bus service, any provision contained in that agreement with respect to the carriage of passengers other than those who are both taken up and set down in Greater London shall be of no effect if or so far as it is inconsistent with any condition for the time being attached to any road service licence under which the bus service is provided.

(5) If any person provides a bus service in contravention of subsection (2) of this section, he shall be liable on summary conviction to a fine not exceeding £200 ; but proceedings for an offence under this subsection shall not be instituted except by or on behalf of the Director of Public Prosecutions, or by or with the authority of the Executive or a commissioner of police.

PART IV

(6) Section 21 of the Act of 1968 (which contains provisions as to the functions of traffic commissioners in connection with designated areas within the meaning of section 9(1) of that Act) shall have effect as if, except for the purposes of subsection (1)(b) of that section, Greater London were such a designated area and the Executive were the Executive for that designated area and as if—

- (a) the reference in subsection (4) of the said section 21 to an agreement made for the purposes of section 19(2) of that Act included a reference to an agreement under subsection (2) of this section ; and
- (b) the reference in subsection (5)(a)(iii) of the said section 21 to Schedule 6 to that Act included a reference to Schedule 4 to this Act ;

and subsections (2) and (3) of the said section 21 (which relate to disputes as to whether a service is or is not an excursion or tour) shall have effect for the purposes of this section as if references therein to an excursion or tour included references to an express feeder service.

(7) In this section and Schedule 4 to this Act—

“ bus service ” means a service for the carriage of passengers by road for which a road service licence is required, or would but for subsection (2)(a) of this section be required, other than an excursion or tour within the meaning of the Act of 1968 ;

“ commissioner of police ” means, in relation to the metropolitan police district, the Commissioner of Police of the Metropolis and, in relation to the City of London, the Commissioner of Police for the City of London ;

“ express feeder service ” means, subject to section 21(2) and (3) of the Act of 1968 as applied by subsection (6) of this section, a bus service—

(a) for the carriage of passengers to a terminal point in Greater London for the purpose of enabling those passengers to transfer to another vehicle forming part of a service of express carriages proceeding from that terminal point to a place outside Greater London, or for the carriage from a terminal point in Greater London of passengers who have transferred at that terminal point from another vehicle forming part of a service of express carriages proceeding to that terminal point from a place outside Greater London, and in either case whether or not the terminal point, other vehicle or service of express carriages in question is the same in the case of all those passengers ; and

(b) in the case of which the following conditions are satisfied, that is to say—

- (i) that no separate fare is charged for the conveyance to or from the terminal point ; and
- (ii) that the vehicle in which the passengers are carried is operated by or in association with the person providing the service of express carriages and is being used solely for the purpose of carrying passengers to and from the terminal point of that service ;

“ London bus service ” means a bus service which is, or so far as it is, a service on which passengers may be taken up and set down at different places within Greater London, whether or not any passengers on that service may also be taken up or set down outside Greater London, but does not include an express feeder service ;

“ road service licence ” has the same meaning as for the purposes of the Act of 1960 and includes a permit granted under section 30 of the Act of 1968.

24.—(1) The provisions of the Act of 1960 with respect to traffic commissioners for traffic areas other than the Metropolitan Traffic Area shall apply also to the Metropolitan Traffic Area ; and accordingly section 122 of that Act (which provides for a single traffic commissioner for the Metropolitan Traffic Area) shall cease to have effect.

Amendments as to functions of traffic commissioners in Metropolitan Traffic Area.

(2) Without prejudice to section 163 of the Act of 1960, section 120(1) of that Act shall not by reason of subsection (1) of this section operate to confer on the traffic commissioners for the Metropolitan Traffic Area powers and duties as regards licences to drive, or act as conductor of, public service vehicles.

(3) In its application to the traffic commissioners for the Metropolitan Traffic Area, section 121(4) of the Act of 1960 shall have effect as if—

- (a) Greater London were a county and the Council were the council of that county ; and
- (b) the City of London were a borough and the Common Council were the council of that borough.

(4) In the Act of 1960—

- (a) in section 135(2) (which relates to the councils whose representations must be taken into consideration by traffic commissioners in granting or refusing a road service licence) after the word “ by ” in the last place where it occurs there shall be inserted the words “ any of the following councils, namely, the Greater London

PART IV

Council, the council of any London borough, the Common Council of the City of London”;

- (b) in section 135(7) (which relates to the persons to whom notice of a grant of a road service licence must be sent) for the words “the council of every” there shall be substituted the words “each of the following councils, namely, the Greater London Council, the council of any London borough, the Common Council of the City of London, the council of any” and for the word “every” in the last place where it occurs there shall be substituted the word “any”;
- (c) in sections 135(8) and 163(1), for the words “traffic commissioner” wherever they occur there shall be substituted the words “traffic commissioners”;
- (d) in section 143(2)(a) (which relates to the persons who may appeal against a refusal of the traffic commissioners to vary the conditions attached to a road service licence) at the beginning there shall be inserted the words “the Greater London Council, the council of any London borough, the Common Council of the City of London”.

(5) Any reference in any statutory provision passed or made before the coming into force of this section to the traffic commissioner for the Metropolitan Traffic Area shall be construed as a reference to the traffic commissioners for that area, or to the chairman of those commissioners, as the context may require.

(6) The person who on the appointed day for the purposes of this section is the traffic commissioner for the Metropolitan Traffic Area shall be deemed to have been appointed on that day under section 121 of the Act of 1960 as chairman of the traffic commissioners for that area and until the other two traffic commissioners for that area have been appointed under subsection (4) of that section may act alone for the purposes of the discharge of any functions of the traffic commissioners for that area.

Railway
closures in
and around
Greater
London.

25.—(1) In subsections (7) to (9) and (13) of section 56 of the Act of 1962 and subsection (1) of section 54 of the Act of 1968 (being provisions relating to proposals by the Railways Board or the London Board for a closure, that is to say, the discontinuance of all railway passenger services from any station or on any line), references to the London Board shall be construed as references to the Executive.

(2) Where the Railways Board propose the closure of a station in Greater London or of a line the whole or part of which lies in Greater London, the Board shall send a copy of the notice of the closure published by the Board in pursuance

of subsection (7) of the said section 56 to the Council, and the Council may, within the period specified in the notice for objecting to the closure, lodge with the Minister a statement in writing that they oppose the closure and of their reasons for doing so; and where the Council lodge such a statement with the Minister they shall send a copy of that statement to the Board and, notwithstanding that no objection is lodged in accordance with subsection (8) of the said section 56, the closure shall not be proceeded with until the Minister has given his consent.

(3) Where under the said subsection (8) or under subsection (2) of this section any closure proposed by the Railways Board or by the Executive of a station in Greater London or of a line the whole or part of which lies in Greater London requires the consent of the Minister, the Minister shall before deciding whether or not to give his consent consult with the Council.

26.—(1) Where under section 56(8) of the Act of 1962 the consent of the Minister is required to a proposed closure by the Executive, and the Minister refuses his consent to that closure, and the Minister is satisfied—

Grants on refusal of Minister's consent to closure by Executive.

- (a) that the railway passenger services for the time being provided by the Executive from the station or on the line in question are unremunerative; and
- (b) that it is desirable for social or economic reasons that railway passenger services from that station or on that line should for the time being continue to be provided by the Executive either in the same or in some different form or manner; and
- (c) that because of the unremunerative nature of the services which the Minister is satisfied are desirable for those reasons (hereafter in this section referred to as "the required services") the Executive cannot reasonably be expected to provide them without assistance under this section,

then, subject to the provisions of this section, the Minister may from time to time with the consent of the Treasury undertake to make grants to the Executive in respect of the provision of the required services for such period not exceeding three years at a time as the Minister may think fit.

(2) The Minister may on giving an undertaking under subsection (1) of this section as respects any period attach to that undertaking such conditions in connection with the provision of the required services during that period, and such other conditions in connection with the grants to be made in pursuance of the undertaking, as he thinks fit.

(3) The aggregate amount payable by way of grants in pursuance of an undertaking under subsection (1) of this section

PART IV

in respect of the period to which the undertaking relates shall, subject to any conditions attached to the undertaking, be the amount by which it is estimated, on such basis and in such manner as the Minister, with the approval of the Treasury and after consultation with the Executive, may determine, that the expenditure properly attributable to the provision during that period of the required services will exceed the revenue properly so attributable; and payments in pursuance of the undertaking shall be made in such manner and at such times as the Minister may with the approval of the Treasury determine.

Removal of control of Transport Tribunal over passenger fares in London.

27.—(1) Sections 44 to 49 of the Act of 1962 (which relate to the control of passenger fares in London by the Transport Tribunal) shall cease to have effect and, subject to the provisions of this Act, the powers conferred by section 43 of that Act shall be exercisable accordingly.

(2) During the period between the appointed day for the purposes of subsection (1) of this section and the vesting date, the London Board shall not make any alteration in the general level or structure of the fares to be charged for the time being for the carriage of passengers by the Board or any subsidiary of theirs unless their proposals for that alteration have been submitted to and approved by the Minister; and the Minister may direct the Board to cause any such alteration approved by him to be published in such manner as he may determine; and for the purposes of section 11(2)(d) and (3) of this Act the general level and structure of the fares aforesaid in force at the vesting date shall be deemed as from that date to have been submitted by the Executive to and approved by the Council.

(3) Any approval of the Minister under subsection (2) of this section shall be given in writing and may be given for any case or description of cases specified in the approval, or may be general, and may be given subject to conditions.

(4) For the purposes of subsection (2) of this section, subsection (2) of section 41 of this Act shall have effect as if there were substituted—

(a) for any reference to the Executive a reference to the London Board; and

(b) for any reference to the Council a reference to the Minister;

and subsection (3) of that section shall apply to any direction given to the London Board by the Minister under subsection (2) of this section or under subsection (2) of that section as applied by this subsection as it applies to a direction given to the Executive by the Council and accordingly as if for the relevant references in the said subsection (3) to the Council and the Executive

there were substituted references respectively to the Minister and the London Board.

PART IV

(5) As from the appointed day for the purposes of subsection (1) of this section, the division of the Transport Tribunal which under section 57(2) of the Act of 1962 is to be known as the London Fares and Miscellaneous Charges Division shall be known as the Railway Rates Division.

28. As from the appointed day for the purposes of section 27(1) of this Act, in fixing in the exercise of their powers under section 43 of the Act of 1962 the charges to be made for the carriage of passengers by their railways on services determined in accordance with principles from time to time laid down by the Council to be required to meet the needs of Greater London, the Railways Board shall have regard to such financial objectives for those services as the Minister (after consultation with the Council) and the Board may from time to time agree; and the Board shall in each year consult with the Council as to the general level and structure of the fares to be charged for the carriage of passengers by the Board's railways on journeys wholly within Greater London and as to the general level of the provision to be made for such journeys and shall inform the Council in advance of any proposals for changes of substance in any such fares or in the level of the provision so to be made.

Fixing of certain charges by Railways Board.

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PROVISIONS AS TO HIGHWAYS AND TRAFFIC

29.—(1) Subsections (1) to (3) of section 17 of the London Government Act 1963 (which specify the highways which are to be metropolitan roads, that is to say, the highways for which the Council are the highway authority) shall cease to have effect, and references in any enactment to metropolitan roads shall be construed as references to—

Amendments as to metropolitan roads. 1963 c. 33.

(a) any highway or proposed highway in Greater London which is for the time being classified under section 27(2) of the Local Government Act 1966 as a principal road for the purposes of advances under section 235 of the Highways Act 1959; and

1966 c. 42.
1959 c. 25.

(b) any other highway or proposed highway in Greater London which is for the time being designated as a metropolitan road by an order under section 7 of the said Act of 1959 directing that the highway shall cease to be a trunk road.

(2) A certificate by or on behalf of the Minister that any highway or proposed highway in Greater London is, or is not, for the time being classified as aforesaid shall be evidence of

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the fact stated and any such certificate may describe the highway or proposed highway in question by reference to a map.

(3) The Council shall prepare and maintain a list of, and a map showing, the highways and proposed highways which are for the time being metropolitan roads and shall deposit a copy of that list and of that map with each of the councils of the London boroughs and the Common Council, and the Council and each of those other authorities shall make that list and map, or as the case may be the copies thereof so deposited with them, available for inspection by the public at all reasonable hours.

1963 c. 33.

(4) In section 18 of the London Government Act 1963 (which relates to the delegation of functions of the Council with respect to a metropolitan road to the council of a London borough or the Common Council), after subsection (1) there shall be inserted the following subsection:—

“(1A) For the avoidance of doubt it is hereby declared that the functions of the Greater London Council which may be delegated by virtue of subsection (1) of this section include, and shall be deemed always to have included, the functions of that Council under the provisions of section 12 of the Road Traffic Regulation Act 1967 (being provisions relating to the temporary prohibition or restriction of traffic on roads), or, as respects any period before the coming into operation of the said section 12, under the corresponding provisions contained in section 36 of the Road Traffic Act 1960, with respect to any metropolitan road in the case of which that Council have so delegated their functions with respect to the maintenance of that road.”

1967 c. 76.

1960 c. 16.

1959 c. 25.

(5) In this section, any expression (other than “metropolitan road”) which is also used in the Highways Act 1959 has the same meaning as in that Act.

(6) The provisions of this section other than subsection (4) thereof shall be deemed for the purposes of section 84 of the London Government Act 1963 (which relates to the making of supplementary and transitional provision by order) to be included in that Act.

Planning permission for development affecting metropolitan road.

30.—(1) The Minister may from time to time, after consultation with the Council, with the councils of the London boroughs and with the Common Council, direct that, for the purposes of regulations made by the Minister of Housing and Local Government under section 24(6) of the London Government Act 1963 (which enables that Minister by regulations to require particular applications, or applications of a particular class, for planning permission for development in Greater London to be referred in certain cases to that Minister or to the Council before they are

dealt with by the local planning authority), metropolitan roads and proposed metropolitan roads shall be divided into categories specified in the direction; and any such regulations—

- (a) may designate a class of development, or a class of applications for planning permission for development, by reference to a particular category or categories only of those so specified; and
- (b) may designate a class of such applications by reference to those only of the said roads included in a particular category or categories so specified in the case of which the Council have given to the local planning authority written notice containing such particulars as may be prescribed by the regulations of proposals by the Council with respect to the roads in question of such class as may be so prescribed, being proposals for the construction, improvement or alteration of those roads or for the regulation of means of access between premises and those roads.

(2) The Council shall prepare and maintain a list of, and a map showing, the metropolitan roads and the proposed metropolitan roads included in each respectively of the categories for the time being provided for by directions under subsection (1) of this section and shall deposit a copy of that list and of that map with each of the councils of the London boroughs and the Common Council, and the Council and each of those other authorities shall make that list and map, or as the case may be the copies thereof so deposited with them, available for inspection by the public at all reasonable hours.

(3) In this section the expression “proposed metropolitan road” means land which is not a proposed highway as defined by section 295(1) of the Highways Act 1959, but in the case of which—

- (a) the Council have applied to the Minister for the classification as a principal road of the highway proposed to be constructed on it; or
- (b) the Council have given written notice to the local planning authority that the Council consider that it should be used for the provision of a metropolitan road.

31.—(1) If, in the case of any highway in Greater London which is not a trunk road, it appears to the Council that any of the following persons (hereafter in this section referred to as an “authorised person”), namely—

- (a) any undertakers acting in the exercise of a statutory power to break up or open that highway; or

Powers of Council where obstruction of highway is greater or longer than necessary.

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(b) where that highway is not a metropolitan road, the highway authority acting as aforesaid ; or

(c) any person acting in the exercise of the power conferred by section 15(1) of the Pipe-lines Act 1962 ; or

(d) any person acting in the exercise of the power conferred by section 34(2) of the Public Health Act 1936,

1962 c. 58.

1936 c. 49.

has by the deposit of excavated matter or other material, or by means of the erection of barriers, or otherwise, created an obstruction in the highway to a greater extent or for a longer period than is reasonably necessary, the Council may by notice require that authorised person to take such steps as may appear to the Council to be necessary and as are specified in the notice to mitigate or discontinue the obstruction ; and, subject to subsection (2) of this section, if that authorised person fails to comply with any such requirement within twenty-four hours of the receipt of the notice, the Council may take the necessary steps and may recover any expenses reasonably incurred by them in connection therewith from that authorised person.

(2) If, within twenty-four hours of receiving a notice under subsection (1) of this section, the authorised person in question makes representations to the Minister that the obstruction to which the notice relates is not greater, or has not been continued for a longer period, than is reasonably necessary, and sends to the Council a copy of the representations so made, the Council shall not take any such steps as aforesaid without the consent of the Minister.

(3) The Council may, if they think fit, delegate to an officer of the Council the power of making requirements conferred on the Council by this section.

(4) In this section, the expression "undertakers" means persons (other than persons acting on behalf of the Crown) having powers to break up or open highways in Greater London for the purposes of any sewerage system, or any water, gas, electricity, tramway or other undertaking, and any other expression (other than "metropolitan road") which is also used in the Highways Act 1959 has the same meaning as in that Act.

1959 c. 25.

(5) The provisions of section 139 of the Highways Act 1959 as to the powers of highway authorities in the case of such obstruction as aforesaid shall cease to apply in relation to any metropolitan road, but save as provided in the foregoing provisions of this subsection or by subsection (6) of this section nothing in this section shall affect the operation of the said section 139.

(6) In subsection (1) of the said section 139 as amended by section 19 of the Pipe-lines Act 1962, after the words "Pipe-lines Act 1962" there shall be inserted the words "or by section 34(2) of the Public Health Act 1936".

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1962 c. 58.
1936 c. 49.

32.—(1) The Council shall be the local authority as respects Greater London for the purposes of section 21 of the Act of 1967 (which empowers a local authority to make schemes for the establishment on roads in their district other than trunk roads of crossings for foot passengers); and accordingly—

Amendments
as to
pedestrian
crossings.

(a) in subsection (6) of that section (which defines the expression "local authority" as respects England and Wales other than Greater London and as respects Scotland) after paragraph (b) there shall be added the following paragraph:—

"(c) as respects Greater London, the Greater London Council"; and

(b) for subsection (8) of that section (which defines that expression in relation to Greater London and requires the Council to consult other authorities in Greater London before submitting certain schemes under that section) there shall be substituted the following:—

"(8) Before the Greater London Council submit any scheme under this section with respect to any road they shall consult with any other council, being the council of a London borough or the Common Council of the City of London, within whose area that road is situated."

(2) Any scheme with respect to a road in Greater London made, or having effect as if made, under the said section 21 by an authority other than the Council and in force immediately before the appointed day for the purposes of subsection (1) of this section shall be deemed to have been made by the Council and shall continue in force accordingly until varied or revoked by the Council or the Minister in accordance with subsection (4) of that section.

(3) On the appointed day aforesaid there shall be transferred to the Council—

(a) all traffic signs within the meaning of section 54(1) of the Act of 1967 placed in connection with any such scheme as aforesaid made in relation to a road in Greater London by any authority other than the Council; and

(b) subject to subsections (4) and (5) of this section, all other property or rights which, immediately before that day, were vested in that other authority for the pur-

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poses of that scheme, and all liabilities incurred by that other authority for those purposes and not discharged before that day.

(4) There shall not be transferred to the Council by virtue of subsection (3) of this section any right or liability in respect of work done, services rendered, goods (including gas and electricity) supplied or money due for payment before the appointed day aforesaid.

(5) The Council and the other authority concerned may make agreements with respect to the transfer of property, rights and liabilities under subsection (3) of this section, including agreements for defining the property, rights and liabilities transferred, and for the transfer or retention of property, rights or liabilities held or incurred partly for the purposes of such a scheme as aforesaid and partly for other purposes; and any dispute between the Council and that other authority as to the property, rights or liabilities transferred shall be determined by the Minister.

Expenditure on arrangements for patrolling school crossings.

33. In section 24 of the Act of 1967 (under which the appropriate authority for making arrangements for patrolling school crossings is, as respects places in England and Wales which are not in the metropolitan police district, other than places in the City of London, the council of the county or borough in which the places in question are and, as respects places in the metropolitan police district, the commissioner of police of the metropolis), after subsection (6) there shall be inserted the following subsection:—

“(6A) The expenses incurred for the purposes of this section by the council of a county any part of which is for the time being comprised in the metropolitan police district shall not be chargeable on that part.”

Traffic signs.
1959 c. 25.

34.—(1) In section 64 of the Highways Act 1959 (which confers on a highway authority a general power to improve a highway maintainable at the public expense by them) at the end there shall be added the following subsection:—

“(4) In relation to any highway in Greater London maintainable at the public expense which is neither a trunk road nor a metropolitan road, subsections (2) and (3) of this section shall have effect for the purposes of, and of the provision of equipment for, the erection, maintenance, alteration or removal of traffic signs which are light signals for controlling the movement of vehicular traffic or of pedestrians, but for those purposes only, as if that highway were maintainable by the Greater London Council and not by the London borough council concerned or, as the case may be, by the Common Council.”

(2) In section 55 of the Act of 1967 (which relates to the powers and duties of highway authorities as to the placing of traffic signs) at the end there shall be added the following subsection:—

“ (4) For the purposes of the provisions of this section and any other provisions of this Act relating to traffic signs—

- (a) in the application of those provisions to traffic signs in Greater London which are light signals for controlling the movement of vehicular traffic or of pedestrians, but not in their application to any other matter, the Greater London Council shall at all times be deemed to be the highway authority for all roads in Greater London other than trunk roads ;
- (b) without prejudice to the powers of the highway authority for the road in question, the Greater London Council shall also be deemed to be the highway authority for any road in Greater London for which they are not in fact the highway authority for the purposes, but for the purposes only, of the exercise by them as respects that road under section 56(1) of this Act of any powers exercisable by the highway authority for that road ” ;

and accordingly subsection (2) of section 56 of that Act (which enables the Council to give directions to other highway authorities with respect to such light signals as aforesaid) shall cease to have effect.

(3) In subsection (1) of the said section 56 (under which the Council may, to such extent as the Council may consider necessary in connection with any order under section 6 or 9 of the Act of 1967 made or proposed to be made by the Council, exercise, as respects any road in Greater London which is not a trunk road, any powers exercisable by the highway authority for that road in connection with the placing of traffic signs on or near that road)—

- (a) the provisions of that subsection shall be divided so that the words from “ may ” in the first place where it occurs to the words “ the Council ” in the third place where those words occur form paragraph (a) of that subsection ;
- (b) after that paragraph (a) there shall be inserted the words “ and
(b) may in any other circumstances after consultation with the highway authority concerned ” ;

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(c) for the words "not a trunk road" there shall be substituted the words "neither a trunk road nor a metropolitan road".

(4) At the end of the said section 56 there shall be inserted the following subsection:—

"(4) The powers of the Council by virtue of paragraph (b) of subsection (1) above shall extend to the removal or repositioning of any traffic sign on or near the road in question whether or not placed by the Council, and on the removal or repositioning by the Council of any such sign placed by an authority other than the Council that sign shall vest in the Council; and, except with the consent of the Council or in pursuance of a direction under section 55(2) of this Act, the highway authority for that road shall not remove, alter or in any way interfere with any traffic sign placed or repositioned on or near that road by the Council by virtue of that paragraph."

(5) In section 104(1) of the Act of 1967, in the definition of "highway authority", after the words "trunk road" in the first place where those words occur there shall be inserted the words "and subject to the provisions of section 55(4) of this Act".

(6) On the appointed day for the purposes of subsection (2) of this section, there shall be transferred to the Council—

(a) all traffic signs which are such light signals as are mentioned in the subsection added by the said subsection (2) to section 55 of the Act of 1967 and which immediately before that date were vested in the council of any London borough or in the Common Council; and

(b) subject to subsections (7) and (8) of this section, all other property or rights which, immediately before that day, were vested in the council of a London borough or in the Common Council for the purposes of such light signals, and all liabilities incurred by the council of any London borough or the Common Council for such purposes and not discharged before that date.

(7) There shall not be transferred to the Council by virtue of subsection (6) of this section any right or liability in respect of work done, services rendered, goods (including gas and electricity) supplied or money due for payment before the appointed day aforesaid.

(8) The Council and the other authority concerned may make agreements with respect to the transfer of property, rights and liabilities under subsection (6) of this section, including agreements for defining the property, rights and liabilities transferred,

and for the transfer or retention of property, rights or liabilities, held or incurred partly for the purposes of such light signals as are mentioned in that subsection and partly for other purposes; and any dispute between the Council and that other authority as to the property, rights or liabilities transferred shall be determined by the Minister.

(9) Nothing in this section shall cause the Council to be treated for the purposes of the Public Utilities Street Works Act 1950 as the highway authority for any highway for which they would not be the highway authority apart from this section. 1950 c. 39.

35. In section 35 of the Act of 1967, after subsection (5) (which enables the Council, without any application being made by the local authority, that is to say, the council of a London borough or the Common Council, to designate parking places on highways in the local authority's area where charges may be made for vehicles left therein, and by paragraph (b) empowers the Council to enter into an agreement with the local authority for the transfer to the local authority of the operation of any parking place so designated and of property, rights and liabilities of the Council in connection with that parking place) there shall be inserted the following subsection:—

Operation of parking places on highways where charges are made.

“(5A) Where in the case of a parking place designated by an order made, or having effect as if made, by virtue of subsection (5) above, the Greater London Council have offered to enter into such an agreement with the local authority as is mentioned in paragraph (b) of that subsection but are satisfied that such an agreement cannot be reached, then, subject to sections 84A, 84B and 84C of this Act, the Council may by order provide that the operation of that parking place, and such apparatus or other things held by, and rights or liabilities of, the Council in connection with the parking place as may be specified in the order, shall be transferred to the local authority as from such date and on such terms (including terms as to the making of payments to or by the Greater London Council by or to the local authority) as may be so specified; and—

- (a) paragraph (c) of subsection (5) above shall apply to the transfer of the operation of the parking place under the order as if it were a transfer in pursuance of an agreement under paragraph (b) of that subsection; and
- (b) if the local authority fail to discharge any of their functions by virtue of the order the Greater London Council may themselves discharge those

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functions and recover from the local authority summarily as a civil debt—

- (i) any expenses incurred by the Council in discharging those functions; and
- (ii) the amount of any payments falling to be made to the Council by the local authority under the order.”

Control of
off-street
parking.

36.—(1) The provisions of this section shall apply to any area in Greater London which the Council may by regulations designate as a controlled area for the purposes of this section; and any such regulations—

- (a) in addition to including any such provision as is authorised by subsection (6) of this section, may prescribe forms to be used for the purposes of this section and any other matters which under this section or Schedule 5 to this Act are to be prescribed;
- (b) may include such supplementary, incidental and consequential provision as appears to the Council to be necessary or expedient for the purposes of this section; and
- (c) may make different provision as respects like matters in different circumstances;

but the provisions of Part I of the said Schedule 5 shall apply to the making of any such regulations and no such regulations shall designate as aforesaid any area which for the purposes of the Airports Authority Act 1965 forms part of the British Airports Authority's aerodrome at Heathrow.

1965 c. 16.

(2) Subject to subsection (15) of this section, in a controlled area no person other than the local authority shall operate a public off-street parking place of a prescribed description except under and in accordance with the terms and conditions of a licence granted to that person by the local authority.

(3) An applicant for a licence in respect of any premises may apply either for a permanent licence or for a licence for such limited period not exceeding five years as the applicant may specify, and any application to the local authority for a licence shall be accompanied by the prescribed fee appropriate to the type of licence applied for towards the administrative expenses of the local authority under this section; and, subject to subsection (6) of this section, on any such application the local authority may at their discretion either grant the applicant a licence of the type applied for or refuse the application.

(4) Subject to subsection (6) of this section, every licence shall specify—

- (a) the period of its duration, that is to say, whether it is a permanent licence or a licence for a limited period and, if for a limited period, the period for which it is granted ;
- (b) the maximum number of parking spaces to be provided at the licensed parking place for all, and, if the local authority think fit, for any respectively, of the following descriptions of parking, namely, short-term parking, long-term parking, casual parking and regular parking or any particular category of regular parking ;
- (c) any conditions in addition to those specified in subsection (5) of this section subject to which the licence is granted, being such conditions, if any, as the local authority may think fit with respect to all or any of the following matters, namely—

- (i) the scale of charges, or the minimum charges, or the maximum and minimum charges, to be made for the use of parking spaces at the licensed parking place for all, or for any respectively, of the descriptions of parking referred to in paragraph (b) of this subsection ;

- (ii) the proportion of parking spaces to be available respectively for casual parking and for, or for any specified category of, regular parking ;

- (iii) the times of opening and closing of the licensed parking place for the reception of vehicles ;

- (iv) the manner in which users of the licensed parking place are to be informed of the effect of the terms and conditions of the licence ;

- (v) the keeping by the operator of the licensed parking place as respects all, or as respects any respectively, of the descriptions of parking referred to in the said paragraph (b) of records showing for each day the number of vehicles using parking spaces at the licensed parking place and the sums received by way of charges for the use of those parking spaces.

(5) It shall be a condition of every licence—

- (a) that any person authorised in that behalf in writing by the local authority or by the Council may, subject to production if requested of his authority, at all reasonable hours enter upon and inspect the licensed parking place ; and

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- (b) that the holder of the licence shall, on being given reasonable notice for the purpose by any such person, produce to that person and permit him to examine and make copies of, or take extracts from, any records required by virtue of subsection (4)(c)(v) of this section to be kept in connection with the operation of that parking place ;

but if any such person discloses to any other person otherwise than in the performance of his duty any information with regard to the operation of that parking place or to any trade secret obtained by him at that parking place or from any such examination, or if any member or officer of the local authority to whom any such information is disclosed by reason of his official position discloses that information to any other person otherwise than in the performance of his duty, that person or, as the case may be, that member or officer shall be liable on summary conviction to a fine not exceeding £100.

(6) Regulations made by the Council under subsection (1) of this section may include provision—

- (a) as to the maximum number of parking spaces to be made available at licensed parking places for all, or for any respectively, of the descriptions of parking referred to in subsection (4)(b) of this section in, or in any specified part of, any controlled area comprised within the area of a particular local authority ;
- (b) requiring that, in the case of licensed parking places in a particular controlled area or part of a controlled area, all or any of the matters referred to in subsection (4)(c) of this section shall or as the case may be shall not be the subject of conditions specified in the licence ;
- (c) regulating the conditions which may be imposed with respect to any of the matters aforesaid ;

and every local authority shall exercise their functions under subsections (3) and (4) of this section in conformity with any regulations for the time being in force by virtue of this subsection.

(7) Where the local authority decide in pursuance of subsection (3) of this section—

- (a) to refuse an application for a licence ; or
- (b) to grant a licence subject to any conditions which they are not required by regulations under subsection (6) of this section to impose with respect to any of the matters referred to in subsection (4)(c)(i) to (v) of this section,

they shall inform the applicant in writing of the reasons for their decision at the same time as they inform him of that decision.

PART V

(8) Where a licence has been granted—

- (a) the local authority shall, if so requested by a successor in title to the business (so far as it consists of the operation of the licensed parking place) of the person to whom the licence was granted, transfer the licence to that successor in title, but a licence shall not otherwise be transferable ;
- (b) the holder of the licence may at any time surrender it by giving notice in writing for the purpose to the local authority which shall include a statement certifying either that the holder is the only person entitled to any interest in the licensed premises or that not less than twenty-one days before the date of the notice the holder has notified all other persons known to him to be so entitled of his intention to serve the notice ;
- (c) the local authority may at any time on the application or with the agreement of the holder of the licence vary any of the terms and conditions specified in the licence under subsection (4)(b) and (c) of this section ;
- (d) in the case of a permanent licence, the local authority shall have the powers of revocation or variation of the licence conferred by Part II of Schedule 5 to this Act.

(9) The provisions of Parts III and IV of Schedule 5 to this Act shall have effect with respect to appeals and compensation in connection with certain decisions of a local authority under this section ; and the local authority shall comply with the prescribed requirements as to the giving to an applicant for a licence of information as to the rights conferred by the said Parts III and IV ; and every person who applies for or is the holder of a licence in respect of any premises shall give to any other person known to him to be entitled to any interest in those premises information as soon as may be—

- (a) of the making of the application ; and
- (b) of any decision of the local authority relating to the premises of which he is, or is deemed under paragraph 14(2) of the said Schedule to have been, notified by the local authority ; and
- (c) of the bringing, and of the determination or abandonment, of any appeal from any such decision brought by that person under the said Part III.

(10) Subject to subsection (15) of this section and to the provisions of Part V of Schedule 5 to this Act, any holder of a licence who contravenes or fails to comply with any of the

PART V

terms and conditions of the licence and who does not show that the contravention or failure was due to an act or omission of a person not connected with the operation of the licensed parking place which the persons so connected could not reasonably have been expected to prevent shall be liable on summary conviction—

(a) in the case of a term imposed under subsection (4)(b) or a condition with respect to any of the matters referred to in subsection (4)(c)(i), (ii), (iii) or (v) of this section, to a fine not exceeding £100 ;

(b) in any other case to a fine not exceeding £50 ;

and on the conviction of the holder of a licence of an offence under this subsection the court before whom he is convicted may, if on an application made for the purpose by the local authority the court is satisfied that it is proper so to do by reason of the extent to which, or the period over which, or the frequency with which, the holder of the licence has contravened or failed to comply with the terms and conditions of the licence or by reason of the wilfulness of the offence, make an order for the revocation of the licence.

(11) Save as provided by subsection (10) of this section or Part II of Schedule 5 to this Act, a licence shall not be revoked ; and the revocation of a licence in pursuance of an order under that subsection or the revocation or variation of a licence under the said Part II shall not take effect—

(a) before the expiration of the period for giving notice of appeal from the order or, as the case may be, notice of appeal under Part III of that Schedule from the local authority's decision to revoke or, as the case may be, vary the licence ; or

(b) if such a notice of appeal is duly given, until the effectiveness or otherwise of the order or, as the case may be, the local authority's decision is finally determined in accordance with the relevant procedure.

(12) Subject to subsection (15) of this section and to the provisions of Part V of Schedule 5 to this Act, any person who, in contravention of subsection (2) of this section, operates a public off-street parking place without holding a licence for the purpose shall be liable on summary conviction—

(a) to a fine not exceeding £200 ; or

(b) in the case of a second or subsequent conviction of an offence under this subsection, to a fine not exceeding £400.

(13) The local authority for a controlled area shall have regard to any regulations for the time being in force under this section when exercising in that area any of their functions

under sections 28 to 32 of the Act of 1967 ; and where a public off-street parking place is provided in a controlled area by the local authority under the said section 28, any such regulations shall apply to the operation of that parking place with such modifications as may be prescribed for the purpose, being modifications appearing to the Council to be necessary to ensure that the parking place is operated by or on behalf of the local authority with suitable provision as to the matters referred to in subsection (4)(b) and (c)(i) to (iv) of this section in like manner as if it were being operated under a licence granted by the local authority.

(14) In this section and in Schedule 5 to this Act—

“ licence ” means a licence under this section ;

“ local authority ”, in relation to a parking place, means, where the parking place is situated in a London borough, the council of that borough or, where the parking place is situated in the City of London, the Common Council ;

“ long-term parking ” and “ short-term parking ” mean parking for a continuous period exceeding, or, as the case may be, not exceeding, four hours or such longer period as may be prescribed ;

“ public off-street parking place ” means a place, whether above or below ground and whether or not consisting of or including buildings, where parking space for motor vehicles off the highway is made available by any person to the public for payment ; and references to operating, or to the operator of, such a parking place shall be construed as references to making, or as the case may be to the person making, such parking space at the parking place so available.

(15) The Minister, after consultation with the Council, may at any time, if it appears to him expedient so to do by reason of any emergency which appears to him to have arisen or to be likely to arise, by order, which shall be laid before Parliament after being made, provide that this subsection shall apply either in relation to all areas for the time being designated as controlled areas or in relation to such part or parts of any of those areas as may be specified in the order ; and—

(a) during the period while any such order is in force in relation to any controlled area or part thereof, any public off-street parking place in that area or part may be operated as if that area or part were not, or, as the case may be, were not comprised in, a controlled area ; and

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- (b) nothing in subsection (10) or (12) of this section shall apply to anything done at any such parking place during that period.

PART VI

MISCELLANEOUS AND GENERAL

Compensation
for loss of
employment,
etc.

37.—(1) The Minister shall by regulations require the payment by the Executive, the Railways Board or the Bus Company, as may be determined by or under the regulations, in such cases and to such extent as may be so determined, of compensation to or in respect of any person who is on the date of the happening of any of the following events, namely—

- (a) a transfer of any property, rights or liabilities under section 16, 21 or 22 of, or Schedule 2 to, this Act, or in pursuance of a direction given under section 20(1) of this Act ; or
- (b) any change in the manner in which the Executive's undertaking is organised made in accordance with section 11(6) of this Act in pursuance of a direction by, or with the approval of, the Council ; or
- (c) the making of any adaptations such as are mentioned in paragraph 5(4) of Schedule 16 to the Act of 1968 as applied by paragraph 7(1) of Schedule 3 to this Act,

or who has before that date been, in any employment so determined and who suffers any loss of employment, or loss or diminution of emoluments or pension rights, or worsening of his position, which is properly attributable to the happening of that event.

(2) Any such regulations may apply in relation to any such person whether or not he continues in the employment determined as aforesaid until the date of the happening of the relevant event aforesaid, and whether or not he is a party to an agreement for the rendering of personal services which is affected by the happening of that event.

(3) Different regulations may be made under this section in relation to different classes of persons, and any such regulations may be so framed as to have effect from a date prior to the making thereof, so, however, that so much of any such regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the person required to pay the compensation in a worse position than he would have been in if the regulations had been made to have effect only as from the making thereof.

(4) Regulations under this section—

- (a) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the person by whom the question whether any or what compensation is payable is to be determined; and
- (b) may in particular contain provisions enabling appeals from any determination as to any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, before a tribunal established under section 12 of the Industrial Training Act 1964.

1964 c. 16.

(5) No regulations shall be made under this section unless a draft thereof has been approved by a resolution of each House of Parliament.

(6) Where the Executive, the Railways Board or the Bus Company are required by any such regulations to pay compensation thereunder, the others of those authorities may arrange to make to the compensating authority payments by way of contributions towards the liability of the compensating authority under the regulations; and if the compensating authority satisfy the Minister that either of the other authorities have not made a proper contribution towards that liability, whether by payment of money or by finding employment for persons to or in respect of whom the compensation has become payable, the Minister may require that other authority to make such payment to the compensating authority as appears to the Minister to be just.

38.—(1) If a person ceases to be a member of the London Board, otherwise than on the expiration of his term of office, and it appears to the Minister that there are special circumstances which make it right that that person should receive compensation, then, if the Minister has not before the vesting date exercised his power under paragraph 8(1) of Schedule 1 to the Act of 1962 to require the London Board to make a payment for that purpose to that person, the Minister may with the approval of the Minister for the Civil Service require the Executive to make to that person a payment of such amount as the Minister may with the like approval determine.

Payments on termination of appointment of members of London Board.

(2) This section shall apply whether or not any pension is payable to the person in question under sub-paragraph (b) of the said paragraph 8(1), and shall apply to persons who ceased to be members of the London Board before the passing of this Act as well as to persons who cease to be members at a later time.

PART VI
Dissolution
of London
Board.

39.—(1) The London Board shall cease to exist on the vesting date.

(2) The Executive shall prepare a statement, in such form, and containing such particulars, compiled in such manner, as the Minister may with the approval of the Treasury direct, of the London Board's accounts for the period from the end of that dealt with in the last annual statement of accounts published by the London Board down to the vesting date.

(3) The Minister shall arrange that an auditor or auditors of the accounts aforesaid are appointed under section 24(2) of the Act of 1962 and the auditor or auditors so appointed shall, if the audit is not completed on the vesting date, continue and complete the audit after the vesting date; and any liability to pay the remuneration of the auditor or auditors so appointed outstanding on the vesting date shall be transferred to the Executive.

(4) The Executive shall as soon as may be after the vesting date make to the Minister a report on the exercise and performance by the London Board of their functions during any period since that dealt with in the last report made by the London Board under section 27(8) of the Act of 1962, and that report by the Executive—

(a) shall include a copy of the statement of accounts prepared under subsection (2) of this section and of the report on that statement made by the auditor or auditors appointed in pursuance of subsection (3) of this section; and

(b) shall set out any directions given by the Minister to the London Board during that period, unless the Minister has notified to the London Board or the Executive his opinion that it is against the interests of national security to do so; and

(c) shall include a statement of the salary or fees and emoluments of each of the members of the London Board during that period;

and the Minister shall lay a copy of that report before each House of Parliament.

(5) Any liability of the London Board in respect of payments by way of interest on, or the repayment of, the commencing capital debt of the Board under section 39 of the Act of 1962 or any sums lent to that Board by the Minister under section 20 of that Act, being payments in respect of a period before the vesting date which are outstanding at that date, shall be transferred to the Executive.

(6) As from the vesting date, the Minister may make to the Executive any payment under section 3 of the Selective Employment Payments Act 1966 which, as the designated Minister for the purposes of that section, he was authorised to make to the London Board and which had not been so made at that date. PART VI
1966 c. 32.

40. Section 138 of the Act of 1968 (which relates to travel concessions) shall have effect— Travel concessions.

- (a) as if the expression “local authority” included the council of a London borough and the Common Council ;
- (b) as if the Executive were the Executive for a designated area within the meaning of section 9(1) of that Act and Greater London were that designated area ; and
- (c) as if the journeys referred to in subsection (1)(a) of the said section 138 included in the case of the Executive journeys between places outside but in the vicinity of Greater London ;

and, in the application to the Executive of subsection (1) of the said section 138, the reference to the approval mentioned in that subsection as not required for any travel concessions granted under that subsection shall be construed as a reference to the approval of the Council under section 11(2)(d) of this Act.

41.—(1) Any approval or consent of the Council under any provision of, or applied by, this Act shall be given in writing ; and any such approval or consent may be given for any case or description of cases specified in the approval or consent, or may be general, and may be given subject to conditions. Provisions as to approvals, consents and directions.

(2) Nothing done by the Executive shall be held to be unlawful on the ground that the approval or consent of the Council to the doing of that thing was required by any provision of, or applied by, this Act and that it was done without obtaining that approval or consent ; but if it appears to the Council that the Executive propose to do anything, or have done anything, without the approval or consent of the Council which in the opinion of the Council requires their approval or consent, the Council may give to the Executive such directions as appear to the Council to be appropriate to secure so far as practicable the observance of the rights of the Council in relation to the doing of that thing, and those directions may include directions to discontinue any specified activity or dispose of any specified assets.

(3) Any direction under this Act by the Council to the Executive or by the Minister to the Executive or to the Council shall be in writing, and the Executive or, as the case may be, the Council shall comply with any such direction given to them notwithstanding, in the case of a direction under subsection (2)

PART VI

of this section, that it may result in the Executive having to dispose of any assets at a loss or incurring liability to other persons; but before the Council give any direction to the Executive under this Act they shall consult with the Executive.

Power to
modify Act
by order.

42. In the event of any alteration in the boundaries of Greater London, the Minister may by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make any modifications to any of the provisions of this Act which appear to him to be necessary or expedient in consequence of that alteration.

Orders and
regulations.

43. Any power to make orders or regulations conferred on a Minister by any provision of this Act shall be exercisable by statutory instrument; and any power to make an order conferred on a Minister by any provision of this Act shall include power to make an order under that provision varying or revoking any previous order thereunder.

Stamp duty.
1895 c. 16.

44.—(1) Nothing in section 12 of the Finance Act 1895 (which requires Acts to be stamped as conveyances on sale in certain cases) shall be taken as applying to this Act.

(2) Stamp duty shall not be chargeable—

1891 c. 39.

(a) under section 112 of the Stamp Act 1891 in respect of the amount which is to form the nominal share capital of the designated company, or in respect of any increase in the nominal share capital of that company which the Commissioners of Inland Revenue are satisfied is to take place before the vesting date; or

1899 c. 9.

(b) under section 8 of the Finance Act 1899 in respect of the amount proposed to be secured by an issue of loan capital by the designated company which those Commissioners are satisfied is to take place before that date,

if or to the extent that those Commissioners are also satisfied that the total capital of that company, whether nominal share capital or loan capital, on the vesting date will not exceed the total value of the assets less liabilities transferred to that company under section 16 of this Act.

(3) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by the Executive or the Bus Company as having been made or executed in pursuance of Schedule 2 to this Act or in pursuance of Schedule 4 to the Act of 1968 as applied by section 22(3) of this Act; but no such instrument shall be deemed to be duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with

the provisions of section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped. PART VI
1891 c. 39.

45.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say— Interpretation.

“ the Act of 1960 ” means the Road Traffic Act 1960 ; 1960 c. 16.

“ the Act of 1962 ” means the Transport Act 1962 ; 1962 c. 46.

“ the Act of 1967 ” means the Road Traffic Regulation Act 1967 ; 1967 c. 76.

“ the Act of 1968 ” means the Transport Act 1968 ; 1968 c. 73.

“ appointed day ” means the relevant day appointed under section 47(5) of this Act ;

“ the Boards ” means the Boards established under section 1 of the Act of 1962 other than the London Board, and references to a Board shall be construed accordingly ;

“ the Bus Company ” means the National Bus Company established under section 24 of the Act of 1968 ;

“ charges ” includes fares, rates, tolls and dues of every description ;

“ the Commission ” means the British Transport Commission dissolved in pursuance of section 80 of the Act of 1962 ;

“ the Common Council ” means the Common Council of the City of London ;

“ the Council ” means the Greater London Council ;

“ the designated company ” means the company designated under section 16(2) of this Act ;

“ the Executive ” means the London Transport Executive established under section 4 of this Act ;

“ functions ” includes powers, duties and obligations ;

“ goods ” includes animals, parcels and mails ;

“ Greater London ” means the administrative area of Greater London as for the time being constituted ;

“ hovercraft ” has the same meaning as in the Hovercraft Act 1968 ; 1968 c. 59.

“ land ” includes land covered by water and any interest or right in, over or under land ;

“ lease ” includes an agreement for a lease ;

“ liability ” includes an obligation ;

“ the London Board ” means the London Transport Board established under section 1 of the Act of 1962 ;

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- “ London bus service ” has the meaning assigned by section 23(7) of this Act ;
- “ the Minister ” means the Minister of Transport ;
- “ the national transport authorities ” means the Boards, the Bus Company, the National Freight Corporation established under section 1 of the Act of 1968, the Scottish Transport Group established under section 24 of the Act of 1968 and the Transport Holding Company established under section 29 of the Act of 1962 ;
- “ participant ”, in relation to a pension scheme, means a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise) contributes or has contributed under the scheme and has pension rights thereunder and “ participate ” shall be construed accordingly ;
- “ pension ”, in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest thereon or any other addition thereto, and any sums payable on or in respect of the death of that person ;
- “ pension fund ” means a fund established for the purposes of paying pensions ;
- “ pension rights ” includes, in relation to any person, all forms of right to or liability for the present or future payment of a pension, and any expectation of the accruer of a pension under any customary practice, and includes a right of allocation in respect of present or future payment of a pension ;
- “ pension scheme ” includes any form of arrangement for the payment of pensions, whether subsisting by virtue of an Act of Parliament, trust, contract or otherwise ;
- “ the Railways Board ” means the British Railways Board established under section 1 of the Act of 1962 ;
- “ securities ”, in relation to a body corporate, means any shares, stock, debentures, debenture stock, and any other security of a like nature of the body corporate ;
- “ statutory provision ” means a provision, whether of a general or of a special nature, contained in, or in any document made or issued under, any Act, whether of a general or special nature ;
- “ subsidiary ” and “ wholly-owned subsidiary ” have the same meanings respectively as for the purposes of the Act of 1968 ;

“ vehicle ” includes a hovercraft ;

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“ the vesting date ” means the appointed day for the purposes of section 16 of this Act.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

46. There shall be paid out of moneys provided by Expenses. Parliament—

- (a) any expenses incurred by any Minister under or in consequence of the provisions of this Act ;
- (b) any increase attributable to any of the provisions of this Act in the sums so payable under any other Act.

47.—(1) This Act may be cited as the Transport (London) Act 1969. Short title, repeals, extent and commencement.

(2) The enactments specified in Schedule 6 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) The provisions of this Act other than—

- (a) sections 8(8) and 9(2) ;
- (b) section 27(5) and the repeal of section 57(3)(a) of the Transport Act 1962 ; and
- (c) the repeals made in the House of Commons Disqualification Act 1957,

1962 c. 46.

1957 c. 20.

shall not extend to Scotland.

(4) Except for the repeals made in the House of Commons Disqualification Act 1957, the provisions of this Act shall not extend to Northern Ireland.

(5) This Act shall come into force on such day as the Minister may by order appoint, and different days may be appointed for different purposes and different provisions of this Act.

SCHEDULES

Section 4.

SCHEDULE 1

THE LONDON TRANSPORT EXECUTIVE

1. The Executive may act notwithstanding a vacancy among their members.

2. The quorum of the Executive shall be three and, subject as aforesaid, the Executive may regulate their own procedure.

3. The application of the seal of the Executive shall be authenticated by the signature of the secretary of the Executive or some other person authorised by the Executive, either generally or specially, to act for that purpose.

4. Every document purporting to be an instrument issued by the Executive and to be sealed as aforesaid, or to be signed on behalf of the Executive, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

5.—(1) A member of the Executive shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for reappointment.

(2) Any member of the Executive may at any time by notice in writing to the Council resign his office.

6.—(1) A member of the Executive who is in any way directly or indirectly interested in a contract made or proposed to be made by the Executive shall disclose the nature of his interest at a meeting of the Executive ; and the disclosure shall be recorded in the minutes of the Executive, and the member shall not take any part in any deliberation or decision of the Executive with respect to that contract.

(2) For the purposes of the foregoing sub-paragraph, a general notice given at a meeting of the Executive by a member of the Executive to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm, shall be regarded as a sufficient disclosure of his interest in relation to any contract so made.

(3) A member of the Executive need not attend in person at a meeting of the Executive in order to make any disclosure which he is required to make under this paragraph if he takes reasonable steps to secure that the disclosure is made by a notice which is brought up and read at the meeting.

SCHEDULE 2

Section 16.

PROVISIONS AS TO TRANSFERS UNDER SECTION 16

Division or apportionment of certain property, etc.

1. It shall be the duty of the Executive, the Bus Company and the designated company to arrive, whether before or after the vesting date, and so far as practicable, at such written agreements with respect to any property, rights and liabilities transferred under section 16 of this Act, not being rights and liabilities under an agreement for the rendering of personal services, and to execute such other instruments, as are necessary or expedient—

- (a) to make, as from the vesting date or as from such later date as may be specified in the relevant agreement, any clarifications or modifications of the division of the London Board's undertaking effected by the said section 16 which they consider will best serve the proper discharge of their respective functions ; or
- (b) to divide or apportion between the Executive and the designated company in such proportions as may be appropriate any such property, rights and liabilities so transferred to one of them which immediately before the vesting date was property held, or a right or liability subsisting, partly for the purposes of the activities of the part of the London Board's undertaking referred to in subsection (2) of the said section 16 and partly for other purposes of the London Board ; or
- (c) in the case of any such property, rights and liabilities as are mentioned in sub-paragraph (b) of this paragraph the nature of which does not permit such division or apportionment, to afford to the Executive, the designated company and the Bus Company as against one another such rights and safeguards as they may require for the proper discharge of their respective functions.

2. Any such agreement as is referred to in paragraph 1 of this Schedule shall make provision so far as it is expedient—

- (a) for the granting of leases or the creation of other rights and liabilities over land whether amounting in law to interests in land or not, and whether involving the surrender of any existing interest or the creation of a new interest or not ;
- (b) for the granting of indemnities in connection with the severance of leases and other matters ;
- (c) for responsibility for registration of any matter in any description of statutory register.

3. If the Executive or the Bus Company represent to the Minister, or if it appears to the Minister without such a representation, that it is unlikely in the case of any matter on which agreement is required under paragraph 1 of this Schedule that such agreement will be reached, the Minister may, whether before or after the vesting date, give a direction determining the manner in which the property, rights or liabilities in question are to be divided or apportioned

SCH. 2

between the Executive and the designated company, and may include in the direction any provision which might have been included in an agreement under the said paragraph 1; and any property rights or liabilities required by the direction to be transferred from one to another of the Executive and the designated company shall be regarded as having been transferred to, and by virtue of this Act vested in, the transferee accordingly.

Rights and liabilities under agreement for rendering of personal services

4. The rights and liabilities transferred under subsection (2) of section 16 of this Act to the designated company shall include rights and liabilities under an agreement for the rendering of personal services by any person (hereafter in this Schedule referred to as an "employee") only if immediately before the vesting date the employee is employed wholly for the purposes of the part of the London Board's undertaking referred to in paragraph (a) of the said subsection (2).

5. Any right to services transferred under the said section 16 shall have effect on and after the vesting date as a right not only to the services to which the agreement relates but also to any reasonably comparable services under the transferee to be selected by the transferee; and any dispute between the transferee and the employee as to what are reasonably comparable services for the purposes of this paragraph may be reported to the Secretary of State for Employment and Productivity by the transferee and, if a dispute so reported is not otherwise disposed of, that Secretary of State shall refer it for determination by the industrial court.

6. The Executive and the Bus Company may before the vesting date enter into any arrangements with the London Board and any employee of the London Board for the determination of the employee's agreement on or before that date and for the conclusion of a new agreement between the Executive or the designated company and the employee for the rendering of services to the Executive or, as the case may be, that company, and the London Board may become a party to any arrangements between the Executive, the Bus Company, the designated company or any other employer and any of the London Board's employees for the transfer of those employees from the London Board to the new employer on or before the vesting date; and, without prejudice to paragraph 10(3) of Schedule 1 to the Contracts of Employment Act 1963 and section 8(2) of the Redundancy Payments Act 1965, for the purposes of those Acts the employee's period of employment at the time when the arrangements take effect shall count as a period of employment with the new employer, and the change of employer shall not break the continuity of the period of employment.

7. The Executive, the Bus Company, the designated company, or any employee may apply to the Minister to determine whether or not, or to whom, rights and liabilities in respect of the employee's services under any particular agreement are transferred by virtue of this Act, and the Minister's decision on the application shall be final.

Construction of agreements, statutory provisions and documents

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8.—(1) Paragraph 7 (except sub-paragraph (d) thereof) and paragraphs 8 to 12 of Schedule 4 to the Act of 1968 (which relate to the construction of agreements, statutory provisions and documents after certain transfers) shall apply where any property, rights or liabilities of the London Board are transferred from that Board to the Executive or to the designated company under section 16 of this Act, including any case where they are so transferred by virtue of an agreement under paragraph 1 or a direction under paragraph 3 of this Schedule, as if for any reference in the said paragraphs of that Schedule to that Act there were substituted a reference to this Act.

(2) Where any agreement such as is mentioned in the said paragraph 7 refers to property, rights and liabilities which, under paragraph 1 or 3 of this Schedule, are divided or apportioned between the Executive and the designated company, the agreement shall have effect on and after the date from which the division or apportionment has effect as if it constituted two separate agreements separately enforceable by and against each of those bodies respectively as regards the part of the property, rights and liabilities vesting in that body and not as regards the other part; and this sub-paragraph shall apply in particular to the covenants, stipulations and conditions of any lease by or to the London Board.

(3) For the purposes of the said paragraphs 8 to 12 as applied by sub-paragraph (1) of this paragraph, sub-paragraph (2) of this paragraph shall be deemed to form part of the said paragraph 7.

Third parties affected by vesting provisions

9.—(1) Without prejudice to paragraph 8 of this Schedule, any division, apportionment or other transaction between the Executive and the designated company in pursuance of an agreement under paragraph 1 or a direction under paragraph 3 of this Schedule shall be binding on all other persons, and notwithstanding that it would, apart from this sub-paragraph, have required the consent or concurrence of some other person.

(2) It shall be the duty of the Executive and the designated company, if any such transaction is effected, to notify any person who has rights or liabilities which thereby become enforceable as to part by or against one, and as to part by or against the other, of those bodies, and if such a person applies to the Minister and satisfies him that the transaction operated unfairly against him the Minister may give such directions to those bodies as appear to him appropriate for varying the transaction.

10. If in consequence of any such transfer as is referred to in paragraph 8(1) of this Schedule the rights or liabilities of any person other than the Executive or the designated company which were enforceable against or by the London Board become enforceable in part against or by one, and in part against or by the other, of the Executive and the designated company, and the value of any property or interest of that person is thereby diminished, the Executive and the designated company shall pay to that person such compensation as may be just, and any dispute as to whether and if so how much compensation is so payable, or as to the

SCH. 2 person to whom it shall be paid, shall be referred to and determined by an arbitrator appointed by the Lord Chancellor.

11. Any instrument whereby the Executive or the designated company purport to make a disposal for consideration to some person other than the Executive, the Bus Company or a wholly-owned subsidiary of the Executive or the Bus Company of any land or other property which belonged to the London Board, or which is an interest in property which belonged to the London Board, whether that disposal is absolute or for a term of years, shall be as effective as if both the Executive and the designated company had been parties to that instrument and had thereby made the like disposal of any interest of theirs in the property in question.

12. If at any stage of any court proceedings to which the Executive or the designated company and a person other than the Executive, the Bus Company or a wholly-owned subsidiary of the Executive or the Bus Company are parties, it appears to the court that the issues in the proceedings depend on the identification or definition of any of the property, rights or liabilities transferred under section 16 of this Act which the Executive and the designated company have not yet effected, or raise a question of construction on that section or this Schedule which would not arise if the Executive and the designated company constituted a single person, the court may, if it thinks fit on the application of a person other than as aforesaid who is a party to the proceedings, hear and determine the proceedings on the footing that such one of the Executive and the designated company as is a party to the proceedings represents and is answerable for the other of them, and that they constitute a single person, and any judgment or order given by the court shall bind both the Executive and the designated company accordingly.

13. It shall be the duty of the Executive and designated company to keep one another informed of any case where either of them may be prejudiced by paragraph 11 or 12 of this Schedule, and if either of them claims that they have been so prejudiced and that the other of them ought to indemnify or make a payment to them on that account and has unreasonably failed to meet that claim, the body so claiming may refer the matter to the Minister for determination by the Minister.

Right to production of documents of title

14. Where in the case of any land or other property transferred from the London Board under this Act the Executive or the designated company are entitled to retain possession of any document relating in part to the title to, or to the management of, property so transferred to the other of those bodies, the retaining body shall be deemed to have given to the other an acknowledgment in writing of the right of the other body to production of that document and to delivery of copies thereof; and section 64 of the Law of Property Act 1925 shall have effect accordingly, and on the basis that the acknowledgment did not contain any such expression of contrary intention as is mentioned in that section.

1925 c. 20.

Proof of title by certificate

15. A joint certificate by or on behalf of the Executive and the Bus Company that any property specified in the certificate, or any

such interest in or right over any such property as may be so specified, or any right or liability so specified, is by virtue of this Act for the time being vested in, or in such wholly-owned subsidiary of, that one of the certifying authorities so specified shall be conclusive evidence for all purposes of that fact; and if on the expiration of one month after a request from one to the other of them for the preparation of such a joint certificate as respects any property, interest, right or liability, the Executive and the Bus Company have failed to agree on the terms of the certificate, they shall refer the matter to the Minister and issue the certificate in such terms as the Minister may direct.

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SCHEDULE 3

Section 17.

DISPOSAL OF CERTAIN STATUTORY FUNCTIONS OF LONDON BOARD

1.—(1) The provisions specified in sub-paragraph (2) of this paragraph shall have effect as if for any reference therein to, or falling to be construed as a reference to, the London Board there were substituted a reference to the Executive and as if the expression “the Boards” included the Executive.

(2) The provisions referred to in sub-paragraph (1) of this paragraph are—

- (a) section 4(2) of the Road Haulage Wages Act 1938 ; 1938 c. 44.
- (b) sections 52(4) and 83(7) of the Act of 1962 (which exclude the Boards from the definition of independent railway undertakings);
- (c) section 54(1) of the Act of 1962 (which relates to advance information about railway closures);
- (d) section 60 of the Act of 1962 (which relates to carriers' licences for vehicles operated by subsidiaries of the Boards);
- (e) section 82 of the Act of 1962 (which makes modifications of the enactments relating to Wages Councils);
- (f) section 86 of the Act of 1962 and section 141 of the Act of 1968 (which relate to the application of the Town and Country Planning Acts);
- (g) Schedule 2 to the Act of 1962 and paragraph 7(1) of Schedule 16 to the Act of 1968 (which relate to the transfer of certain statutory functions);
- (h) Schedule 6 to the Act of 1962 (which relates to the distribution of the Commission's undertaking) other than paragraph 2(3) thereof;
- (i) section 13(3)(c) of the Lee Valley Regional Park Act 1966 1966 c. xli. (which relates to the provision or operation of passenger transport services by the Regional Park Authority);
- (j) section 32 of the General Rate Act 1967 and section 162 of the Act of 1968 (which relate to the rating of railway or canal premises);
- (k) section 3(3) of the London Cab Act 1968 (which relates to restrictions on the parking of cabs); 1968 c. 7.
- (l) sections 116 to 119 and 120 of the Act of 1968 (which relate to certain bridges);

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(m) section 125 of the Act of 1968 (which relates to the powers of inspectors of railways) ;

(n) section 144 of the Act of 1968 (which relates to the transfer and disposal of historical records and relics).

1968 c. 72.

1962 c. 38.

1968 c. 73.

(3) In addition to the application to the Executive by virtue of sub-paragraph (2)(f) of this paragraph of the enactments there mentioned, section 69 of the Town and Country Planning Act 1968 (which relates to the determination of what is operational land for the purposes of the Town and Country Planning Act 1962) shall have effect as if in subsection (2)(b) thereof after the words “ the Transport Act 1968 ”, there were inserted the words “ or the Transport (London) Act 1969 ”.

2.—(1) In the case of the provisions specified in sub-paragraph (2) of this paragraph, the functions thereunder of the London Board shall be transferred to the designated company as well as to the Executive ; but those provisions shall not have effect, whether in relation to the Executive or to the designated company, with respect to any area with respect to which they did not have effect before the vesting date.

(2) The provisions referred to in sub-paragraph (1) of this paragraph are—

1934 c. xcvi.

(a) in the London Passenger Transport Act 1934, sections 104 and 109 ;

1937 c. xc.

(b) in the London Passenger Transport Act 1937, sections 64 and 68 ;

1938 c. xcii.

(c) in the London Passenger Transport Act 1938, section 65 ;

1949 c. xxix.

(d) in the British Transport Commission Act 1949, section 57 ;

1951 c. xxxix.

(e) in the British Transport Commission Act 1951, section 15.

1969 c. 1.

(3) The functions of the London Board under section 69 of the said Act of 1937, under section 61 of the said Act of 1938 and under section 25 of the London Transport Act 1969 shall be transferred to the Executive, but those sections shall not have effect with respect to any area outside the London Passenger Transport Area within the meaning of the London Passenger Transport Act 1933.

1933 c. 14.

1873 c. lxxx.

3. In relation to the savings bank established under section 23 of the Metropolitan Railway Act 1873, references in section 65 of the Act of 1962 to the appropriate Board shall be construed as references to the Executive ; and the persons entitled to deposit money in that savings bank shall, in addition to the persons specified in subsection (5) of the said section 65, include—

(a) persons employed by the Executive or any subsidiary of the Executive ;

(b) persons who owing to incapacity arising from ill-health or on reaching retirement age have retired from service with the Executive or any subsidiary of the Executive or with the London Board, the Commission, the London Passenger Transport Board or the Metropolitan Railway Company ;

(c) the wife, widow (during the period of her widowhood), or children under twenty-one years of age, of such persons as

are mentioned in sub-paragraph (a) or (b) of this paragraph ;

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- (d) any group, society or association the members of which consist, or mainly consist, of such persons as are mentioned in sub-paragraphs (a) to (c) of this paragraph or the said subsection (5).

4. In its application to the Executive by virtue of section 6(2)(g) of this Act, section 43(1)(b) of the Act of 1962 shall have effect as if any reference therein to a ship or boat included a reference to a hovercraft.

5.—(1) Section 67 of the Act of 1962 and paragraph 4(5) of Schedule 16 to the Act of 1968 (which relate to the power to make bylaws for railways) shall have effect as if for any reference to the London Board there were substituted a reference to the Executive ; and any bylaws made by the London Board under subsection (1) of the said section 67 and in force immediately before the vesting date shall continue in force until varied or revoked by the Executive by virtue of subsection (12) of that section and have effect as aforesaid.

(2) Subsection (2) of the said section 67 (which empowers the Railways Board to make bylaws in relation to passengers and goods conveyed in or on ships operated by the Board, and as to their embarkation and disembarkation) shall apply to the Executive as if for references therein to that Board there were substituted references to the Executive and as if the expression "ships" included hovercraft.

6.—(1) In section 68 of the Act of 1962 (which relates to the custody of lost property), and in any regulations made, or having effect as if made, under section 160(1)(i) of the Act of 1960 (which relates to the like matters), any reference to, or falling to be construed as a reference to, the London Board shall be construed as a reference to the Executive.

(2) The Executive shall, not later than one year after the vesting date, and after consulting the Bus Company and the designated company, prepare and submit to the Minister a scheme for the allocation of any moneys arising from the sale, or from fees charged on the redelivery, of any property accidentally left before the vesting date on or in any premises or vehicles belonging to the London Board which was taken into the custody of that Board under regulations made, or having effect as if made, under section 106 of the London Passenger Transport Act 1933 ; and the Minister may 1933 c. 14. approve that scheme with or without modifications, and it shall be the duty of the Executive, the Bus Company and the designated company to give effect to the scheme as so approved.

7.—(1) Paragraph 5 of Schedule 16 to the Act of 1968 (which relates to transport police) shall apply to the Executive and, for the purposes only of any premises transferred under section 16(2) of this Act, to the Bus Company as it applies to the National Freight Corporation and the Scottish Transport Group.

(2) For the purpose only of applying section 54 of the British 1949 c. xxix. Transport Commission Act 1949 (which relates to powers of search and arrest) to premises transferred as aforesaid, the Bus Company

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1964 c. xxvi.

shall be deemed to be one of the Boards ; and in section 23 of the London Transport Act 1964 (under which the said section 54 in its application to the London Board continues in force in relation to the Executive), and in any enactment passed after this Act which provides for the said section 54 to continue in force for a further period in its application to the Executive, any reference to, or falling to be construed as a reference to, the Executive shall be construed as a reference to the Executive, any wholly-owned subsidiary of the Executive and, for the purpose aforesaid but for that purpose only, the Bus Company and any wholly-owned subsidiary of the Bus Company.

(3) Subject to any agreement made by virtue of sub-paragraph (1) of this paragraph and to any adaptations made under sub-paragraph (4) of the said paragraph 5—

S.I. 1964/1456.

(a) the functions of the London Board under the scheme set out in the Schedule to the British Transport Police Force Scheme 1963 (Approval) Order 1964 made under section 69 of the Act of 1962 shall be transferred both to the Executive and, for the purposes only of any premises transferred under section 16(2) of this Act, to the Bus Company ; and

(b) section 70 of the Act of 1962 shall have effect as if the expression “the Boards” included the Executive and, for the purposes aforesaid, the Bus Company and as if premises belonging to, leased to or worked by a wholly-owned subsidiary of the Executive or the Bus Company were premises belonging to, leased to or worked by the Executive or, as the case may be, the Bus Company.

1965 c. 25.

8. In section 92 of the Finance Act 1965 (which relates to the making of grants to operators of bus services towards duty charged on bus fuel) for subsection (8) there shall be substituted the following subsection :—

‘(8) In this section—

1960 c. 16.

“bus service” means a service of stage carriages as defined by section 117 of the Road Traffic Act 1960 ;

“operator”, in relation to a bus service, means—

(a) the holder of the road service licence under which the service is provided ; or

(b) if the service is provided otherwise than under a road service licence by, or by a subsidiary of—

(i) the London Transport Executive ; or

1968 c. 73.

(ii) the Executive for a designated area within the meaning of section 9(1) of the Transport Act 1968,

that Executive or subsidiary ;

(c) if the service is provided otherwise than under a road service licence by a person—

(i) in pursuance of an agreement under section 23(2) of the Transport (London) Act 1969 or under a consent continued in force or granted under Schedule 4 to that Act ; or

- (ii) in pursuance of an agreement under section 19(2) of the Transport Act 1968 or under a consent granted under Schedule 6 to that Act, SCH. 3
1968 c. 73.

that person ;

“road service licence” includes a permit under section 30 of the Transport Act 1968 ;

“subsidiary” has the same meaning as for the purposes of the Transport Act 1968.’

9.—(1) The provisions specified in sub-paragraph (2) of this paragraph shall each have effect as if the reference to the London Board were omitted.

(2) The provisions referred to in the foregoing sub-paragraph are—

- (a) the Schedule to the Building Control Act 1966 (which specifies bodies to be exempted from the requirements of that Act) ; 1966 c. 27.
- (b) Schedule 2 to the Industrial Development Act 1966 (which specifies bodies not eligible for certain grants) ; 1966 c. 34.
- (c) Schedule 1 to the Industrial Expansion Act 1968 (which specifies bodies not eligible for financial support under industrial investment schemes). 1968 c. 32.

10. In the Dartford Tunnel Act 1967, section 71 shall have effect as if the proviso to subsection (1) and the proviso to subsection (3)(a) (which require the consent of the London Board to certain matters) were omitted. 1967 c. xxxvii.

11. In section 12(1) of the Education (Miscellaneous Provisions) Act 1953, in paragraph (a) of the proviso, for any reference to the special area there shall be substituted a reference to Greater London. 1953 c. 33.

SCHEDULE 4

Section 23.

LICENCES OR CONSENTS FOR CERTAIN EXISTING SERVICES

Right to grant of road service licence or consent for certain existing services

1. Where at any time within the period of twelve months ending with the vesting date the London Board were providing any service by means of public service vehicles, being a service—

- (a) the whole of which was provided under a road service licence ; or
- (b) for the whole or part of which a road service licence was not then, but after that date is, required,

the appropriate traffic commissioners, on an application made before the vesting date by the Executive or, where that service was provided by that part of the Board’s undertaking referred to in subsection (2) of section 16 of this Act, by the designated company, shall, subject to the provision by the applicant of any information the commissioners may require for the purpose, forthwith as the case may require either grant or back a road service licence or vary the existing road service licence so as to authorise the continuation of that service for a period of three years after the vesting date by

SCH. 4 the Executive or, as the case may be, by that company in the same form as before that date; and nothing in sections 135 to 143 of the Act of 1960 shall apply in relation to any application under this paragraph.

2. Where at any time within the period of twelve months aforesaid the part aforesaid of the London Board's undertaking was providing a London bus service, the Executive, on an application made before the vesting date by the designated company, shall forthwith grant that company a consent to the provision of that service by that company on such terms as to permit the continuation of that service for a period of three years after the vesting date in the same form as before the vesting date.

Continuation of certain consents

1933 c. 14.

3.—(1) Where at any time within the period of twelve months aforesaid a London bus service was provided by a person other than the London Board under a consent granted under the London Passenger Transport Act 1933 or under section 58(2) of the Act of 1962, then, subject to sub-paragraph (2) of this paragraph and to paragraph 11 of this Schedule, that consent, so far as it relates to the provision of that service, shall continue in force after the vesting date as if granted by the Executive under this Schedule, but with the omission of any requirement as to the obtaining of a road service licence and as if any conditions attached to the road service licence in respect of that service in force immediately before the vesting date, so far as those conditions relate to the provision of that London bus service, had been attached by the Executive to the consent.

(2) Where the consent under the said Act of 1933 or the said section 58(2) relates to a bus service part only of which is operated as a London bus service, any term or condition with respect to the carriage of passengers other than those who are both taken up and set down in Greater London subject to which that consent was granted shall be of no effect if or so far as it is inconsistent with any condition for the time being attached to the road service licence under which the service is provided.

Right of certain successors in title to grant of consent

4. Subject to paragraph 11 of this Schedule, where such a consent as is referred to in paragraph 3 of this Schedule granted to any person is continued in force in respect of a London bus service by the said paragraph 3, the Executive shall, on the application of a successor in title to the undertaking of that person so far as it consists of the provision of that service, grant to that successor in title—

- (a) except where the consent so continued was permanent, a consent on the like terms; or
- (b) where the consent so continued was permanent, a consent such as to permit the continuation of that service by that successor in title in the same form for a period of one year.

5. Subject to paragraph 11 of this Schedule, while a consent granted by the Executive to any person in respect of a London bus service under paragraph 4 of this Schedule remains in force, the Executive

shall on the application of any successor in title to the undertaking of that person so far as it consists of the provision of that service grant a consent on the same terms to that successor in title.

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Rights pending grant of road service licence or consent in certain cases

6. Subject to paragraph 11 of this Schedule, as respects any period between the date when an application is duly made under paragraph 1, 2, 4 or 5 of this Schedule and the date of the grant of a licence or consent in pursuance of the application, a licence or consent in the form applied for shall be deemed to have been granted to the applicant on the date of the making of the application.

Right of appeal in connection with consent

7. The person to whom a consent is granted under paragraph 2, 4 or 5 of this Schedule may appeal to the metropolitan traffic commissioners within the prescribed period and in the prescribed manner on the ground that the terms on which the consent is granted do not comply with the requirements of the paragraph in question; and, on such an appeal being made, the commissioners may make such order as they think fit and the Executive shall comply with that order.

Renewal of consent

8.—(1) The Executive may, if they think fit, on the application of the holder of any consent continued in force or granted under this Schedule, from time to time renew that consent for a period of one year.

(2) The person by whom an application for the renewal of a consent is made under this paragraph may appeal to the metropolitan traffic commissioners within the prescribed period and in the prescribed manner against any refusal or failure by the Executive to renew that consent; and if on such an appeal being made the commissioners are of the opinion that it would be unreasonable to refuse the application, they may order the Executive to renew the consent either on the same terms or on such other terms as appear to the commissioners to be appropriate and the Executive shall comply with that order.

(3) Where an application is made under this paragraph before the expiry of the consent to which it relates, that consent shall not cease to be in force before the expiration of the period for appealing against a refusal of or failure to grant that renewal or, if such an appeal is duly made, until the appeal is determined or withdrawn.

Variation of terms or conditions of consent

9.—(1) The Executive—

- (a) may on the application of the holder of any consent continued in force or granted under this Schedule vary any of the terms of, or any condition attached or deemed to be attached to, that consent; and
- (b) may at any time without any such application by notice in writing to the holder of such a consent make any reasonable variation of any such term or condition;

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and the Executive shall not unreasonably refuse any application under paragraph (a) of this sub-paragraph; but no such variation shall be made which affects the carriage of persons other than persons who are both taken up and set down in Greater London.

(2) The holder of any such consent as aforesaid may appeal to the metropolitan traffic commissioners within the prescribed period and in the prescribed manner against any refusal or failure by the Executive to make a variation of a term or condition applied for under sub-paragraph (1)(a), or against any such variation made under sub-paragraph (1)(b), of this paragraph; and, on such an appeal being made, the commissioners may make such order as they think fit and the Executive shall comply with that order.

(3) A variation of which notice is given under sub-paragraph (1)(b) of this paragraph shall not take effect until the expiration of the period for appealing against that variation or, if such an appeal is duly made, until the appeal is determined or withdrawn.

Variation of route of service to which consent relates

10. Where, in the case of any bus service in respect of which a consent continued in force or granted under this Schedule is in force, the authorised route for that service becomes impracticable but a variation of a minor nature only in that route would enable that service to be continued in substantially the same form, paragraph 9 of this Schedule shall apply to that variation of that route, so far as it lies in Greater London, as it applies to the variation of such a term or condition as is mentioned in that paragraph, but as if sub-paragraph (3) of that paragraph were omitted.

Loss of right to, or cancellation of, consent in certain cases

11. A person shall not be entitled to the grant by the Executive of a consent under this Schedule with respect to any London bus service if that person has entered into an agreement with the Executive with respect to that service under section 23(2) of this Act; and where a person has entered into such an agreement with the Executive with respect to any London bus service, any consent with respect to that service continued in force or granted under this Schedule shall be regarded as cancelled.

Power to cancel consent in certain circumstances

12.—(1) A consent continued in force or granted under this Schedule may be cancelled at any time by the Executive on the ground that any of the terms of, or any condition attached or deemed to be attached to, that consent has been contravened; but, save in accordance with paragraph 11 of this Schedule, such a consent shall not be cancelled on any other ground; and the Executive shall not cancel a consent under this paragraph unless owing to the frequency of the breach of the term or condition in question, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the Executive are satisfied that the consent should be cancelled.

(2) The holder of such a consent as aforesaid which is cancelled under this paragraph may appeal against the cancellation within

the prescribed period and in the prescribed manner to the metropolitan traffic commissioners, and on any such appeal the commissioners may make such order as they think fit and the Executive shall comply with that order.

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(3) A cancellation of a consent under this paragraph shall not take effect until the expiration of the period prescribed for appealing against the cancellation or, if such an appeal is duly made, until the appeal is determined or withdrawn.

Interpretation

13. In this Schedule—

- “metropolitan traffic commissioners” means the traffic commissioners for the Metropolitan Traffic Area ;
 “prescribed” means prescribed by regulations made by the Minister.

SCHEDULE 5

Section 36.

CONTROL OF OFF-STREET PARKING

PART I

Provisions as to making of regulations under section 36

1. Before deciding to propose the making of regulations under section 36 of this Act with respect to any matter, the Council shall consult with such representative organisations as they think fit and, if after such consultation they decide to make such a proposal, they shall cause to be published in the London Gazette and in one or more daily newspapers circulating throughout Greater London a notice stating that they propose to make such regulations, giving a summary of their effect, and specifying—

- (a) a place at which provisional draft regulations may be inspected at all reasonable hours and from which a copy of those draft regulations may be obtained on request ; and
- (b) a date (not being earlier than six weeks after the date of publication of the notice) by which representations with respect to the draft regulations, which should include the grounds for any objection thereto, must be sent in writing to the Council ;

and on causing such a notice to be published the Council shall send a copy of the notice and of the draft regulations to the Minister and to each local authority the whole or part of whose area is for the time being, or would under the draft regulations become, a controlled area ; and the Council shall not make any regulations in pursuance of the proposal to which the notice relates before the expiration of the period of twelve weeks beginning with the date when the notice is published.

2. As soon as may be after the date specified by the notice aforesaid for the making of representations with respect to the draft regulations, the Council shall send to the Minister copies of all representations received by them by that date or, if no representations have been so received, shall inform the Minister in writing of that fact.

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3. In the case of any such proposal as aforesaid, the Minister may at any time before the expiration of the period of twelve weeks aforesaid give to the Council a direction in writing that, except with the consent of the Minister, regulations shall not be made in pursuance of that proposal—

- (a) with respect to all, or with respect to such as may be specified, of the matters to which the proposal relates ; or
- (b) in relation to, or to a specified part of, any specified area which has been or is proposed to be designated as a controlled area ;

and on any such direction being given the Minister shall cause notice thereof to be published in the London Gazette and the Council shall comply with that direction.

4.—(1) Where in the case of any such proposal as aforesaid the Minister has given such a direction as aforesaid, he shall as soon thereafter as he is in a position to do so notify the Council in writing with respect to each of the matters or areas to which the direction relates either—

- (a) that he consents to the making of regulations with respect to that matter or in relation to that area in pursuance of that proposal ; or
- (b) that he is not prepared in any circumstances to consent to the making of such regulations in pursuance of that proposal ; or
- (c) that subject to sub-paragraph (2) of this paragraph he is prepared to consider consenting to the making of such regulations in pursuance of that proposal if a revised draft is submitted to him for the purpose incorporating modifications of a specified nature or in other specified circumstances ;

and before deciding the notification to be given to the Council under this paragraph with respect to any matter or in relation to any area the Minister may if he thinks fit appoint a person to hold an inquiry in connection with that matter or area, and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to any such inquiry as they apply to such an inquiry as is referred to in subsection (1) of that section, with the substitution for any reference to a department of a reference to the Minister.

1933 c. 51.

(2) The Minister shall not consider any such revised draft as is referred to in sub-paragraph (1)(c) of this paragraph unless he is satisfied that the Council—

- (a) have taken appropriate steps to inform any persons affected by the modifications incorporated in the revised draft of the nature of those modifications and have afforded those persons a reasonable opportunity to make representations with respect to the revised draft regulations ; and
- (b) have supplied the Minister with copies of any such representations made.

5.—(1) In the case of any such proposal as aforesaid, the Council may if they think fit at any time after the expiration of the period of twelve weeks aforesaid make regulations in pursuance of that proposal with respect to any matter or in relation to any area which is not the subject of a direction under paragraph 3, or which is the subject of a consent under paragraph 4(1)(a), of this Schedule, being regulations either—

- (a) in the form of the provisional draft with any modifications necessary in consequence of any such direction with respect to any other matter or area ; or
- (b) subject to sub-paragraph (2) of this paragraph, in the form of that draft modified in such manner as the Council think fit, whether as a result of any representations to which paragraph 2 of this Schedule applies or otherwise.

(2) The Council shall not make any regulations by virtue of sub-paragraph (1)(b) of this paragraph unless a draft of the regulations in the form in which they are to be made has been submitted to the Minister and the Minister has given his consent to their being made.

6. In deciding in the case of any such proposal as aforesaid whether or not to make any regulations in pursuance thereof by virtue of paragraph 5 of this Schedule the Council shall have regard to any representations to which paragraph 2 of this Schedule applies ; and in deciding whether or not to give any consent under this Part of this Schedule to the making of regulations by the Council in pursuance of any such proposal, the Minister shall have regard to any such representations, to the report of any person appointed to hold an inquiry under paragraph 4 of this Schedule in connection with the proposal in question, and to any such representations as are referred to in sub-paragraph (2) of the said paragraph 4 ; and the Minister shall cause notice of the giving by him of any consent under this Part of this Schedule to be published in the London Gazette.

PART II

Revocation or variation of permanent licence

7. Subject to the provisions of Parts III and IV of this Schedule with respect to appeals and compensation, the provisions of this Part of this Schedule shall apply in relation to any permanent licence granted by the local authority.

8. If at any time it appears to the local authority expedient to do so in the interests of the proper planning of transport in Greater London, they may by not less than twelve months notice in writing to the holder of the licence either—

- (a) revoke the licence ; or
- (b) vary the terms and conditions thereof specified under section 36(4)(b) and (c) of this Act.

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9. If at any time it appears to the local authority that the holder of a licence (whether the person for the time being holding that licence or a previous holder thereof) has discontinued making parking spaces available to the public at the licensed parking place and that the discontinuance has lasted for a period of not less than two years, then, subject to paragraph 13 of this Schedule, they may by notice in writing to the holder of the licence revoke it.

10. If at any time it appears to the local authority that for a period of not less than two years the person, or each of the persons, who was for the time being during that period the holder of a licence in respect of a licensed parking place has made available to the public at that parking place a substantially lower number of parking spaces than that authorised by the licence, then, subject to paragraph 13 of this Schedule, they may by notice in writing to the holder of the licence vary the terms and conditions of the licence specified under the said section 36(4)(b) and (c) so as to authorise the provision at the licensed parking place of only that number of parking spaces which it appears to the local authority was being provided at the date of the notice.

11. If in the case of a licensed parking place which was ready for operation at the date of the grant of the licence the local authority are satisfied at any time that for a period of not less than two years beginning with that date the person, or each of the persons, who was for the time being during that period the holder of the licence has not made any significant number of parking spaces available to the public at the licensed parking place, then, subject to paragraph 13 of this Schedule, they may by notice in writing to the holder of the licence revoke it.

12.—(1) Where at the date when the licence was granted the development as a public off-street parking place of the premises in respect of which the licence was granted had not been begun or had not been completed then, subject to paragraph 13 of this Schedule—

- (a) if there has been a period of not less than three years since that date without that development being begun, or
- (b) if there has been a period of not less than seven years since that date without that development being completed, or
- (c) if for a period of not less than two years beginning with the date of the completion of that development the person, or each of the persons, who was for the time being during that period the holder of the licence has not made any significant number of parking spaces available to the public at the licensed parking place,

the local authority may by notice in writing to the holder of the licence revoke it.

(2) For the purposes of the foregoing sub-paragraph, the development there referred to shall be taken to begin at the earliest date on which any specified operation within the meaning of section 64(3) of the Land Commission Act 1967 comprised in that development begins to be carried out.

13. Where notice under paragraph 9, 10, 11 or 12(1) of this Schedule is given after the expiration of the relevant period referred to in the paragraph in question the notice shall be of no effect if it is given more than three months after the expiration of that period.

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PART III

Rights of appeal

14.—(1) If a person who is, or who proposes to become, the operator of a public off-street parking place in a controlled area or any other person entitled to an interest in the premises used or proposed to be used for the purposes of that parking place is aggrieved by a decision of the local authority—

- (a) to refuse an application for the grant of a licence in respect of those premises ; or
- (b) as to the terms and conditions to be specified under section 36(4)(b) and (c) of this Act in a licence granted in respect of those premises ; or
- (c) to refuse an application for a variation of the terms and conditions so specified in a permanent licence granted in respect of those premises ; or
- (d) to revoke a licence granted in respect of those premises ; or
- (e) to vary under Part II of this Schedule any of the terms and conditions specified under the said section 36(4)(b) and (c) in a permanent licence granted in respect of those premises,

he may by notice served within such time (not being less than twenty-eight days from the date of notification of the decision to which it relates) and in such manner as the Minister may by regulations under paragraph 17 of this Schedule direct, appeal to the Minister from that decision.

(2) If in a case where—

- (a) a person makes an application to the local authority for a licence in respect of premises in respect of which a licence is not for the time being in force ; or
- (b) the person who is the holder of a permanent licence in respect of any premises duly makes an application to the local authority for a specified variation of the terms and conditions of the licence specified under the said section 36(4)(b) and (c),

the local authority have not notified that person of their decision on his application by the expiration of the period of two months beginning with the date when they received the application or such longer period beginning with that date as may have been agreed for the purpose between that person and the local authority, the local authority shall be deemed for the purposes of this Schedule to have notified that person at the date of the expiration of that period that they have decided to refuse the application.

15. The Minister shall not be required to entertain an appeal under this Part of this Schedule from any decision of a local authority if or to the extent that it appears to him that the decision was necessary in order to comply with the requirements of section

SCH. 5 36 of this Act or with any regulations made by the Council by virtue of subsection (6) of that section which are for the time being in force.

16.—(1) Subject to sub-paragraph (2) of this paragraph, before determining an appeal under this Part of this Schedule the Minister shall, if either the appellant or the local authority so request, afford to each of them an opportunity of appearing before, and being heard by, a person appointed by the Minister for the purpose.

(2) If the Minister thinks fit in any case where such a request as aforesaid is made, he may, instead of complying with that request, appoint a person to hold an inquiry in connection with the appeal, and subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply to any such inquiry as they apply to such an inquiry as is referred to in subsection (1) of that section, with the substitution for any reference to a department of a reference to the Minister.

1933 c. 51.

17.—(1) The Minister may by regulations make provision as to the procedure to be followed in connection with appeals under this Part of this Schedule, including the procedure in connection with matters preparatory to, or subsequent to, the consideration of the appeal.

(2) Any such regulations shall include provision for the giving of notice to the Council of any appeal under this Part of this Schedule and of any request made under paragraph 16(1) thereof, and for enabling the Council to make representations with respect to the matter in question and to appear before and be heard by any person appointed by the Minister for the purposes of sub-paragraph (1) or (2) of the said paragraph 16.

(3) Any regulations under this paragraph shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.

18.—(1) On an appeal being brought under this part of this Schedule from a decision of the local authority, the Minister may either dismiss the appeal or substitute for that decision such other decision, as he thinks fit; and, subject to sub-paragraph (2) of this paragraph, the decision of the Minister on the appeal shall be final and shall be binding both on the appellant and on the local authority, and the local authority shall take such steps as may be necessary to give effect to any such substituted decision.

1958 c. 66.

(2) Subsection (1) of section 9 of the Tribunals and Inquiries Act 1958 (which relates to appeals on points of law from decisions of certain tribunals) shall apply to a decision of the Minister on an appeal under this Part of this Schedule as it applies to a decision of any of the tribunals mentioned in that subsection, but as if the reference to any party to proceedings before such a tribunal were a reference to the local authority or any person who had, or if aggrieved would have had, a right to appeal to the Minister under this Part of this Schedule, whether or not he has exercised that right; and accordingly references in subsections (1) and (3) of that section to a tribunal shall be construed in relation to such an appeal as references to the Minister.

PART IV

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Right to compensation in certain circumstances

19. Where a person who, at the date when an area is first designated as a controlled area by regulations of the Council under section 36 of this Act, is the operator of a public off-street parking place at premises in that area which have at that date been used as such a parking place for a continuous period of not less than six months duly makes an application to the local authority for a licence in respect of those premises before the expiration of the period prescribed for such applications in respect of parking places in operation at that date, and the local authority decide either—

- (a) to refuse the application ; or
- (b) to grant the applicant a licence on terms and conditions specified under subsection (4)(b) and (c) of the said section 36 such that under the licence the applicant will not be able to operate the premises as a parking place to such advantage or potential advantage as immediately before he made his application,

paragraph 22 of this Schedule shall apply to that decision of the local authority.

20. Where—

- (a) at the date when notice of a proposal to make regulations under the said section 36 designating an area as a controlled area for the purposes of that section is published by the Council under paragraph 1 of this Schedule—
 - (i) planning permission has been granted for a development which consists of or includes the provision at any premises in that area of a public off-street parking place ; and
 - (ii) that development involves substantial building or engineering operations within the meaning of section 221(1) of the Town and Country Planning Act 1962 ; 1962 c. 38. and
 - (iii) either one or more specified operations within the meaning of section 64(3) of the Land Commission Act 1967 comprised in that development have begun to be carried out or a contract (other than a lease) has been entered into with a person carrying on a business consisting wholly or mainly of the execution of building operations or of building operations and engineering operations whereby that person has undertaken to erect in the course of that business at the said premises a building or structure as a place for the provision of parking spaces for motor vehicles ; and
- (b) at the date when the area is designated as a controlled area in pursuance of that proposal those premises have not been in use as such a parking place to the full extent provided for by the planning permission for a continuous period of not less than six months ; and

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(c) the person operating or proposing to operate those premises as such a parking place duly makes application to the local authority for a licence in respect of those premises before the expiration of the period prescribed for such applications in respect of parking places in operation at the date referred to in sub-paragraph (b) of this paragraph ; and

(d) the local authority decide either—

(i) to refuse the application ; or

(ii) to grant the applicant a licence on terms and conditions specified under subsection (4)(b) and (c) of the said section 36 such that under the licence the applicant will not be able to operate the premises as such a parking place to such advantage or potential advantage as if the area had not been designated as a controlled area,

paragraph 22 of this Schedule shall apply to that decision of the local authority.

21. Paragraph 22 of this Schedule shall apply to any decision of the local authority—

(a) to revoke a permanent licence under paragraph 8 of this Schedule ; or

(b) to vary under the said paragraph 8 any of the terms and conditions specified in a permanent licence under the said section 36(4)(b) and (c) in such manner that the holder of the licence will not be able to operate the licensed parking place to such advantage or potential advantage as if the variation had not been made ; or

(c) to refuse an application by the holder of a permanent licence for a specified variation of the terms and conditions specified under the said section 36(4)(b) and (c) in a case where—

(i) by reason of a happening beyond the control of the holder of the licence he cannot continue to operate the licensed parking place in accordance with the licence as for the time being in force to such advantage or potential advantage as before that happening ; and

(ii) the making of that variation would wholly or partly mitigate the adverse effects of that happening without enabling the holder of the licence to operate the licensed parking place to greater advantage or potential advantage than before that happening.

22.—(1) If, on a claim made to the local authority in writing within the period of six months or such longer period as may be allowed under sub-paragraph (2) of this paragraph beginning with the date when the person who is, or who proposes to become, the operator of a public off-street parking place is, or is deemed under paragraph 14(2) of this Schedule to have been, notified of a decision of the local authority under section 36 of this Act or Part II of this Schedule relating to that parking place, that person or any other

person entitled to an interest in the premises used or proposed to be used for the purposes of that parking place shows that the decision is one to which, under paragraph 19, 20 or 21 of this Schedule, this paragraph is to apply and that the claimant has suffered damage in consequence of that decision by depreciation of the value of his interest in those premises, or by being disturbed in his enjoyment of those premises, the local authority shall pay the claimant compensation in respect of that damage.

(2) If within the period of six months referred to in sub-paragraph (1) of this paragraph any such person as is referred to in that sub-paragraph has made an application to the Minister for that purpose and has given notice to the local authority of the making of that application, the Minister may, if he thinks fit in the circumstances of the case, direct that the said sub-paragraph (1) shall apply in relation to the decision in question as if for the reference in that sub-paragraph to six months there were substituted a reference to such longer period as the Minister thinks fit.

(3) For the purpose of determining whether or not a claimant has suffered such damage as aforesaid, there shall be taken into account any alternative use to which the premises aforesaid could reasonably be put, being a use in the case of which the local authority show either—

- (a) that any necessary planning permission, whether conditional or unconditional, for that use has already been granted ; or
- (b) that the local planning authority have given an undertaking that if planning permission for that use is applied for it will be granted either unconditionally or subject to specified conditions ;

and in a case where this paragraph applies by virtue of paragraph 21(c) of this Schedule there shall also be taken into account any alternative variation to that applied for by the holder of the licence in question which the local authority have undertaken to grant on an application being made for that purpose.

(4) Section 127 of the Town and Country Planning Act 1962 shall apply to any compensation payable under sub-paragraph (1) of this paragraph in respect of depreciation of the value of a claimant's interest in the premises aforesaid ; and any question as to the right to, or the amount of, compensation under the said sub-paragraph (1) shall be referred to and determined by the Lands Tribunal, and in relation to the determination of any such question the provisions of sections 2 and 4 of the Land Compensation Act 1961 shall apply subject to any necessary modifications.

(5) Where compensation has become payable under sub-paragraph (1) of this paragraph in respect of an interest in any premises and subsequently an order with respect to the use of those premises as a parking place is made under section 27 or section 28 of the said Act of 1962, the amount of that compensation shall be taken into account in assessing any compensation on a claim by reason of expenditure, loss or damage in consequence of that order made in respect of that interest under section 118 or, as the case may be, section 124 of that Act.

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(6) Where any expenses are incurred by a local authority in the payment of compensation under sub-paragraph (1) of this paragraph in consequence of a decision of theirs, then, if or to any extent to which it appears to the Minister that the decision was attributable to regulations made by the Council under subsection (6) of the said section 36, the Minister may, if it appears to him to be expedient to do so, require the Council to contribute towards those expenses such sum as appears to him to be reasonable.

23. Where notice of appeal from any such decision of the local authority as is referred to in paragraph 19, 20 or 21 of this Schedule has been duly given under Part III of this Schedule—

- (a) paragraph 22 of this Schedule shall not have effect in relation to that decision until that appeal is determined or abandoned ;
- (b) the person who is, or who proposes to become, the operator of a public off-street parking place at the premises to which the decision relates shall be deemed for the purposes of the said paragraph 22 to have been notified of the local authority's decision on the date when the appeal is determined or abandoned ; and
- (c) if on that appeal the Minister substitutes a different decision for that of the local authority, the local authority shall be deemed for the purposes of the said paragraph 22 to have made that substituted decision and not their original decision.

24. Where, in the case of a decision of the local authority relating to any premises, paragraph 22 of this Schedule applies to that decision both by virtue of paragraph 19 and by virtue of paragraph 20 of this Schedule, then—

- (a) upon the person who is, or who proposes to become, the operator of a public off-street parking place at those premises making a claim in respect of that decision under the said paragraph 22 by virtue of either of the said paragraphs 19 and 20, any subsequent claim in respect thereof by that person by virtue of the other of those paragraphs, and any claim in respect thereof made whether before or after that person's claim by any other person by virtue of the other of those paragraphs, shall be of no effect ; and
- (b) subject to the foregoing sub-paragraph, if a claim in respect of that decision is made under the said paragraph 22 by any person by virtue of either of the said paragraphs 19 and 20 any subsequent claim in respect thereof by virtue of the other of those paragraphs shall be of no effect.

PART V

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Permissible periods of unlicensed operation of parking place

25. Where, at the date when any area first becomes a controlled area, a person is operating a public off-street parking place in that area, he shall not be guilty of an offence under section 36(12) of this Act by reason of continuing to operate the parking place after that date without a licence—

- (a) at any time before the expiration of the period prescribed for the making of applications for licences in respect of parking places in operation at that date ; or
- (b) if during that period he duly makes an application for a licence in respect of the parking place, at any time after the expiration of that period but before the local authority notify him either that he has been granted a licence or that his application is refused ; or
- (c) if the local authority notify him that his application is refused, at any time thereafter before the expiration of the time for giving notice of appeal from that decision under Part III of this Schedule ; or
- (d) if such a notice of appeal is duly given, at any time thereafter until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or the licence is granted.

26. Where in pursuance of the application referred to in subparagraph (b) of paragraph 25 of this Schedule the person referred to in that paragraph is granted a licence, he shall not be guilty of an offence under subsection (10) of the said section 36 by reason of contravening or failing to comply with any of the terms and conditions specified in the licence under subsection (4)(b) and (c) of that section—

- (a) at any time before the expiration of the time for giving notice of appeal under Part III of this Schedule from the decision of the local authority as to those terms and conditions ; or
- (b) if such a notice of appeal is duly given, at any time thereafter until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or the terms and conditions specified as aforesaid in the licence are varied as a result of that procedure.

27. Where the operator of a public off-street parking place who is the holder of a licence in respect of that parking place granted for a limited period duly makes an application to the local authority before the date of expiry of that licence for a new licence (whether permanent or for a limited period) authorising the operation of that parking place for a further period after that date, then, if and for so long as he continues to operate that parking place after that date in accordance with the terms and conditions of the expired licence (other than the provision as to its date of expiry)—

- (a) he shall not be guilty of an offence under the said section 36(12) by reason of operating the parking place after the date aforesaid without a licence—

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(i) at any time before the local authority notify him either that he has been granted a new licence in respect of the parking place or that his application is refused ; or

(ii) if the local authority notify him that his application is refused, at any time thereafter before the expiration of the period for giving notice of appeal from that decision under Part III of this Schedule ; or

(iii) if such a notice of appeal is duly given, at any time thereafter until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or a new licence is granted ;

(b) where he is granted a new licence in pursuance of the application aforesaid, he shall not be guilty of an offence under subsection (10) of the said section 36 by reason or contravening or failing to comply with any of the terms and conditions specified in that new licence under subsection (4)(b) and (c) of that section—

(i) at any time before the expiration of the time for giving notice of appeal under Part III of this Schedule from the decision of the local authority as to those terms and conditions ; or

(ii) if such a notice of appeal is duly given, at any time thereafter until either the local authority's decision becomes finally effective under the procedure provided for by the said Part III or the terms and conditions specified as aforesaid in the new licence are varied as a result of that procedure.

Section 47.

SCHEDULE 6

REPEALS

Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act 1933.	Sections 16, 17, 25 and 26. In section 107(1), the definition of "Special Area". Parts II to IV of Schedule 7. Section 66.
1 & 2 Geo. 6. c. xcii.	The London Passenger Transport Act 1938.	Section 12(3).
1 & 2 Eliz. 2. c. 33.	The Education (Miscellaneous Provisions) Act 1953.	
5 & 6 Eliz. 2. c. 20.	The House of Commons Disqualification Act 1957.	In Part II of Schedule 1, and in the Part substituted therefor by Schedule III, the entry "The London Transport Board".
7 & 8 Eliz. 2. c. 25.	The Highways Act 1959.	In section 295(1), the definition of "metropolitan road".

Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 16.	The Road Traffic Act, 1960.	<p>In section 120, in subsection (1), the words "other than the Metropolitan Traffic Area", subsection (2), and in subsection (4) the words from "and references" onwards.</p> <p>In section 121(1), the words "other than the Metropolitan Traffic Area".</p> <p>Section 122.</p> <p>In section 123(2), the words "the traffic commissioner for the Metropolitan Traffic Area", the word "other", the words "the said commissioner or" in the first place where they occur, and the words "said commissioner or" in the second place where they occur.</p> <p>In section 123(3), the words "traffic commissioner or" wherever they occur, and the words "traffic commissioner's or".</p> <p>In section 125(1), the words "to the traffic commissioner for the Metropolitan Traffic Area" and the word "other".</p> <p>In section 125(2), the words "or to the traffic commissioner for the Metropolitan Traffic Area".</p> <p>In section 126, the words from "(other than the Metropolitan Traffic Area)" onwards.</p> <p>In section 135(2), the words from "except" to "Area" where next occurring.</p> <p>In section 135(7), the words from "except" to "Area" where next occurring.</p> <p>In section 136(2), the words from "except" to "Area" where next occurring.</p> <p>Sections 141, 142, 153(5), 161(2) and 165(3).</p> <p>In section 193(1), the words from "or is" to "so constituted" and the words "or commissioner".</p>

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Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2. c. 16.— <i>cont.</i>	The Road Traffic Act 1960. — <i>cont.</i>	In section 252(1), the words from “ and references ” onwards. In section 252(2), the words from the beginning to “ special area ”. So much of Schedule 17 as amends section 16 or 17 of the London Passenger Transport Act 1933.
10 & 11 Eliz. 2. c. 46.	The Transport Act 1962.	In section 1(1), the word “ four ” and the words from “ the London Transport ” to “ London Board ”. Sections 1(4), 3(2), 7 and 8. In section 13(3) the words from “ or section ” onwards. Sections 19(3)(ii), 44 to 49, 57(3)(a), 58 and 59. In section 85(1) the words from “ Before ” where first occurring onwards. In section 92(1) the definitions of “ the London Passenger Transport Area ” and “ the London Special Area ”. In Schedule 2, so much of Part I as relates to section 141 or 142 of the Road Traffic Act 1960. Part II of Schedule 7. In Schedule 10, in paragraph 9, the words from “ but ” onwards.
10 & 11 Eliz. 2. c. 59.	The Road Traffic Act 1962.	In Schedule 4, so much of Part I as relates to section 135, 136 or 142 of the Road Traffic Act 1960.
1963 c. 33.	The London Government Act 1963.	In section 14(6)(d), the words “ and 141(2) to (6) ”, the word “ respectively ”, and the words from “ and to ” to “ area ”. In section 17, subsections (1) to (3), in subsection (4) the words from “ (otherwise ” to “ section) ”, and subsection (6). In section 89(1), the definition of “ metropolitan road ”. In Part I of Schedule 5, paragraph 26.

Chapter	Short Title	Extent of Repeal
1963 c. 33.— <i>cont.</i>	The London Government Act 1963.— <i>cont.</i>	In Schedule 6, paragraph 68(d). Schedule 7. In Schedule 17, paragraphs 7 and 26(a) and (c).
1966 c. 17.	The Transport Finances Act 1966.	Section 1(3).
1966 c. 27.	The Building Control Act 1966.	In the Schedule, the entry "The London Transport Board".
1966 c. 32.	The Selective Employment Payments Act 1966.	In Part I of Schedule 1, paragraph 10. In Part III of Schedule 1, the entry beginning "The London".
1966 c. 33.	The Prices and Incomes Act 1966.	In Schedule 3, paragraph 2(1)(g).
1966 c. 34.	The Industrial Development Act 1966.	In Schedule 2, the entry "The London Transport Board".
1967 c. 76.	The Road Traffic Regulation Act 1967.	Section 6(8)(b). In section 6(12), the words "the London special area and". Section 9(8)(b). Section 56(2). In section 104(1) the definition of "metropolitan road".
1967 c. xxxvii.	The Dartford Tunnel Act 1967.	In section 71, in subsection (1) the words from the beginning to "1960" and the proviso, and in subsection (3)(a) the proviso.
1968 c. 32.	The Industrial Expansion Act 1968.	In Schedule 1, the entry "The London Transport Board".
1968 c. 73.	The Transport Act 1968.	Sections 24(3)(a), 33(2) and 41(6). In section 54(5)(d), the words "as the case may be the London Board and". Section 59(4). In section 138(3), the words "or the London Board". In section 145(2), the words "the traffic commissioner for the Metropolitan Traffic Area or", the word "other", and the words "any of". In section 159(1), in the definition of "the Boards", the words "the London Transport Board", and the definition of "the London Board".