



# Transport Act 1980

## 1980 CHAPTER 34

An Act to amend the law relating to public service vehicles; to make provision for and in connection with the transfer of the undertaking of the National Freight Corporation to a company; to provide for the making of payments by the Minister of Transport in aid of certain railway and other pension schemes; to amend Part VI of the Road Traffic Act 1972 as regards car-sharing arrangements; to make amendments about articulated vehicles; to prohibit the display of certain roof-signs on vehicles other than taxis; to abolish the Freight Integration Council and the Railways and Coastal Shipping Committee; to repeal certain provisions about special authorisations for the use of large goods vehicles and about charges on independent tramways, trolley vehicles and the like; and for connected purposes. [30th June 1980]

### Editorial Information

- X1** The text of ss. 32, 34, 37, 42(1)(2), 43(1), 61, 63, 64, 68, 69, 70(1)–(3),(5)–(7), Schs. 4, 5, 9, Pts. I, II, IV was taken from S.I.F. Group 107:1 (Road Traffic:General), ss. 45–51, 62, 65–70, Schs. 6, 7, 9 from S.I.F. Group 126 (Transport) and ss. 52–60, 68, 70(1)–(3)(b)(c), Sch. 8 from S.I.F. Group 102 (Railways, Canals and Pipe-lines); provisions omitted from S.I.F. have been dealt with as referred to in other commentary.

## PART I

### PUBLIC SERVICE VEHICLES

### Modifications etc. (not altering text)

- C1** Pt. I (ss. 1–44) applied by [Criminal Justice \(Scotland\) Act 1980 \(c. 62\), s. 77](#)

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**Changes to legislation:** Transport Act 1980 is up to date with all changes known to be in force on or before 10 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

*Other matters*

1—31. .... F1

**Textual Amendments**  
F1 Ss. 1–31 repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88(3), Sch. 8.

32 (1) ..... F2

(5) The repeal by this Act of section 12 of the <sup>M1</sup>Education (Miscellaneous Provisions) Act 1953 and section 118(4) of the 1960 Act shall not affect the operation of those provisions in relation to any consent given under the said section 12 which is in force immediately before that repeal takes effect.

**Textual Amendments**  
F2 S. 32(1)–(4) repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88, Sch. 8

**Modifications etc. (not altering text)**  
C2 The “1960 Act” means the Road Traffic Act 1960 (c. 16, SIF 107:1)

**Marginal Citations**  
M1 1953 c. 33(41:1).

33 ..... F3

**Textual Amendments**  
F3 S. 33 repealed by Public Passenger Vehicles Act 1981 (c. 14 SIF:107:1), s. 88(3), Sch. 8

**34 Obligatory test certificates for passenger-carrying vehicles.**

In section 44 of the <sup>M2</sup>Road Traffic Act 1972 (obligatory test certificates), in subsection (4) (excluded classes of vehicles) the following words (which relate to the exclusion of large public service vehicles) shall be omitted—

- (a) the words from “to public service vehicles” to “passengers or” ; and
- (b) the words from “but shall apply” onwards.

**Modifications etc. (not altering text)**  
C3 The text of ss. 34, 36, 43, 51(2), 65, 69, Sch. 4, Sch. 7, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**Marginal Citations**

M2 1972 c. 20.

35 ..... F4

**Textual Amendments**

F4 S. 35 repealed (E.W.) by London Regional Transport Act 1984 (c. 32), s. 71(3)(b), Sch. 7

**36 Abolition of licensing conductors of public service vehicles.**

Subsection (1) of section 144 of the 1960 Act (drivers' and conductors licences) shall cease to have effect so far as it requires a person acting as conductor of a public service vehicle on a road to be licensed for the purpose under that section or prohibits the employment for that purpose of a person not so licensed.

**Modifications etc. (not altering text)**

C4 The text of ss. 34, 36, 43, 51(2), 65, 69, Sch. 4, Sch. 7, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**37 Reduction of minimum age for drivers of public service vehicles.**

(1) ..... F5

(2) ..... F6

(4) ..... F7

**Textual Amendments**

F5 S. 37(1) repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88, Sch. 8

F6 S. 37(2)(3) repealed by S.I. 1981/952, reg. 4(7)

F7 S. 37(4) repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3

38— ..... F8

41.

**Textual Amendments**

F8 Ss. 38–41 repealed by Passenger Vehicles Act 1981 (c. 14 SIF:107:1), s. 88(3), Sch. 8

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**42 Defences available to persons charged with certain offences.**

(1) It shall be a defence for a person charged with an offence under any of the provisions mentioned in subsection (2) to prove that there was a reasonable excuse for the act or omission in respect of which he is charged.

(2) The provisions referred to in subsection (1) are—

- (a) ..... F9
- (b) in the 1960 Act—
  - (i) ..... F9
  - (iii) so much of section 232(3) as relates to failure to comply with the requirement of section 232(2)(b); and
  - (iv) ..... F9

**Textual Amendments**

F9 S. 42(2)(a)(b)(i)(ii)(iv) repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88, Sch. 8

**Modifications etc. (not altering text)**

C5 The “1960 Act” means the Road Traffic Act 1960 (c.16, SIF 107:1)

**43 Amendments of other Acts.**

(1) The provisions of the 1960 Act mentioned in Part I of Schedule 5, and the enactments specified in Part II of that Schedule, shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Part.

(2) ..... F10

**Textual Amendments**

F10 S. 43(2) repealed by Public Passenger Vehicles Act 1981 (c. 14 SIF:107:1), s. 88(3), Sch. 8

**Modifications etc. (not altering text)**

C6 The text of ss. 34, 36, 43, 51(2), 65, 69, Sch. 4, Sch. 7, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

44 ..... F11

**Textual Amendments**

F11 S. 44 repealed by Public Passenger Vehicles Act 1981 (c. 14 SIF:107:1), s. 88(3), Sch. 8

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## PART II

### TRANSFER OF UNDERTAKING OF NATIONAL FREIGHT CORPORATION

#### *Transfer of undertaking of National Freight Corporation to a company limited by shares*

#### **45 Transfer of undertaking of National Freight Corporation.**

- (1) On the appointed day the whole of the undertaking of the National Freight Corporation (in this Part referred to as “the Corporation”) shall, subject to subsection (4), be transferred by virtue of this section and without further assurance to a company formed for the purposes of this section and nominated under subsection (5) (in this Part referred to as “the successor company”).
- (2) In this Part “the appointed day” means such day as the Minister, with the consent of the Treasury, may appoint for the purposes of this section by order made by statutory instrument.
- (3) References in this Part to the undertaking of the Corporation are references to all the property, rights, liabilities and obligations of the Corporation, whether or not of such a nature that they could be assigned by the Corporation.
- (4) Any entitlement of the Minister and any liability of the Corporation in respect of—
  - (a) the commencing capital debt of the Corporation; and
  - (b) outstanding loans to the Corporation from the Minister, shall be extinguished immediately before the appointed day.
- (5) The Minister may by order made by statutory instrument nominate for the purposes of this section a company formed and registered under the <sup>M3</sup>Companies Act 1948 which on the appointed day satisfies the following requirements, that is to say—
  - (a) it is a company limited by shares; and
  - (b) all the issued shares of the company are held by the Minister or by nominees for him.
- (6) This section shall have effect subject to the provisions of Schedule 6, being supplementary provisions with respect to the transfer by virtue of this section of the undertaking of the Corporation to the successor company; but nothing in those provisions shall be taken as prejudicing the general effect of subsection (1).

#### **Modifications etc. (not altering text)**

**C7** 1.10.1980 appointed under s. 45(2) by [S.I. 1980/1380, art 3](#)

#### **Marginal Citations**

**M3** 1948 c. 38.

#### **46 Initial government holding in successor company.**

- (1) In consideration of the transfer of the undertaking of the Corporation to the successor company by virtue of section 45, the successor company shall issue to the Minister or, if the Minister so directs, to nominees for him such securities of the company as the Minister may direct.

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- (2) Any shares issued in pursuance of subsection (1)—
  - (a) shall be such nominal value as the Minister may direct; and
  - (b) shall be credited as fully paid up.
- (3) The Minister shall not give any directions for the purposes of this section without the consent of the Treasury.
- (4) Securities of the successor company held by the Minister or by nominees for him shall not be disposed of except with the consent of the Treasury and in such manner and on such terms as the Treasury may direct.
- (5) Subject to section 49(5), any dividends or other sums received by the Minister, or by nominees for him, in right of, on the disposal of, or otherwise in connection with, any securities of the successor company shall be paid into the Consolidated Fund.
- (6) ..... <sup>F12</sup>

**Textual Amendments**

**F12** S. 46(6) repealed by [Finance Act 1988 \(c. 39, SIF 114\)](#), s. 148, [Sch. 14 Part XI](#)

**47 Transitional provisions with respect to reserves etc.**

- (1) An amount corresponding to any reserves of the Corporation immediately before the appointed day which represent accumulated profits shall be treated by the successor company as reserves of that company applicable for the same purposes as the corresponding reserves of the Corporation.
- (2) Nothing in [<sup>F13</sup>section 130 of the Companies Act 1985] (which requires premiums received on the issue of shares to be transferred to a share premium account) shall affect the operation of subsection (1).
- (3) The successor company shall treat the reserves of any company in which the Corporation held shares which were available for distribution immediately before the appointed day as if they had arisen immediately after the appointed day.
- (4) Where any dividend is paid to the successor company in respect of shares transferred to the company by virtue of section 45, that dividend shall be available for distribution as profits of the successor company notwithstanding that it is paid out of profits of the company paying the dividend attributable to a period falling wholly or partly before the appointed day.
- (5) In ascertaining for the purposes of [<sup>F13</sup>section 130 of the Companies Act 1985] what amount (if any) falls to be treated as a premium received on the issue of any shares in pursuance of section 46, the amount of the net assets transferred by virtue of section 45 shall be taken to be reduced by an amount corresponding to the amount of any reserve within subsection (1).

**Textual Amendments**

**F13** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)

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#### **48 Dissolution and final accounts of National Freight Corporation.**

- (1) The Corporation shall cease to exist on the appointed day.
- (2) The successor company shall prepare a statement of the Corporation's accounts for the period from the end of that dealt with in the last annual statement of accounts published by the Corporation down to the appointed day (in the following provisions of this section referred to as "the final period").
- (3) The statement shall be in such form and contain such particulars, compiled in such manner, as the Minister may direct with the approval of the Treasury.
- (4) The successor company shall arrange for the accounts of the Corporation for the final period to be audited by auditors appointed by the Minister; and a person shall not be qualified to be so appointed unless he is a member of, or is a Scottish firm in which all the partners are members of, one or more bodies of accountants established in the United Kingdom and for the time being recognised by the Secretary of State for the purposes of [F14section 389(1)(a) of the Companies Act 1985].
- (5) As soon as the accounts for the final period have been audited, the successor company shall send to the Minister a copy of the statement of accounts for that period together with a copy of the auditor's report on that statement; and the Minister shall lay a copy of the statement and report before each House of Parliament.

#### **Textual Amendments**

- F14** Words substituted by [Companies Consolidation \(Consequential Provisions\) Act 1985 \(c. 9, SIF 27\)](#), s. 30, [Sch. 2](#)

#### *Funding of certain pension obligations*

#### **49 Funding of relevant pension obligations.**

- (1) If it appears to the Minister, having determined that all or any of the securities of the successor company held by him or by nominees for him should be offered for sale, that on the date on which those securities are to be so offered the relevant pension obligations will not be completely funded, he may, with the consent of the Treasury, undertake to make to the persons administering the relevant pension schemes such payments towards the funding of those obligations as he may specify in the undertaking.
- (2) An undertaking under subsection (1)—
  - (a) shall specify the aggregate amount of the payments which the Minister proposes to make in pursuance of the undertaking; and
  - (b) shall be conditional on the amount received by the Minister in consideration for the disposal of the securities being not less than that amount.
- (3) If the Minister gives an undertaking under subsection (1) but the condition mentioned in subsection (2) is not fulfilled, he may nevertheless, with the consent of the Treasury, make to the persons administering the relevant pension schemes such payments towards the funding of the relevant pension obligations as he thinks fit.
- (4) If no undertaking is given under subsection (1) but it appears to the Minister that, on the date on which all or any of the securities of the successor company held by him

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or by nominees for him are offered for sale, the relevant pension obligations are not completely funded, he may, with the consent of the Treasury, make to the persons administering the relevant pension schemes such payments towards the funding of those obligations as he thinks fit.

(5) The aggregate amount of any payments made under subsection (3) or (4) shall not exceed the amount received in consideration for the disposal of the securities of the successor company; and the sums required for making any such payments or any payments in pursuance of an undertaking under subsection (1) shall be paid out of that amount.

(6) In this section—

“the relevant pension obligations” has the meaning given by section 50;

“the relevant pension schemes” means the National Freight Corporation (Salaried Staff) Pension Fund, the National Freight Corporation (Wages Grades) Pension Fund and the N.F.C. (1978) Pension Fund;

and for the purposes of this section the N.F.C. (1978) Pension Fund shall be taken to comprise the pension schemes specified or described in the Schedule to the Central Trust deed within the meaning of the <sup>M4</sup>National Freight Corporation (Central Trust) Order 1978.

#### Marginal Citations

M4 [S.I. 1978/1290](#).

## 50 Meaning of “the relevant pension obligations”.

- (1) In section 49 “the relevant pension obligations” means, subject to subsection (2)—
- (a) any obligations of the successor company or a relevant subsidiary which were owed on 1st April 1975 (“the operative date”) in connection with any of the relevant pension schemes; and
  - (b) where any such obligation is one to pay or secure the payment of pensions, any obligation of the successor company or a relevant subsidiary arising after the operative date to pay or secure the payment of increases of those pensions; and
  - (c) any obligation of the successor company or a relevant subsidiary arising after the operative date to pay or secure the payment of increases payable under any of the relevant pension schemes, being increases of pensions payable under any other pension scheme established before that date (whether one of the relevant pension schemes or not); and
  - (d) any obligation of the successor company or a relevant subsidiary which results from an amendment made to any of the relevant pension schemes by virtue of section 74 of the <sup>M5</sup>Transport Act 1962 after the operative date and before 1st January 1980.
- (2) The definition in subsection (1) does not include—
- (a) any obligation which, in relation to one of the relevant pension schemes, is a relevant pension obligation for the purposes of Part III;
  - (b) any obligation to pay or secure the payment of increases of pensions in excess of increases payable on official pensions under the <sup>M6</sup>Pensions (Increase) Act 1971 and section 59 of the <sup>M7</sup>Social Security Pensions Act 1975;



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- (c) any obligation to pay contributions in respect of current periods of employment of a member of a scheme;
- (d) any obligation to pay expenses incurred in connection with a scheme which is specifically imposed on the body by which it is owed;
- (e) any obligation owed by a body in their capacity as the trustees of a scheme or the persons administering a scheme; and
- (f) any obligation in respect of which the body by which it is owed have a right to indemnified by any other body.

(3) In this section—

“pension”, in relation to any of the relevant pension schemes, has the same meaning as in Part III;

“the relevant pension schemes” has the same meaning as in section 49;

“relevant subsidiary” means any subsidiary of the successor company other than National Carriers Limited and any subsidiary of National Carriers Limited;

“subsidiary” has the same meaning as in the <sup>M8</sup>Transport Act 1962.

(4) For the purposes of this section—

- (a) any increase in an obligation which results from an amendment made to a scheme after the operative date shall be treated as a separate obligation; and
- (b) where at any time, whether before or after the operative date, any pensions or increases payable under any of the relevant pension schemes are or have been paid by any person, that person shall be treated as being or having been under an obligation at that time to make those payments.

#### Marginal Citations

**M5** 1962 c. 46.

**M6** 1971 c. 56.

**M7** 1975 c. 60.

**M8** 1962 c. 46.

### Supplementary

#### 51 Interpretation of Part II and consequential amendments.

(1) In this Part—

“the appointed day” has the meaning given by section 45(2);

“the Corporation” has the meaning given by section 45(1);

“securities” of the successor company includes shares, debentures, debenture stock, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;

“shares” includes stock;

“the successor company” has the meaning given by section 45(1);

and references to the undertaking of the Corporation shall be construed in accordance with section 45(3).

(2) The enactments mentioned in Schedule 7 shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Part.

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**Modifications etc. (not altering text)**

- C8** The text of ss. 34, 36, 43, 51(2), 65, 69, Sch. 4, Sch. 7, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## PART III

### RAILWAY ETC. PENSIONS

**Modifications etc. (not altering text)**

- C9** Part III (ss. 52-60): power to extend conferred (6.1.1994) by 1993 c. 43, s. 134(1), **Sch. 11 para. 10(1)(a)**; S.I. 1993/3237, **art.2(2)**.  
Part III (ss. 52-60) amended (6.1.1994) by 1993 c. 43, s. 134(1), **Sch. 11 para. 10(4)**; S.I. 1993/3237, **art.2(2)**.  
Part III (ss. 52-60) modified (6.1.1994) by 1993 c. 43, s. 134(1), **Sch. 11 para. 10(5)(6)(13)**; S.I. 1993/3237, **art.2(2)**.  
Part III (ss. 52-60) restricted (6.1.1994) by 1993 c. 43, s. 134(1), **Sch. 11 para. 10(14)**; S.I. 1993/3237, **art.2(2)**.

## 52 Payments by Minister in respect of B.R. and N.F.C. pension schemes.

- (1) [<sup>F15</sup>Subject to the provisions of this section and sections 52A to 52D and 58,], the Minister shall, in relation to each B.R. or N.F.C. pension scheme and for each financial year, make to the persons administering the scheme payments equal in aggregate to the product of—
- (a) the proportion determined under section 54(1) as the proportion of the relevant pension obligations which has not been funded;
  - (b) the proportion determined in relation to that year under section 55(1) as the proportion of the pensions, increases and expenses payable under or incurred in connection with the scheme which corresponds to those obligations; and
  - (c) the aggregate amount of the pensions, increases and expenses payable under or incurred in connection with the scheme for that year.
- (2) Where in the case of any such scheme the funding of the relevant pension obligations has, by virtue of subsection (3) of section 54, been left out of account in making a determination under subsection (1) of that section, the aggregate amount of the payments made under subsection (1) to the persons administering the scheme shall be reduced for each financial year—
- (a) by the amount of any income accruing to the scheme for that year which may be applied towards the payment of such of the pensions, increases and expenses payable under or incurred in connection with the scheme as correspond to the obligations; and
  - (b) in the case of the first financial year, by an amount equal to the value of the assets by which the obligations are funded.

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- (3) Where, for any financial year, the aggregate amount of the payments made under subsection (1) to the persons administering any such scheme requires adjustment by reason of—
- (a) any variation between the proportion finally determined under section 55(1) in relation to that year and the proportion previously so determined; or
  - (b) any unforeseen increase or reduction in the aggregate amount of the pensions, increases and expenses payable under or incurred in connection with the scheme for that year,
- that adjustment shall be made by increasing or, as the case may require, reducing the aggregate amount of the payments made under subsection (1) for the following financial year.
- (4) Payments under subsection (1) shall be made, so far as practicable, not later than the day on which the pensions, increases and expenses to which they relate fall to be paid or incurred.
- (5) The making of any payment under subsection (1) shall be subject to compliance with such conditions as to the keeping of records, the issue of certificates and the auditing of accounts as the Minister may with the approval of the Treasury determine.
- (6) Any sums required for making payments under subsection (1) shall be paid out of money provided by Parliament.

#### Textual Amendments

**F15** Words in s. 52(1) substituted (6.1.1994) by 1993 c. 43, s. 134(1), **Sch. 11 para. 9(1)**; S.I. 1993/3237, **art.2(2)**

#### Modifications etc. (not altering text)

**C10** S. 52(1) restricted (12.3.1995) by S.I. 1995/430, **arts. 2, 4**.

**C11** S. 52(1)(a) modified (6.1.1994) by 1993 c. 43, s. 134(1), **Sch. 11 para 10(5)**; S.I. 1993/3237, **art. 2(2)**

### [<sup>F16</sup>52A Power to make payments by way of final discharge of liabilities under s.52(1).

- (1) If the Minister is desirous of making to the persons administering a B.R. pension scheme one or more payments by way of final discharge of his liability to make payments to them under section 52(1) in relation to that scheme, to the extent that that liability relates to so much of the relevant pension obligations as are owed in respect of—
- (a) all pension rights under the scheme,
  - (b) pension rights of some particular class or description under the scheme, or
  - (c) pension rights of persons of some particular class or description under the scheme,
- he may give to the persons administering the scheme a notice identifying the pension rights in question and specifying in relation to those pension rights the matters set out in subsection (2), as determined in accordance with the following provisions of this section.
- (2) The matters mentioned in subsection (1) are—
- (a) the capital value of the attributable unfunded obligations in question, as at the beginning of the next financial year;

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- (b) the amount or amounts, or the method of determining the amount or amounts, of the payment or payments to be made under this section by way of final discharge of the Minister's liability to make payments under section 52(1), so far as relating to the pension rights identified in the notice under subsection (1); and
  - (c) the date or dates on which that payment or those payments are to be made.
- (3) In making any determination for the purposes of paragraph (b) of subsection (2), the amount or, as the case may be, the aggregate of the amounts mentioned in that paragraph shall be such as to include—
  - (a) a sum equal to the capital value determined under paragraph (a) of that subsection; and
  - (b) interest, payable at such rate as may be determined by the Minister, on so much (if any) of that sum as may from time to time be outstanding after the beginning of the financial year mentioned in the said paragraph (a).
- (4) For the purposes of this section, the capital value mentioned in paragraph (a) of subsection (2) shall either—
  - (a) be determined by the Minister, or
  - (b) if the Minister so requires in the particular case, be determined by the actuary to the scheme in question and approved by the Minister,
 and it shall be for the Minister to determine the matters mentioned in paragraphs (b) and (c) of that subsection.
- (5) Notice under subsection (1) above shall only be given after consultation—
  - (a) with the persons administering the scheme in question; and
  - (b) with the actuary to that scheme, except in a case where the capital value mentioned in subsection (2)(a) is determined by that actuary pursuant to subsection (4)(b);
 and any such notice must be given not less than one month before the beginning of the financial year mentioned in subsection (2)(a).
- (6) The giving of a notice under subsection (1) shall—
  - (a) terminate the liability of the Minister to make payments under section 52(1), so far as relating to the pension rights identified in the notice, for financial years beginning after the giving of the notice; and
  - (b) impose upon the Minister a duty—
    - (i) to make to the persons administering the scheme in question the payment or payments mentioned in subsection (2)(b); and
    - (ii) to do so at the time or times specified in pursuance of subsection (2)(c).
- (7) Where notice has been given under subsection (1), the Minister may—
  - (a) at any time before the expiration of the period of eleven months beginning with the financial year mentioned in subsection (2)(a) as it applies in relation to that notice, and
  - (b) after consultation with the persons administering the scheme in question and the actuary to the scheme,
 amend that notice by giving notice of the amendment to the persons administering the scheme.

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- (8) If notice is given under subsection (7) of an amendment affecting the amount of a payment which has been made pursuant to this section, the Minister may also give notice to the persons administering the scheme in question requiring them—
- (a) to repay to him so much of the payment made as exceeds the amended amount; and
  - (b) to pay interest to him, at such rate as he may determine, on the amount to be repaid, as from the date on which the payment in question was made by him;
- and where notice is given under paragraph (a) or (b), the amount required to be repaid or, as the case may be, the amount of interest required to be paid from time to time, shall be treated as a debt due from those persons to the Minister.
- (9) In any case where—
- (a) notice has been given under subsection (1), the effect of which (whether taken alone or with other notices under that subsection) is that notice has been given under that subsection in respect of all pension rights under the scheme in question, and
  - (b) for that financial year in which the notice mentioned in paragraph (a) is given, the aggregate amount of the payments made under section 52(1) in relation to the scheme requires adjustment for the reason set out in section 52(3)(a) or (b), but
  - (c) the required adjustment cannot be made as mentioned in section 52(3), because (in consequence of the notice mentioned in paragraph (a)) no payments under section 52(1) fall to be made in relation to that scheme for subsequent financial years,
- payments by way of adjustment, of an amount equal in the aggregate to the amount of the required adjustment, shall instead be made by the Minister to the persons administering the scheme or, as the case may require, by those persons to the Minister, before the expiration of the period of six months beginning with the date on which the amount of the required adjustment is determined.
- (10) The Minister may give a direction to the persons administering a B.R. pension scheme requiring them to furnish to him—
- (a) information from which the proportion mentioned in section 55(1)(a) can be finally determined for the financial year mentioned in subsection (9)(b) in the case of the scheme; or
  - (b) information about any such unforeseen increase or reduction in the aggregate amount of the pensions, increases and expenses payable under or incurred in connection with the scheme for that financial year as is mentioned in section 52(3)(b).
- (11) Where payments by way of adjustment fall to be made under subsection (9), interest shall be payable from the end of the financial year in which the notice mentioned in subsection (9)(a) is given, by the person liable to make those payments, at such intervals and rates as may be determined by the Minister, on so much of the aggregate amount of the payments in question as for the time being remains unpaid.
- (12) So much of—
- (a) any payment by way of adjustment under subsection (9) which falls to be made, or
  - (b) any interest accrued under subsection (11),
- as has not been paid shall be treated as a debt due.

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- (13) Nothing in this section affects the liability of the Board in respect of any relevant pension obligations.
- (14) For the purposes of this section, the “capital value of the attributable unfunded obligations”, in the case of any B.R. pension scheme, means such amount as is, in the opinion of the person determining that capital value pursuant to subsection (4), the capital equivalent of the payments that would, apart from this section, have been expected to be made by the Minister under section 52(1), so far as relating to the pension rights identified in the notice under subsection (1), for the successive financial years beginning with the one mentioned in subsection (2)(a).
- (15) Any sums required for the making of payments under this section by the Minister shall be paid out of money provided by Parliament.]

#### Textual Amendments

**F16** S. 52A inserted (6.4.1994) by 1993 c. 43, s. 134(1), Sch. 11 para. 9; S.I. 1993/3227, art. 2

VALID FROM 16/08/1994

#### [<sup>F17</sup>52B Power to substitute obligations under this section for liabilities under s.52(1).

- (1) The Minister may make a substitution order in relation to any occupational pension scheme—
- (a) which is a new scheme, within the meaning of Schedule 11 to the Railways Act 1993;
  - (b) which is designated under paragraph 10(1) of that Schedule (designation of schemes which are to be treated as B.R. pension schemes for certain purposes of this Part); and
  - (c) in relation to which a guarantee has been given by the Secretary of State under paragraph 11 of that Schedule;
- and any reference in this section to a “guaranteed pension scheme” is a reference to such an occupational pension scheme.
- (2) The Minister may also make a substitution order in relation to any section of a new scheme, within the meaning of Schedule 11 to the Railways Act 1993, if the section is one—
- (a) which is designated under paragraph 10(1) of that Schedule; and
  - (b) in relation to which a guarantee has been given by the Secretary of State under paragraph 11 of that Schedule;
- and the following provisions of this section (and sections 52C and 52D) shall apply in relation to any such section of a new scheme as if any reference to a guaranteed pension scheme included a reference to such a section.
- (3) For the purposes of this section, a “substitution order” is an order under this section the effect of which is—
- (a) to terminate, from the termination date, the Minister’s liability to make to the persons administering the guaranteed pension scheme in question payments under section 52(1) in relation to the scheme; and

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- (b) to impose on the Minister, in substitution for that liability, an obligation to make to those persons, subject to and in accordance with the following provisions of this section, one or more other payments (the “substitution payments”) in relation to that scheme.
- (4) Subject to the following provisions of this section, the amount of the substitution payments to be made in the case of a guaranteed pension scheme shall be equal in the aggregate to the sum of—
- (a) the amount specified pursuant to subsection (5)(a) as the capital value of the unfunded obligations in the case of the scheme; and
  - (b) the aggregate amount of any interest which is dealt with as mentioned in subsection (8)(b)(ii) in the case of the scheme.
- (5) A substitution order must specify—
- (a) the capital value of the unfunded obligations in the case of the guaranteed pension scheme in question, as at the termination date; and
  - (b) the date which, for the purposes of this section, is to be the termination date in relation to that scheme, being a date not earlier than one month after the coming into force of the substitution order.
- (6) Any determination for the purposes of this section of the capital value of the unfunded obligations in the case of a guaranteed pension scheme shall either—
- (a) be made by the Minister; or
  - (b) if the Minister so requires in the particular case, be made by the actuary to the guaranteed pension scheme in question and approved by the Minister.
- (7) A substitution order may specify—
- (a) the amount or amounts, or the method of determining the amount or amounts, of the substitution payments,
  - (b) the date or dates on which the substitution payments are to be made,
  - (c) circumstances (which may, if the Minister so desires, be defined by reference to the opinion of any person) in which substitution payments are to be made,
- and may provide for the obligation to make substitution payments to be discharged if the guaranteed pension scheme in question has, in the opinion of a person specified or described in, or nominated under, the order, been wound up.
- (8) A substitution order must provide—
- (a) for interest to accrue from the termination date on the outstanding balance of the capital value for the time being at such rate, and at such intervals, as may be specified in, or determined under or in accordance with, the order; and
  - (b) for any such interest which accrues—
    - (i) to be paid to the persons administering the guaranteed pension scheme in question, or
    - (ii) to be added to the outstanding balance of the capital value,(or to be dealt with partly in one of those ways and partly in the other);
- and the provision that may be made by virtue of paragraph (a) includes provision for the rate of interest to be calculated by reference to any variable or to be such rate as the Minister may from time to time determine and specify in a notice to the persons administering the scheme in question.

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- (9) For the purposes of subsection (8), the “outstanding balance of the capital value”, in the case of a guaranteed pension scheme, means the capital value of the unfunded obligations in the case of the scheme, as specified pursuant to subsection (5)(a),—
- (a) reduced by the amount of any substitution payments made in relation to that scheme; and
  - (b) increased by any additions of accrued interest under or by virtue of subsection (8)(b)(ii) in relation to that scheme.
- (10) Nothing in this section affects the liability of the Board in respect of any relevant pension obligations.
- (11) Any sums required for the making of payments under this section by the Minister shall be paid out of money provided by Parliament.
- (12) In this section—
- “the capital value of the unfunded obligations”, in the case of any guaranteed pension scheme, means such amount as is, in the opinion of the person determining that capital value pursuant to subsection (6), the capital equivalent of the payments that would, apart from this section, have been expected to be made by the Minister under section 52(1) in relation to that scheme after the termination date in the case of that scheme;
- “occupational pension scheme” means an occupational pension scheme as defined in section 1 of the <sup>M9</sup>Pension Schemes Act 1993;
- “the terminal period”, in the case of any guaranteed pension scheme, means—
- (a) if a financial year of the scheme ends with the termination date, that financial year; or
  - (b) in any other case, so much of the financial year of the scheme in which the termination date falls as ends with that date;
- “the termination date”, in the case of any guaranteed pension scheme, shall be construed in accordance with subsection (5)(b);
- “the termination year”, in the case of any guaranteed pension scheme, means the financial year of the scheme which consists of or includes the terminal period;
- “trustees”, in relation to a guaranteed pension scheme, includes a reference to any persons who, under the rules of the scheme, are under a liability to provide pensions or other benefits but who are not trustees of the scheme.]

#### Textual Amendments

**F17** S. 52B inserted (16.8.1994) by 1993 c. 43, s. 134(1), **Sch. 11 para. 9**; S.I. 1994/2142, **art. 2**

#### Marginal Citations

**M9** 1993 c. 48.

VALID FROM 16/08/1994

#### <sup>F18</sup>**52C Adjustments arising in connection with orders under s.52B.**

- (1) As soon as practicable after the termination date in the case of any guaranteed pension scheme, there shall be determined, for the terminal period, what proportion of the



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pensions, increases and expenses payable under, or incurred in connection with, the scheme corresponds to the relevant pension obligations.

- (2) Any determination under subsection (1) shall either—
  - (a) be made by the Minister; or
  - (b) if the Minister so requires in the particular case, be made by the actuary or auditor to the guaranteed pension scheme in question and approved by the Minister.
- (3) The Minister may give a direction to the persons administering a guaranteed pension scheme requiring them to determine the aggregate amount of the pensions, increases and expenses payable under or incurred in connection with the scheme for the terminal period or the termination year and to notify him in writing of their determination.
- (4) As respects the termination year of a guaranteed pension scheme, the extent of the liability of the Minister to make payments under section 52(1) in relation to that scheme shall be restricted to a liability to make payments of an amount (the “termination year amount”) equal in the aggregate to the product of—
  - (a) the proportion determined under section 54(1) for that scheme;
  - (b) the proportion determined pursuant to subsection (1) in the case of that scheme; and
  - (c) the aggregate amount of the pensions, increases and expenses payable under or incurred in connection with that scheme in the terminal period;and payments by way of adjustment shall be made by the Minister to the persons administering the scheme, or (as the case may be) by those persons to the Minister, before the expiration of the period of six months beginning with the date of the last of the determinations made under subsection (1) or (3) with respect to the scheme.
- (5) Where, in the case of a guaranteed pension scheme, the funding of the relevant pension obligations has, by virtue of subsection (3) of section 54, been left out of account in making a determination under subsection (1) of that section, the termination year amount in the case of that scheme shall be the difference between—
  - (a) what that amount would have been, apart from this subsection; and
  - (b) the amount of any income accruing for the terminal period which may be applied towards the payment of such of the pensions, increases and expenses payable under or incurred in connection with the scheme as correspond to those obligations.
- (6) The Minister may give a direction to the persons administering a guaranteed pension scheme requiring them to determine the amount mentioned in subsection (5)(b) and to notify him in writing of their determination.
- (7) Where payments by way of adjustment fall to be made, interest shall be payable, as from the termination date, by the person liable to make those payments, at the rates and intervals from time to time applicable for the purposes of section 52B(8)(a) in the case of the scheme in question, on so much of the aggregate amount of the payments in question as for the time being remains unpaid.
- (8) So much of—
  - (a) any payment by way of adjustment which falls to be made, or
  - (b) any interest accrued under subsection (7),as has not been paid shall be treated as a debt due.

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- (9) Any sums required for the making of payments under this section by the Minister shall be paid out of money provided by Parliament.
- (10) In this section, “payments by way of adjustment”, in the case of a guaranteed pension scheme, means—
- (a) if the Minister has made payments under section 52(1) in relation to that scheme for the termination year which, in the aggregate, exceed the termination year amount, payment to the Minister by the persons administering the scheme of an amount equal to the excess;
  - (b) if the Minister has made no payments under section 52(1) in relation to that scheme for the termination year, payment by the Minister to those persons of the termination year amount; or
  - (c) if the Minister has made payments under section 52(1) in relation to that scheme for the termination year which, in the aggregate, fall short of the termination year amount, payment by the Minister to those persons of an amount equal to the shortfall.
- (11) Expressions used in this section and in section 52B have the same meaning in this section as they have in that section.

#### Textual Amendments

**F18** S. 52C inserted (16.8.1994) by 1993 c. 43, s. 134(1), Sch. 11 para. 9; S.I. 1994/2142, art. 2

#### [<sup>F19</sup> 52D Orders and directions under sections 52A to 52C: supplemental.

- (1) Any power to make an order under section 52B shall be exercisable by statutory instrument made by the Minister after consultation with the trustees of the guaranteed pension scheme to which the order relates.
- (2) A statutory instrument containing an order under section 52B shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) At the time when a statutory instrument containing an order under section 52B is laid before each House of Parliament pursuant to subsection (2), the Minister shall, if he has not already done so, also lay before each House of Parliament a copy of the guarantee mentioned in subsection (1)(c) of that section; but this subsection is without prejudice to the validity of the order in question.
- (4) Any power to make an order under section 52B includes power, exercisable in the same manner, to make such incidental, supplemental, consequential or transitional provision as may appear necessary or expedient to the Minister.
- (5) Any order under section 52B may make different provision for different cases or for different classes or descriptions of case.
- (6) It shall be the duty of any person to whom a direction is given under section 52A or 52C to comply with and give effect to that direction; and compliance with any such direction shall be enforceable by civil proceedings by the Minister for an injunction or interdict or for any other appropriate relief.
- (7) Any power to give a direction under section 52A or 52C includes power to vary or revoke the direction.

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(8) Any direction under section 52A or 52C shall be given in writing.

(9) In this section—

“guaranteed pension scheme” has the same meaning as in section 52B;  
“trustees”, in relation to a guaranteed pension scheme, has the same meaning as in section 52B. ]

#### Textual Amendments

**F19** S. 52D inserted (6.4.1994 for the purpose of inserting s. 52D(6)(7)(8), otherwise 16.8.1994) by 1993 c. 43, s. 134(1), **Sch. 11 para. 9**; S.I. 1993/3237, **art. 2(2)**; S.I. 1994/2142, **art. 2**

### 53 Meaning of “the relevant pension to a obligations”.

(1) In this Part “the relevant pension obligations”, in relation B.R. pension scheme, means subject to subsection (3)—

- (a) any obligations of the Board which were owed on 1st January 1975 (“the operative date”) in connection with the scheme; and
- (b) where any such obligation is one to pay or secure the payment of pensions, any obligation of the Board arising after the operative date to pay or secure the payment of increases of or sums representing accrued rights in respect of those pensions; and
- (c) any obligation of the Board arising after the operative date to pay or secure the payment of increases payable under the scheme, being increases of pensions payable under any other pension scheme established before that date (whether a B.R. pension scheme or not).

(2) In this Part “the relevant pension obligations”, in relation to an N.F.C. pension scheme, means subject to subsection (3)—

- (a) any obligations of the successor company or a relevant subsidiary which were owed on 1st April 1975 (“the operative date”) in connection with the scheme; and
- (b) where any such obligation is one to pay or secure the payment of pensions, any obligation of the successor company or a relevant subsidiary arising after the operative date to pay or secure the payment of increases of or sums representing accrued rights in respect of those pensions; and
- (c) any obligation of the successor company or a relevant subsidiary arising after the operative date to pay or secure the payment of increases payable under the scheme, being increases of pensions payable under any other pension scheme established before that date (whether an N.F.C. pension scheme or not); and
- (d) any obligation of the successor company or a relevant subsidiary which results from an amendment made to the scheme by virtue of section 74 of the <sup>M10</sup>Transport Act 1962 after the operative date and before 1st January 1980,

being (in each case) obligations which relate to employees or former employees of a relevant subsidiary or employees or former employees of the successor company or the Corporation who are or were employed as directors or managers of a relevant subsidiary.

(3) The definitions in subsections (1) and (2) do not include—

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- (a) any obligation to pay or secure the payment of increases of pensions in excess of increases payable on official pensions under the <sup>M11</sup> Pensions (Increase) Act 1971 and section 59 of the <sup>M12</sup> Social Security Pensions Act 1975;
  - (b) any obligation to pay contributions in respect of current periods of employment of a member of a scheme;
  - (c) any obligation to pay expenses incurred in connection with the management of a scheme which is specifically imposed on the body by which it is owed;
  - (d) any obligation owed by a body in their capacity as the trustees of a scheme or the persons administering a scheme; and
  - (e) subject to subsection (4), any obligation in respect of which the body by which it is owed have a right to be indemnified by any other body.
- (4) Subsection (3)(e) does not apply—
- (a) in the case of an obligation owed by the Board, where the Board has a right to be indemnified by the successor company;
  - (b) in the case of an obligation owed by the successor company, where the successor company has a right to be indemnified by a relevant subsidiary;
  - (c) in the case of an obligation owed by the successor company, where the successor company has a right to be indemnified by the Board and the obligation relates to employees or former employees of Freightliners Limited or employees or former employees of the successor company or the Corporation who are or were employed as directors or managers of Freightliners Limited;
  - (d) in the case of an obligation owed by a relevant subsidiary, where that subsidiary has a right to be indemnified by the successor company or by another relevant subsidiary; and
  - (e) in the case of an obligation owed by Freightliners Limited, where Freightliners Limited has a right to be indemnified by the Board.
- (5) In this section “relevant subsidiary” means National Carriers Limited, Freightliners Limited and any subsidiary of National Carriers Limited.
- (6) For the purposes of this section—
- (a) any increase in an obligation which results from an amendment made to a scheme after the operative date shall be treated as a separate obligation; and
  - (b) where at any time, whether before or after the operative date, any pensions or increases payable under a B.R. or N.F.C. pension scheme are or have been paid by any person, that person shall be treated as being or as having been under an obligation at that time to make those payments.

#### **Marginal Citations**

**M10** 1962 c. 46.

**M11** 1971 c. 56.

**M12** 1975 c. 60.

## **54 Unfunded proportion of relevant pension obligations.**

- (1) The Minister shall, in relation to each B.R. or N.F.C. pension scheme—
- (a) determine, as soon as practicable after the passing of this Act, what proportion of the relevant pension obligations has not been funded; and

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- (b) after consulting with persons administering the scheme and the Board or, as the case may be, the successor company, confirm or vary that determination, before the end of the first financial year, by a further determination of that proportion contained in an order.
- (2) Where at the time when a determination under subsection (1) falls to be made any class of the relevant pension obligations appear to be completely funded, that class of obligations and their funding may, if the Minister thinks fit, be left out of account in making that determination.
- (3) Where at the time when a determination under subsection (1) falls to be made the assets by which the relevant pension obligations are funded appear to be insufficient to meet such of the pensions, increases and expenses payable under or incurred in connection with the scheme for the first financial year as correspond to those obligations, that funding may, if the Minister thinks fit, be left out of account in making that determination.
- (4) An order under subsection (1)—
  - (a) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament; and
  - (b) may be varied or revoked by a subsequent order made before the end of the first financial year.
- (5) References in subsection (1) to a determination or further determination made by the Minister shall include references to a determination or further determination made by the actuary to the scheme and approved by the Minister.

**Modifications etc. (not altering text)**

C12 S. 54 excluded (6.1.1994) by 1993 c. 43, s. 134(1), Sch. 11 para. 10(5); S.I. 1993/3237, art.2(2)

**55 Proportion of pensions etc. which corresponds to relevant pension obligations.**

- (1) The Minister shall, in relation to each B.R. or N.F.C. pension scheme and for each financial year—
  - (a) determine, before the beginning of the year or, in the case of the first financial year, as soon as practicable after the passing of this Act, what proportion of the pensions, increases and expenses payable under or incurred in connection with the scheme corresponds to the relevant pension obligations; and
  - (b) confirm or vary that determination, from time to time during the year and as soon as practicable after the end of the year, by a further determination of that proportion.
- (2) Where in the case of any such scheme any class of the relevant pension obligations and their funding have, by virtue of subsection (2) of section 54, been left out of account in making a determination under subsection (1) of that section, that class of obligations shall not be regarded as relevant pension obligations for the purposes of any determination under subsection (1).
- (3) References in subsection (1) to a determination or further determination made by the Minister shall include references to a determination or further determination made by the actuary or auditor to the scheme and approved by the Minister.

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**Modifications etc. (not altering text)**

C13 S. 55 modified (6.1.1994) by 1993 c. 43, s. 134(1), Sch. 11 para. 10(7); S.I. 1993/3237, art.2(2)

**56 Reduction of payments in respect of certain supplementation schemes.**

- (1) This section applies where, in relation to a B.R. or N.F.C. pension scheme (“the supplementation scheme”), the relevant pension obligations include obligations arising after the passing of this Act to pay or secure the payment of increases of pensions payable under any other pension scheme, being a scheme established by the Board or the Corporation (“the basic scheme”).
- (2) If the actuary to the basic scheme certifies that the assets of that scheme exceed its liabilities, then, in relation to the supplementation scheme, any obligation arising after the date of the actuary’s certificate to pay or secure the payment of any increases of pensions payable under the basic scheme or, if less, the relevant proportion of any such increases shall not be regarded as a relevant pension obligation for the purposes of any determination under section 55(1).
- (3) In subsection (2) “the relevant proportion”, in relation to any increases, means, subject to subsection (4), the proportion (if any) certified by the actuary to the basic scheme to be the proportion of those increases which, if payable under that scheme, could be funded by 75 per cent. of the amount by which the assets of that scheme exceed its liabilities.
- (4) Where any obligation arising after the date of a certificate under subsection (3) is an obligation to pay or secure the payment of a proportion only of any increases to which the certificate relates, then, in relation to that obligation, the relevant proportion for the purposes of subsection (2) shall be given by the formula—

$$\frac{A + B - 1}{A}$$

where A is the first mentioned proportion and B is the proportion certified by the actuary.

- (5) The Minister may direct the persons administering the basic scheme—
  - (a) to arrange for the actuary to the scheme to certify whether or not the assets of the scheme exceed its liabilities; and
  - (b) to send a copy of the actuary’s certificate to the Minister;
 but no direction shall be given under this subsection within the period of three years beginning with the giving by the actuary of such a certificate.
- (6) References in this section to the assets and liabilities of the basic scheme are references to the assets and liabilities of that scheme so far as it relates to the payment of pensions increases of which are or are likely to become payable under the supplementation scheme.

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## 57 Exclusion of payments in respect of certain transfer values.

Where the whole or any part of a person's accrued pension rights under a B.R. or N.F.C. pension scheme are transferred to any other pension scheme, being a scheme established by the Board or the successor company or any subsidiary of either of those bodies, the Minister may direct that for the purposes of—

- (a) any determination of the aggregate amount of the pensions, increases and expenses payable under or incurred in connection with the first-mentioned scheme; and
- (b) any determination under section 55(1) in relation to that scheme,

it shall be assumed that the said rights had not been transferred and that the payment of any sum representing those rights had not been made.

### Modifications etc. (not altering text)

C14 S. 57 extended by Transport Act 1981 (c. 56, SIF 126), s. 4, Sch. 1 para. 1(8)(9)

C15 S. 57 modified (6.1.1994) by 1993 c. 43, s. 134(1), Sch. 11 para. 10(8); S.I. 1993/3237, art.2(2).

## 58 Consequential cancellation of debts owed by Board and Corporation.

(1) In consequence of the foregoing provisions of this Part—

- (a) the debts owed by the Board by virtue of sections 5 and 6 of the <sup>M13</sup>Railways Act 1974 (funding of the relevant pension obligations of the Board); and
- (b) the debts owed by the Corporation by virtue of sections 19 and 20 of the <sup>M14</sup>Transport Act 1978 (funding of the relevant pension obligations of the Corporation),

are hereby cancelled and those sections are hereby repealed.

(2) Any payments in respect of the principal of or interest on any such debt—

- (a) which are made on or after 1st April 1980 and before the passing of this Act to the persons administering a scheme to which this subsection applies; and
- (b) in respect of which the Minister reimburses the Board or, as the case may be, the Corporation,

shall be deemed to be payments made to those persons in advance under section 52(1), and any money which is deemed to be money so paid, and any investments representing any such money, shall be left out of account in making any determination under section 54(1).

(3) Subsection (2) applies to any B.R. or N.F.C. pension scheme other than one in the case of which the relevant pension obligations have been completely funded.

(4) The Minister may discharge his liability to make any payment under section 52(1) to the persons administering a scheme to which subsection (2) applies by appropriating to that payment so much of any money which is deemed to be money paid to those persons in advance under section 52(1) as, with the appropriate interest thereon, is equal to the amount of that payment.

(5) Any money which is deemed to be money paid in advance under section 52(1) shall carry interest for the period beginning with the date on which it was paid to the persons administering the scheme and ending with the date on which it is appropriated by the Minister at such rate as the Minister may with the consent of the Treasury determine.

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#### Marginal Citations

M13 1974 c. 48.

M14 1978 c. 55.

### 59 Supplemental provisions.

- (1) The making of any payment under section 52(1) to the persons administering any B.R. or N.F.C. pension scheme shall not discharge any relevant pension obligation so far as it is an obligation to pay pensions or increases of pensions under the scheme or is an obligation to secure the payment of those pensions or increases.
- (2) If the persons administering any such scheme or any other pension scheme established by the Board or the Corporation have no power to amend the scheme apart from this subsection, they may amend it by instrument in writing for the purpose of—
  - (a) enabling them to pay increases of any pensions payable under the scheme; or
  - (b) bringing the scheme into conformity with any provision of this Part;
 and the power of amending any such scheme apart from this subsection may for either purpose be exercised without regard to any limitations on the exercise of the power and without compliance with any procedural provisions applicable to its exercise.

### 60 Interpretation of Part III.

- (1) In this Part— “the Board” means the British Railways Board; “ B.R. pension scheme” means any section of the British Railways Superannuation Fund specified in Schedule 8 or any other pension scheme so specified; “the Corporation” means the National Freight Corporation; “first financial year”, in relation to a B.R. or N.F.C. pension scheme, means such period as—
  - (a) begins on 1st April 1980; and
  - (b) ends with the last day of an accounting year of the scheme,
 and is a period of not less than twelve months and less than two years, and “financial year”, in relation to any such scheme, means that period and each successive accounting year of the scheme; “N.F.C. pension scheme” means the National Freight Corporation (Salaries Staff) Pension Fund, the National Freight Corporation (Wages Grades) Pension Fund or the N.F.C. (1978) Pension Fund; “pension”, in relation to a B.R. or N.F.C. pension scheme, means any pension, whether contributory or not, payable under the scheme to or in respect of any person and includes—
  - (a) a gratuity or lump sum so payable;
  - (b) a return of contributions to the scheme, with or without interest thereon or any other addition thereto;
  - (c) any sum payable under the scheme on or in respect of the death of any person; and
  - (d) any sum payable under the scheme in respect of any person and representing the whole or any part of his accrued pension rights under the scheme; “the relevant pension obligations” has the meaning given by section 53; “subsidiary” has the same meaning as in the Transport Act 1962; “the successor company” has the same meaning as in Part II.
- (2) For the purposes of this Part—



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- (a) the B.R. (1974) Pension Fund shall be taken to comprise the pension schemes specified or described in the Schedule to the Central Trust deed within the meaning of the <sup>M15</sup> British Railways (Central Trust) Order 1974; and
  - (b) the N.F.C. (1 978) Pension Fund shall be taken to comprise the pension schemes specified or described in the Schedule to the Central Trust deed within the meaning of the <sup>M16</sup> National Freight Corporation (Central Trust) October 1978.
- (3) References in this Part to any pension scheme established by the Board include references to any scheme in relation to which the rights, liabilities and functions of the British Transport Commission were transferred to the Board by the <sup>M17</sup> British Transport Reorganisation (Pensions of Employees) (No. 3) Order 1962.
- (4) In relation to any time before the day appointed by the Minister for the purposes of Part II, references in this Part to the successor company shall be construed as references to the Corporation.

**Modifications etc. (not altering text)**

**C16** 1.10.1980 appointed for the purposes of Part II by S.I 1980/1380, art. 3

**Marginal Citations**

**M15** S.I. 1974/2001.

**M16** S.I. 1978/1290.

**M17** S.I. 1962/2758.

**PART IV**

MISCELLANEOUS AND GENERAL

**61** ..... **F20**

**Textual Amendments**

**F20** Ss. 61, 63 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3

[<sup>F21</sup>**62 Grants towards duty charged on bus fuel, and new bus grants.**

- (1) In subsection (8) of section 92 of the Finance Act 1965 (grants towards duty charged on bus fuel), for the definition of “bus service” there shall be substituted— “ “bus service” means a stage carriage service within the meaning of Part I of the Transport Act 1980 which is available to the general public and is neither an excursion or tour within the meaning of that Part nor a service as regards which the condition specified in section 3(3)(a) of that Act (long journeys only) is satisfied; ”.]
- (2) In section 32 of the <sup>M18</sup> Transport Act 1968 (new bus grants)—

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- (a) in subsection (1), for the words “wholly or mainly as a stage carriage” there shall be substituted the words “wholly or mainly in the operation of bus services”; and
- (b) in subsection (2), after paragraph (c) there shall be inserted—
  - “(d) “bus service” has the same meaning as in section 92 of the Finance Act 1965”.

#### Textual Amendments

**F21** S. 62(1) repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(b), Sch. 7

#### Modifications etc. (not altering text)

**C17** The text of s. 62, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### Marginal Citations

**M18** [1968 c. 73](#).

**63** ..... **F22**

#### Textual Amendments

**F22** Ss. 61, 63 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, Sch. 1 Pt. I, [Sch. 4 paras. 1–3](#)

### **64 Roof-signs on vehicle other than taxis.**

- (1) There shall not, in any part of England and Wales outside the metropolitan police district and the City of London, be displayed on or above the roof of any vehicle which is used for carrying passengers for hire or reward but which is not a taxi—
  - (a) any sign which consists of or includes the word “taxi” or “cab”, whether in the singular or plural, or “hire”, or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or
  - (b) any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi.
- (2) Any person who knowingly—
  - (a) drives a vehicle in respect of which subsection (1) is contravened; or
  - (b) causes or permits that subsection to be contravened in respect of any vehicle, shall be liable on summary conviction to a fine not exceeding [<sup>F23</sup>level 3 on the standard scale].
- (3) In this section “taxi” means a vehicle licensed under section 37 of the <sup>M19</sup>Town Police Clauses Act 1847, section 6 of the <sup>M20</sup>Metropolitan Carriage Act 1869, [<sup>F24</sup>section 10 of the Civic Government (Scotland) Act 1982] or any similar local enactment.

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#### Textual Amendments

- F23** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#)  
**F24** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 139\(2\)](#), [Sch. 7 para. 20](#)

#### Marginal Citations

- M19** [1847 c. 89\(107:1\)](#).  
**M20** [1869 c. 155\(107:1\)](#).

### 65 Repeal of s. 2 of 1954 c. 64.

The provisions of section 2 of, and Schedule 1 to, the Transport charges &c. (Miscellaneous Provisions) Act 1954 (which relate to charges on independent tramways, trolley vehicles and railways of the nature of a tramway), including those provisions as extended or applied by or under any other Act (including a local or private Act), shall cease to have effect.

#### Modifications etc. (not altering text)

- C18** The text of ss. 34, 36, 43, 51(2), 65, 69, Sch. 4, Sch. 7, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 66 Abolition of Freight Integration Council and repeal of certain provisions about special authorisations for use of large goods vehicles.

- (1) The Freight Integration Council established under section 6 of the <sup>M21</sup>Transport Act 1968 is hereby abolished.
- (2) The provisions of Part V of the Transport Act 1968 relating to special authorisations for the use of large goods vehicles (which have not been brought into force) are hereby repealed [<sup>F25</sup>and accordingly—
  - (a) in section 82(1)(b) of that Act, for “either of those sections” there shall be substituted “that section”; and
  - (b) in section 91(1)(a) of that Act, for “sections 69 and 79” there shall be substituted “section 69”.]

#### Textual Amendments

- F25** Words repealed in part (*prosp.*) (amendment of s. 91(1)(a)) by [Transport Act 1982 \(c. 49, SIF 126\)](#), [s. 74](#), [Sch. 6](#)

#### Marginal Citations

- M21** [1968 c. 73](#).

### 67 Abolition of Railways and Coastal Shipping Committee.

The Railways and Coastal Shipping Committee established under section 150 of the <sup>M22</sup>Transport Act 1968 is hereby abolished.

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### Marginal Citations

M22 1968 c. 73.

## 68 Expenses.

There shall be paid out of money provided by Parliament—

- (a) any administrative expenses incurred by any government department in consequence of the provisions of this Act; and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

## 69 Repeals.

The enactments mentioned in Schedule 9 (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.

### Modifications etc. (not altering text)

C19 The text of ss. 34, 36, 43, 51(2), 65, 69, Sch. 4, Sch. 7, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## 70 Citation, etc.

- (1) This Act may be cited as the Transport Act 1980.
- (2) In this Act—
  - [<sup>F26</sup>“the Minister means the Secretary of State;]
  - “modification” includes addition, omission and alteration, and related expressions shall be construed accordingly;
  - “statutory provision” means a provision contained in an Act or in subordinate legislation within the meaning of the <sup>M23</sup>Interpretation Act 1978.
- (3) The following provisions of this Act, namely—
  - (c) sections 66 to 68 and this section;
  - (d) Part II of Schedule 9 (and section 69 so far as it relates to that Part),
 shall come into force on the passing of this Act.
- (5) Subject to subsections (3) and (4), this Act shall come into force on such day as the Minister may by order made by statutory instrument appoint, and different days may be appointed under this subsection for different purposes.
- (6) An order under subsection (5) may contain such transitional provisions and savings (whether or not involving the modification of any statutory provision) as appear to the Minister necessary or expedient in connection with the provisions thereby brought (wholly or partly) into force.
- (7) The following provisions of this Act do not extend to Northern Ireland, namely,—
  - (a) Part I (which includes Schedules 1 to 5);

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- (b) section 61 to 65 and 66(2); and
- (c) Parts I and IV of Schedule 9 (and section 69 so far as it relates to those Parts).

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**Textual Amendments**

**F26** Definition in s. 70(2) substituted (6.1.1994) by 1993 c. 43, s. 134(1), **Sch. 11 para. 9(4)**; S.I. 1993/3237, **art.2(2)**

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**Modifications etc. (not altering text)**

**C20** S. 70(5) power fully exercised by S.I. 1980/913, 1980/1353, 1980/1424, 1981/256

**C21** Power of appointment conferred by s. 70(5) not fully exercised

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**Marginal Citations**

**M23** 1978 c. 30(115:1).

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## SCHEDULES

### SCHEDULES 1—

3. . . . .  
F27

#### Textual Amendments

**F27** Schedules 1–3 repealed by Public Passenger Vehicles Act 1981 (c. 14 SIF:107:1), s. 88(3), Sch. 8

### SCHEDULE 4

Section 40.

#### INCREASE OF PENALTIES IN THE 1960 ACT

#### Modifications etc. (not altering text)

**C22** The text of ss. 34, 36, 43, 51(2), 65, 69, Sch. 4, Sch. 7, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Provision creating offence	General nature of offence	Existing maximum punishment	New maximum punishment	Amendment
Section 144	Unlicensed person driving public service vehicle, or employment of such a person.	£100	£500	In section 144(8) for “£100” substitute “£500”.
146(2)	Contravention of regulations as to conduct of persons licensed to act as drivers of public service vehicles.	£20	£50	In section 146(2) for “£20” substitute “£50”.
146(3)	Failure to produce driver’s licence for purpose of endorsement.	£100	£200	In section 146(3) for “£100” substitute “£200”.

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Section 147(2)	Contravention of regulations as to conduct of passengers in public service vehicles.	£100	£200	In section 147(2) for “£100” substitute “£200”.
Section 157(2)	Failure by person carrying on the business of operating public service vehicles to keep accounts and records and to make financial and statistical returns.	£100	£200	In section 157(2) for “£100” substitute “£200”.
Section 235	Making of false statements.	£200	£500	In section 235(3) for “£200” substitute “£500”.
Section 249(2)	Failure to comply with an order requiring evidence to be given or documents to be produced at an inquiry.	£25	£200	In section 249(2) for the words from “to a fine” onwards substitute “to a fine not exceeding £200”.

SCHEDULE 5

Section 43.

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PUBLIC SERVICE VEHICLES

**Modifications etc. (not altering text)**

**C23** The text of s. 62, Sch. 5 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**PART I**

1-12 ..... F28

**Textual Amendments**

**F28** Sch. 5 Pt. I paras. 1-12 repealed by [Public Passenger Vehicles Act 1981 \(c. 14, SIF 107:1\)](#), s. 88, [Sch. 8](#)

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13 In section 248 (power to hold inquiries) after “the London Government Act 1963” insert “ or section 23A of the Transport (London) Act 1969 ”.

14—15 ..... F29

**Textual Amendments**

**F29** Sch. 5 Pt. I paras. 14, 15 repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88, **Sch. 8**

**PART II**

OTHER AMENDMENTS

*LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1953 (c. 26)*

In section 4 (power of local authority to provide bus shelters), in subsection (4) (definitions), for the words from “and the references” onwards substitute “and “public service vehicle” has the meaning which it would have in Part I of the Transport Act 1980 if in section 2(1) of that Act the words “(other than a tramcar)” were omitted.”.

*LOCAL GOVERNMENT (OMNIBUS SHELTERS AND  
 QUEUE BARRIERS) (SCOTLAND) ACT 1958 (c. 50)*

In section 7(1) (interpretation), after the definition of “local authority” insert— “ “public service vehicle” has the meaning which it would have in Part I of the Transport Act 1980 if in section 2(1) of that Act the words “(other than a tramcar)” were omitted. ”.

*TRANSPORT ACT 1962 (c. 46)*

In section 4(5) (by virtue of which the Railways Board are not authorised to carry passengers by road in certain hackney carriages adapted to carry less than eight passengers), for “eight” substitute “ nine ”.

*FINANCE ACT 1965 (c. 25)*

..... F30

**Textual Amendments**

**F30** Sch. 5 Pt. II entries repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88, **Sch. 8**, Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14** and London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), Sch. 7

*ROAD TRAFFIC REGULATION ACT 1967 (c.76)*

..... F31



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#### Textual Amendments

- F31** Sch. 5 Pt. II entries repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88, **Sch. 8**, Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14** and London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), Sch. 7

#### TRANSPORT ACT 1968 (c. 73)

F32

#### Textual Amendments

- F32** Sch. 5 Pt. II paragraph amending Transport Act 1968 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

#### Textual Amendments

- F32** Sch. 5 Pt. II paragraph amending Transport Act 1968 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

#### TRANSPORT (LONDON) ACT 1969 (c.35)

F33

#### Textual Amendments

- F33** Sch. 5 Pt. II entries repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88, **Sch. 8**, Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14** and London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), Sch. 7

#### ROAD TRAFFIC ACT 1972 (c. 20)

In section 44(4) (test certificates: exemption for certain public service vehicles), for “eight” substitute “nine”.

#### ROAD TRAFFIC (FOREIGN VEHICLES) ACT 1972 (c. 27)

- 1 In section 4(2)(b) (circumstances in which drivers of foreign public service vehicles may be required to produce certain documents)—
  - (a) for “section 127(1) of the Road Traffic Act 1960” substitute “ section 19(1) of the Transport Act 1980 ” ; and
  - (b) for “brought into Great Britain to carry persons staying there temporarily” substitute “ registered outside Great Britain ”.
- 2 In section 7 (interpretation), in the definition of “public service vehicle” for “sections 117 and 118” substitute “ Part III ”.
- 3 In Schedule I (enactments conferring functions on examiners), for “Section 128(3) of the Road Traffic Act 1960” substitute “Section 16(1) of the Transport Act 1980”.

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*ROAD TRAFFIC ACT 1974 (c. 50)*

F34

**Textual Amendments**

**F34** Sch. 5 Pt. II paragraph amending Road Traffic Act 1974 repealed by [Public Passenger Vehicles Act 1981 \(c. 14, SIF 107:1\)](#), ss. 88(3), [Sch. 8](#)

*LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (c. 57)*

- 1 In section 63(3)(b) (hackney carriage stands not to be appointed so as to impede use of authorised stopping places by public service vehicles), for the words from “granted” to “1968”, substitute “ or PSV operator’s licence granted under Part I of the Transport Act 1980 ”.
- 2 In section 80(1) (interpretation of Part 11)—
  - (a) in the definition of “private hire vehicle”, for “fewer than eight passengers” substitute “ fewer than nine passengers ”; and
  - (b) in the definition of “public service vehicle”, for “section 117” substitute “ Part III ”.

*ENERGY ACT 1976 (c. 76)*

In Schedule I (permissible relaxations of road traffic and transport law), in paragraph 1(1)—

- (a) for “use, or cause or permit the use of,” substitute “ provide any stage carriage service or use ”;
- (b) in paragraph (a), for “permit” substitute “ certificate ”
- (c) at the end of paragraph (b) insert “; and
  - (c) notwithstanding that any conditions attached to any licence under Part I of the Transport Act 1980 are not complied with ; and
  - (d) without being obliged to comply with the requirements of section 14 of that Act (duty to publish particulars of stage carriage services in trial areas).”.

*PASSENGER VEHICLES (EXPERIMENTAL AREAS) ACT 1977 (c. 21)*

F35

**Textual Amendments**

**F35** Sch. 5 Pt. II entries repealed by [Public Passenger Vehicles Act 1981 \(c. 14, SIF 107:1\)](#), s. 88, [Sch. 8](#), [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, [Sch. 14](#) and [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3)(b), Sch. 7

*MINIBUS ACT 1977 (c. 25)*

F36

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#### Textual Amendments

- F36** Sch. 5 Pt. II entries repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88, **Sch. 8**, Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14** and London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), Sch. 7

### TRANSPORT ACT 1978 (c.55)

F37

#### Textual Amendments

- F37** Sch. 5 Pt. II entries repealed by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88, **Sch. 8**, Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, **Sch. 14** and London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(b), Sch. 7

## SCHEDULE 6

Section 45.

### SUPPLEMENTARY PROVISIONS WITH RESPECT TO TRANSFER UNDER SECTION 45

#### *Legal remedies and pending proceedings*

- 1 (1) Where any right, liability or obligation is transferred to the successor company by virtue of section 45 that company and all other persons shall, on and after the appointed day, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of that company.
- (2) Any legal proceedings by or against the Corporation which relate to any property, right, liability or obligation transferred to the successor company by virtue of section 45 and are pending on the appointed day, may be continued on and after that day by or against that company.
- (3) Any reference in sub-paragraph (1) or (2) to legal proceedings shall be construed as including a reference to any application to an authority, and any reference to the taking or resisting of legal proceedings shall be construed accordingly.

#### *Power of other bodies*

- 2 The transfer to the successor company by virtue of section 45 of the property, rights, liabilities and obligations of the Corporation shall have effect notwithstanding any statutory or other restriction on the powers of any other body affected by the transfer.

#### *Modification of agreements*

- 3 Where immediately before the appointed day there is in force an agreement which confers or imposes on the Corporation any rights, liabilities or obligations which

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are transferred to the successor company by virtue of section 45, that agreement shall have effect on and after that day as if—

- (a) the successor company had been a party to the agreement; and
- (b) for any reference (in whatever terms and whether expressly or by implication) to the Corporation there were substituted, in relation to anything falling to be done on or after that day, a reference to the successor company; and
- (c) for any reference (in whatever terms and whether expressly or by implication) to an officer or employee of the Corporation, not being a party to the agreement and beneficially interested therein, there were substituted, in relation to anything falling to be done on or after that day, a reference to such person as the successor company may appoint or, in default of appointment, to the officer or employee of that company who corresponds as nearly as may be to the officer or employee of the Corporation.

*Loss of office by members of Corporation*

- 4 (1) Subject to sub-paragraph (2), no right, liability or obligation under any agreement for the rendering by any person of services to the Corporation as a member of the Corporation shall be transferred by virtue of section 45.
- (2) Sub-paragraph (1) does not apply to any liability for remuneration or allowances payable in respect of any period before the appointed day.
- (3) If it appears to the Minister that a person who was a member of the Corporation immediately before the appointed day should receive compensation for loss of office, he may, subject to sub-paragraph (4), require the successor company to pay that person such sum as the Minister, with the approval of the Minister for the Civil Service, may determine.
- (4) No such requirement as is mentioned in sub-paragraph (3) shall be made after the expiration of the period of three months beginning with the appointed day.

*Compensation payments arising from earlier reorganisations*

- 5 The obligations of the Corporation transferred by virtue of section 45 include any obligations of the Corporation to make payments under regulations made under section 135 of the <sup>M24</sup>Transport Act 1968 or section 2(4) of the <sup>M25</sup>Transport Holding Company Act 1972 (compensation for loss of employment, etc. in consequence of reorganisations under those Acts).

**Marginal Citations**

**M24** 1968 c. 73.

**M25** 1972 c. 14.

*Pensions of former members of the Corporation*

- 6 The obligations of the Corporation transferred by virtue of section 45 include any obligation of the Corporation to comply with a determination of the Minister under paragraph 8(1) of Schedule 1 to the <sup>M26</sup>Transport Act 1962 relating to the pension

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(within the meaning of that Act) payable to or in respect of a former member of the Corporation.

#### Marginal Citations

M26 1962 c. 46

#### *Pension schemes*

- 7 (1) Subject to sub-paragraph (2), the provisions of section 74 of the Transport Act 1962 (Minister's powers to make provision about pensions in the nationalised transport industry) shall have effect on and after the appointed day as if—
- (a) the expression “Board” included the successor company; and
  - (b) the references in subsection (1)(a)(ii) of that section to the Commission included references to the Corporation; 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 Corporation participated before the appointed day.
- (2) Except on the application of the successor company, no order shall be made under the said section 74 on or after the appointed day which has the effect of placing the successor company or a subsidiary of the successor company in any worse position; but for this purpose the successor company or a subsidiary shall not be regarded as being placed in a worse position because an order provides that any changes in a pension scheme are not to be effected without the consent of the Minister.
- (3) An order such as is mentioned in sub-paragraph (2) which is made without the application of the successor company shall not be invalid because in fact it does not have the effect of securing that the successor company and its subsidiaries are not placed in any worse position, but except in so far as the successor company approves the effect of the order the Minister shall as soon as may be make the necessary amending order.
- (4) Subject to sub-paragraph (6), any order under the said section 74 and any regulations to which paragraph 17 of Schedule 7 to the <sup>M27</sup>Transport Act 1962 applies (which continues in force certain earlier pension provisions) which—
- (a) are in force immediately before the appointed day; and
  - (b) relate to the Corporation, its employees or its pensions schemes,
- shall continue in force, subject to any provision made by virtue of sub-paragraph (1), and as respects anything falling to be done on or after the appointed day shall have effect as if for any reference (however worded and whether express or implied) to the Corporation there were substituted a reference to the successor company.
- (5) A person who on the appointed day—
- (a) ceases to be employed by the Corporation and becomes employed by the successor company; or
  - (b) is employed by a company which immediately before the appointed day was a subsidiary of the Corporation but on that day becomes a subsidiary of the successor company,

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shall not thereby cease to be eligible to participate in any pension scheme in which he was a participant immediately before the appointed day.

- (6) Subject to sub-paragraph (5), a person who on or after the appointed day leaves or enters the employment of the group consisting of the successor company and its subsidiaries (in this sub-paragraph referred to as “the NFC group”) shall not be eligible by virtue of any provision of an order under the said section 74 made before that day—
- (a) to participate in any of the Corporation’s pension schemes by reason of any employment outside the NFC group; or
  - (b) to participate in a pension scheme other than one of the Corporation’s pension schemes by reason of his employment within the NFC group.
- (7) In this paragraph—
- (a) “participant”, in relation to a pension scheme, means—
    - (i) in relation to a scheme under which benefits are or will be receivable as of right, a person who has pension rights under the scheme (whether he has contributed or not); and
    - (ii) in relation to a scheme under which benefits are not or will not be receivable as of right, a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise) has contributed under the scheme and has pension rights thereunder;
 and “participate” and “eligible to participate” shall be construed accordingly;
  - (b) “pension”, “pension rights” and “pension scheme” have the same meaning as in section 74 of the <sup>M28</sup>Transport Act 1962; and
  - (c) references to the Corporation’s pension schemes are to schemes established by the Corporation or in relation to which the rights, liabilities and functions of the Transport Holding Company were transferred to the Corporation by the <sup>M29</sup>British Transport (Pensions of Employees) (No. 1) Order 1968.

#### Marginal Citations

M27 1962 c. 46.

M28 1962 c. 46.

M29 S.I. 1968/2011.

#### *Grants in respect of certain capital expenditure*

- 8 (1) The obligations of the Corporation transferred by virtue of section 45 include any obligation to comply with terms and conditions attached to a grant made under section 18 of the <sup>M30</sup>Transport Act 1978 (grants in respect of capital expenditure by National Carriers Limited or its subsidiaries).
- (2) For the reference in that section to the Corporation there shall be substituted, as from the appointed day, a reference to the successor company.
- (3) In considering the exercise of his powers under that section in favour of the successor company, the Minister shall take into account any capital expenditure within that section not previously taken into account, including expenditure incurred before the appointed day; and the financial limits set by subsection (2) of that section shall apply in relation to such an exercise of the Minister’s powers as if grants made to

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the Corporation at any time before the appointed day had been made to the successor company at that time.

**Marginal Citations**

**M30** 1978 c. 55.

*Reimbursement for certain travel concessions*

- 9
- (1) The obligations of the Corporation transferred by virtue of section 45 include any obligation to comply with terms attached to a payment made under section 21 of the Transport Act 1978 (reimbursement of amounts paid in connection with travel concessions enjoyed by certain employees and others).
  - (2) For the references in that section to the Corporation there shall be substituted, as from the appointed day, references to the successor company.
  - (3) In considering the exercise of his powers under that section in favour of the successor company, the Minister shall take into account any amounts paid as mentioned in that section and not previously taken into account, including amounts paid by the Corporation and amounts paid in respect of concessionary travel enjoyed before the appointed day.

*Rating*

- 10
- (1) The obligations of the Corporation transferred by virtue of section 45 include any obligation of the Corporation under subsection (2) of section 162 of the <sup>M31</sup>Transport Act 1968 to make a payment to the British Railways Board in respect of any period of occupation before the appointed day by the Corporation or a subsidiary of premises which by virtue of subsection (1) of that section are to be treated for rating purposes as occupied by the Board.
  - (2) If any dispute between the Board and the Corporation as to the amount so payable stands referred to the Minister immediately before the appointed day, it shall be dealt with thereafter as if the successor company had at all times been a party to the reference.
  - (3) Any dispute arising on or after the appointed day between the Board and the successor company as to the amount due under the said subsection (2) shall be referred to the Minister for determination, and his determination shall be final.

**Marginal Citations**

**M31** 1968 c. 73.

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## SCHEDULE 7

Section 51.

### AMENDMENTS CONSEQUENTIAL ON PART II

**Modifications etc. (not altering text)**

**C24** The text of ss. 34, 36, 43, 51(2), 65, 69, Sch. 4, Sch. 7, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### *TRANSPORT ACT 1968 (c. 73)*

- 1 In section 7 substitute the words “the board”—
  - (a) in subsection (1)(a) for the words from “the authority” to the end;
  - (b) in subsection (3) for the “the authority or authorities making it”; and
  - (c) in subsection (4) for the words “the authority or authorities by whom the scheme was prepared”.
  
- 2 In section 8(1) (b) for “either of those authorities” substitute “the Railways Board”.
- 3 In section 29(6) for the words from “subsection (2) of the said section” to the end substitute “ subsection (1)(b) of the said section 7 or, as the case may be, to an order under subsection (1)(b) of the said section 8 making such provision as is mentioned in the said section 7(1)(b), but as if for the reference in subsection (6)(a) of the said section 8 to the Railways Board there were substituted a reference to the Scottish Group and the Railways Board ”.
  
- 4 In section 45(5) for “the authority to whom the directions are given” substitute “the Board”.
- 5 In paragraph 4 of Schedule 16 for the words from “subsection (1)” to “of that section” substitute “ subsection (2) of section 67 of the Act of 1962 ”.
- 6 In paragraph 5 of Schedule 16—
  - (a) in sub-paragraph (2), for “either of the authorities to whom this section applies” substitute “ the Scottish Group ” and for “authority” in both places where it occurs substitute “ Group ”;
  - (b) in sub-paragraph (3), for “the authority or subsidiary in question” substitute “ the Scottish Group or, as the case may be, the subsidiary in question ”;
  - (c) in sub-paragraph (4), for “either or both of the authorities to whom this paragraph applies” substitute “ the Scottish Group ” and for the words from “authority” to “each of those authorities” substitute “ Group ”.



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## SCHEDULE 8

Section 60.

### B.R. PENSION SCHEMES

British Railways Superannuation Fund:

New Section

GWR Section

LMSR Section

LNER Section so far as relating to persons admitted to the London and North Eastern Railway Superannuation Fund before 1st June 1957

LNER Section so far as not so relating

RCS Section

SR Section

British Railways (Wages Grades) Pension Fund

British Transport Police Force Superannuation Fund

B.R. (1974) Pension Fund

Great Eastern Railway New Pension Fund and New Pension (Supplemental) Fund Trust Account

Great Northern Railway Superannuation Fund

Great Western Railway Inspectors and Foremen's Special Pension Fund

Great Western Railway Pension Society

Great Western Railway Salaries Staff Supplemental Pension Fund

Great Western Railway Supplemental Pensions Reserve Fund

Great Western Railway Widows and Orphans' Benevolent Fund

Lancashire and Yorkshire Railway Pension Fund Society

London, Brighton and South Coast Railway Pension Fund

London Midland and Scottish Railway (L.N.W.) Insurance Society

London Midland and Scottish Railway (L.N.W.) Provident and Pensions Society

London Midland and Scottish Railway (L.N.W.) Supplementary Pension Fund and Locomotive Foremen's Pension Fund

London Midland and Scottish Railway Midland Friendly Society

London Midland and Scottish Railway (North Staffordshire Section) Friendly Society

North British Railway Insurance Society

North Eastern and Great Eastern Superannuation Societies and Pensions Funds Joint Trust Account

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Southern Railway (South Eastern & Chatham Section) Enginemen & Motormen’s Pension Fund Society

Thomas Bantock & Co. Superannuation Fund.

## SCHEDULE 9

Section 69.

### REPEALS

**Modifications etc. (not altering text)**

**C25** The text of ss. 34, 36, 43, 51(2), 65, 69, Sch. 4, Sch. 7, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### PART I

#### PUBLIC SERVICE VEHICLES

Chapter	Short title	Extent of repeal
1 & 2 Eliz. 2. c. 33.	Education (Miscellaneous Provisions) Act 1953.	Section 12.
2 & 3 Eliz. 2. c. 64.	Transport Charges &c. (Miscellaneous Provisions) Act 1954.	Section 2.  Schedule 1.
3 & 4 Eliz. 2. c. 26.	Public Service Vehicles (Travel Concessions) Act 1955.	In section 1(7), the words “and two”.
6 & 7 Eliz. 2. c. 50.	Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958.	In section 7(1), the words from “and the references” onwards.
8 & 9 Eliz. 2. c. 16	Road Traffic Act 1960.	Sections 117 and 118.  In section 119(3)(a), the words “or backed”.  Section 127.  In section 128(2), the words from “In the application” onwards.  Section 129.  In section 130, in subsection (2), the words from “and such” onwards.

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Sections 132 to 140.

Section 143.

In section 144, the words “or act as conductor of”, wherever occurring, and, in subsection (3), the words from “and for” to “eighteen”.

In section 145(1), the words “or act as conductor of”.

In section 147(1)(d) the words “or other person authorised by the licensee of the vehicle”.

Section 149.

Section 153(2).

In section 154, the words “or act as conductor of”.

In section 155, the words “or act as conductor of”.

In section 156(1), the words “or backed”.

In section 158, the words “or act as conductor of”.

In section 160—(a) Subsection (1), the words “or the Twelfth Schedule thereto”;(b)in subsection (1)(f), the words “and conductors”;(c)in subsection (2), the words “and the Twelfth Schedule thereto”.

In section 163(1), the words “or act as conductor of.”

Section 234.

Section 240.

In section 247(2), the words from “or (in a case” onwards.

In section 257(1), the definitions of “owner” and “road service licence”.

Section 258.

Schedule 12.

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		In Schedule 17, the entries relating to the Local Government (Miscellaneous Provisions) Act 1953 and the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958.
10 & 11 Eliz. 2. c. 46.	Transport Act 1962.	In Schedule 2, in Part 1, the entries relating to section 12 of the Education (Miscellaneous Provisions) Act 1953 and section 135 of the 1960 Act.
1963 c. 33.	London Government Act 1963.	In section 9(6)(b), the words from “except” to “1960”. Section 14(6)(d). In Schedule 5, in Part I, paragraph 25.
1965 c. 25.	Finance Act 1965.	In section 92(8), the definition of “road service licence”.
1967 c. 76.	Road Traffic Regulation Act 1967.	In section 1(3), the words “or express carriage”. In Schedule 6, the amendment of section 135(2) of the 1960 Act.
1968 c. 73.	Transport Act 1968.	Section 21(1). Section 30. Section 35(1), (2) and (3)(a). In section 138, in subsection (1)(a) the words from “subject” to “granted or backed”, and in subsection (3)(a) the words “subject as mentioned in subsection (1)(a) of this section”. Section 145(1). In section 159(1), in the definition of “road service licence” the words from “and except” onwards.
1969 c. 35.	Transport (London) Act 1969.	In section 23(6), the words from “except” to “that section”.

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		In section 23(7), in the definition of “road service licence” the words from “and includes” onwards.
		In section 24(2), the words “or act as conductor of”.
		Section 24(3).
		Section 24(4)(b) and (d).
		In Schedule 3, in paragraph 8, in the subsection substituted in section 92 of the Finance Act 1965, the definition of “road service licence”; and paragraph 11.
1971 c. 62.	Tribunals and Inquiries Act 1971.	Section 13(5).
		In section 13(6)(a) the words from “or to a decision” to “traffic commissioners”.
		In Schedule 1, in paragraph 30(a), the words from “and” onwards.
1972 c. 20.	Road Traffic Act 1972.	In section 44(4)—(a) the words from “to public service vehicles” to “passengers or”;(b) the words from “but shall apply” to “1978”;(c) the words from “if no” to the end.
1972 c. 68.	European Communities Act 1972.	In Schedule 4, paragraph 10.
1972 c. 70.	Local Government Act 1972.	Section 186(3).
1973 c. 65.	Local Government (Scotland) Act 1973.	In Schedule 18, paragraphs 26 and 30 to 35.
1974 c. 50.	Road Traffic Act 1974.	In Schedule 2, paragraphs 1 and 3 to 5.
In Schedule 5, all the entries in Part I except those relating to sections 148(2) and 239 of the 1960 Act.		In Schedule 6, paragraph 1 and, in paragraph 2, the words “or act as conductor of”.
		In Schedule 7, the entry relating to section 131(1)(b) of the 1960 Act.

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1976 c. 76.	Energy Act 1976.	In Schedule 1, in paragraph 2, the words “or act as conductor of” in both places where they occur.
1978 c. 55.	Transport Act 1978.	Section 5(10). Section 6. Section 7(1) and (2). Section 8. Schedule 1. Schedule 2, except paragraph 5.

## PART II

### REPEALS TAKING EFFECT ON PASSING OF THIS ACT

Chapter	Title	Extent of repeal
1960 c. 16.	Road Traffic Act 1960.	In section 232(1)(b), the words “or 71”.
1968 c. 73.	Transport Act 1968.	Section 6.  In section 7(5), the words “or under section 6(1) of this Act”.  In section 8(6)(a), sub-paragraph (iv).  In section 45(6)(a), the words “or under section 6(1) of this Act”.  In section 71—(a) subsections (1) to (5); (b) in subsection (6), the words “this section and”; (c) subsection (7);(d) in subsection (8) the definition of “pallet”;(e) subsections (9) and (10).  Sections 72 to 80.  In section 81(3), the words from “(or, if” to “last vehicle”.  In section 82—(a) in subsection (1), the words “record or other”, “76 or”, “record or other” and “record

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or”;(b) in subsection (2), the words “records or” and “record or”.

In section 83, the words “record or other”, “76 or” and “record or”.

In section 84—(a) in paragraph (a), the words “a special authorisation”;(b) in paragraph (b), the words “or authorisation”;(c) in paragraph (c), the words “or special authorisation”;(d) in paragraph (d), the words “a special authorisation”;(e) in paragraph (f), the words “or authorisation”.

Section 85(1)(b).

In section 86, the words “and a special authorisation” and “or special authorisation”.

In section 87, subsection (2) and in subsection (3) the words “or 79”.

In section 89(1), the words “and special authorisations”.

In section 91—(a) in subsection (1)(a), the words “and special authorisations”; (b) in subsection (1)(b), the words “and special authorisations”, “or authorisations” and “or authorisations”;(c) in subsection (1)(c), the words from “or as vehicles” to the end;(d) in subsection (1) (d), the words “and special authorisations”, “or authorisations” and “or 79”;(e) in subsection (1) (e), the words “or special authorisation”;(f) in subsection (2), the words “or as vehicles used under a special authorisation” and “or special authorisation”;(g) subsection (4)(b).

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		In section 92(6), the words “or authorisation” in both places where they occur.
		In section 94, subsections (4) to (6) and in subsection (8) the words from “but if” to the end.
		Section 150.
		In section 162(2), the words from “who may” to “their recommendations”.
		In Schedule 10, in Part I—(a) in the amendment of section 233(1)(a) of the Road Traffic Act 1960, the words “or authorisation”;(b) in the amendment of section 233(1)(c) of that Act, the words from “and that paragraph” to the end;(c) in the amendment of section 235(1) of that Act the words “or authorisation”; (d) in the amendment of section 263(1) of that Act, the words from “and the references” to the end.
		In Schedule 10, in Part II, in the amendment of section 232(1)(b) of the Road Traffic Act 1960 the words “or 71”.
1969 c. 48.	Post Office Act 1969.	In Schedule 4, paragraph 88.
1974 c. 48.	Railways Act 1974.	Sections 5 to 7.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Freight Integration Council.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Freight Integration Council.
1978 c. 55.	Transport Act 1978.	Sections 19 and 20.

### PART III

#### REPEALS TAKING EFFECT ON APPOINTED DAY UNDER PART II OF THIS ACT

Chapter	Title	Extent of repeal
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1938 c. 44.	Road Haulage Wages Act 1938.	In section 4(2), the words “the National Freight Corporation,”.
1964 c. 40.	Harbours Act 1964.	In section 57(1), in the definition of “the Boards”, the words “the National Freight Corporation” and “Corporation or”.
1966 c. 27.	Building Control Act 1966.	In the Schedule, the entry relating to the National Freight Corporation.
1966 c. 34.	Industrial Development Act 1966.	In Schedule 2, the entry relating to the National Freight Corporation.
1968 c. 73.	Transport Act 1968.	Sections 1 to 5.  In section 7—(a) in subsection (1), the words from “or the Freight Corporation” to “acting jointly” and in paragraph (b) the words “the Corporation” and “or Corporation”; (b) subsection (2);(c) in subsection (3), the words “subsection (1) or (2) of”; (d) in subsection (4), in paragraph (a) the words “or the Freight Corporation” and “respective” and paragraph (b);(e) in subsection (5), the words “or subsection (2)”;(f) in subsection (6), the words “or subsection (2)”;(g) in subsection (7), the words from “and in the application” to the end.  In section 8—(a) in subsection (1), paragraph (a) and in paragraph (b) the words “or paragraph (b) of subsection (4)”;(b) subsection (2);(c) in subsection (3), the words “subsection (1) or (2) of”; (d) in subsection (4), the words “subsection (1) of” and the words from “and in the case” to “of this section”; (e) in subsection (5), the

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words from “and in the application” to the end; (f) in subsection (6), the words from the beginning to “Corporation; and” and in paragraph (a), subparagraph (i), in subparagraph (ii) the words from “in the case” to “of this section” and subparagraph (iii).

In section 44—(a) in subsection (1)(a)(iii), the words “3(1) or” and the words “the Freight Corporation or”;(b) in subsection (1)(b)(iii), the words “the Freight Corporation or”;(c) in the concluding words of subsection (1)(b), the reference to section 3(1).

In section 45—(a) in subsection (1), paragraph (b), the word “and” immediately preceding that paragraph and the words “or, as the case may be, the Corporation”; (b) in subsection (2), the words “or, as the case may be, the Corporation” in both places where they occur;(c) in subsection (3), the words “or the Freight Corporation”; (d) in subsection (5), the words “or the Freight Corporation or each of them” and “respective”;(e) in subsection (6), the words “or the Freight Corporation”.

In section 52(2), the words “and the Freight Corporation”, “or the Corporation” and “or Corporation”

In section 55—(a) in subsection (1)(b), the words “the Freight Corporation and” and the words “of that Corporation or”;(b) in subsection (1)(ii), the words

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“but including a reference to the Freight Corporation”;  
(c) in subsection (1) (iii), the words “or the Freight Corporation”,  
(d) subsection (1)(iv);  
(e) in subsection (4) the words “or with the Freight Corporation” and the words “or Corporation” in both places where they occur.

In section 121, in subsection (1) the words from “and sections 116 and 117” to the end and in subsection (2)(a) the words “the Freight Corporation or the subsidiaries of that Corporation”.

In section 125(4), the words “and to the Freight Corporation”.

In section 134(3)(b), the reference to section 2(1)(g) (ii) and (m).

In section 156(1), the words “the Freight Corporation”, “or Corporation”, “Corporation or”, “the Minister or, in the case of the Scottish Group”, and “the Minister or, as the case may be,”.

In section 159(1), the definition of “the Freight Corporation” and in the definition of “the new authorities” the words “the Freight Corporation”.

In section 160(3), paragraph (a) and in paragraph (b) the reference to section 4(1).

In section 162—(a) in subsection (1), paragraph (b) and the word “or” immediately preceding it, the words “or (b)” and the words from “or, as the case may

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be” to “that Corporation”;  
 (b) subsection (2);(c)  
 in subsection (3), the  
 words “or the Freight  
 Corporation” and the words  
 “or that Corporation”;(d) in  
 subsection (4), the words “or  
 (b)” and the words “of the  
 Freight Corporation or”.

In Schedule 1, paragraph 1  
 and in paragraph 5 the words  
 from “and, in the case” to the  
 end.

In Schedule 2, in paragraph,  
 3(a), the words “5(3)(a) or”.

Schedule 3.

In Schedule 4, in paragraph  
 5 the words from “by or  
 on behalf” to “Freight  
 Corporation, or” and in  
 paragraph 6 the words “the  
 Freight Corporation”.

In Schedule 10, in Part 1,  
 in the second amendment  
 to section 4(2) of the Road  
 Haulage Wages Act 1938, the  
 words “the National Freight  
 Corporation,”.

In Schedule 16—(a)  
 paragraphs 1 and 2;(b)  
 in paragraph 4, in sub-  
 paragraph (1) the words  
 “the Corporation and”, sub-  
 paragraph (2) and in sub-  
 paragraph (5) the words  
 “the Freight Corporation”  
 and “Corporation”;(c)  
 in paragraph 5, sub-  
 paragraph (1);(d) in  
 paragraph 7(1), the  
 words “to the Freight  
 Corporation and” and “of  
 the Freight Corporation  
 or”;(e) in paragraph 8, in  
 sub-paragraph (1)(d)(j),  
 the words “the National  
 Freight Corporation” and  
 “Corporation or” and in sub-  
 paragraph (2) the words “the  
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		in paragraph 9, the words “The National Freight Corporation”;(g) in paragraph 10, the words “The National Freight Corporation”.
1974 c. 8.	Statutory Corporations (Financial Provisions) Act 1974.	In Schedule 2, in the first column of the entry amending section 19(2) of the Transport Act 1962, the reference to the National Freight Corporation.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the National Freight Corporation.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the National Freight Corporation.
1977 c. 20.	Transport (Financial Provisions) Act 1977.	Section 2.
1978 c. 55.	Transport Act 1978.	Section 17.

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#### PART IV

##### OTHER REPEALS

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Chapter	Title	Extent of repeal
1967 c. 76.	Road Traffic Regulation Act 1967.	Section 100.

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