



# London Regional Transport Act 1984

## 1984 CHAPTER 32

### PART III

#### MISCELLANEOUS AND GENERAL

##### *Miscellaneous*

#### **59 Provision of extra transport services and facilities by Railways Board**

The council of a London borough and the Common Council shall each have power to enter into and carry out agreements with the Railways Board with respect to the provision or retention and financing of public passenger transport services and facilities which would not be available apart from any such agreement.

#### **60 Interim control over organisation and fares of Executive**

- (1) No direction may be given by the Greater London Council to the Executive under section 20(1) of the 1969 Act (power of Council to direct preparation of proposals for transfers of functions, etc.) after the passing of this Act.
- (2) Where before the passing of this Act the Greater London Council have directed the Executive under section 20(1) to give effect to any proposals submitted to that Council in accordance with a previous direction under that provision, subsection (1) above is without prejudice to the duty of the Executive under section 41 of that Act to comply with that direction.
- (3) During the period between the passing of this Act and the appointed day the Executive shall not make any alteration in the general level or structure of the fares to be charged for the time being for the carriage of passengers by the Executive or any subsidiary of theirs, unless their proposals for that alteration have been submitted to and approved by the Secretary of State.

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## **61 Provisions as to approvals, consents and directions**

- (1) Any approval or consent of the Secretary of State under any provision of this Act—
  - (a) shall be given in writing;
  - (b) may be given for any case or description of cases specified in the approval or consent, or may be general; and
  - (c) may be given subject to conditions.
- (2) Nothing done by London Regional Transport shall be unlawful on the ground that it was done without the approval or consent of the Secretary of State and that under this Act it required his approval or consent.
- (3) If it appears to the Secretary of State that London Regional Transport propose to do anything or have without the approval or consent of the Secretary of State which in his opinion requires his approval or consent he may after consultation with London Regional Transport give to London Regional Transport such directions as appear to him to be appropriate.
- (4) The directions which the Secretary of state may give under subsection (3) above in a case where London Regional Transport have already done anything without the Secretary of State's approval or consent may, in particular require London Regional Transport to discontinue any activity or to dispose of any assets, and directions may be given to that effect notwithstanding that they make it necessary for London Regional Transport to dispose of assets at a loss or incur liability to other persons.
- (5) Any direction given by the Secretary of State under this Act shall be in writing; and (without prejudice to section 10(4) of this Act) it shall be the duty of London Regional Transport or of any other person to whom the Secretary of State gives a direction under this Act to give effect to any such direction.

## **62 Joint subsidiaries**

- (1) Subsection (2) below applies to the following authorities, that is to say, London Regional Transport and the Railways Board.
- (2) Where a company of which both those authorities are members would, if those authorities were a single body corporate, be a subsidiary of that body corporate, then, whether or not that company is apart from this subsection a subsidiary of one of those authorities, that company shall be treated for the purposes of this Act (subject to any express provision to the contrary) as a subsidiary of each of those authorities.
- (3) Section 51(5) and (6) of the 1968 Act shall continue to apply to London Regional Transport and to have effect accordingly as if London Regional Transport were one of the Boards, but in the application of those provisions in relation to any company in any case where the authorities concerned include London Regional Transport—
  - (a) subject to subsection (4) below, subsection (5) (joint wholly owned subsidiary of two or more authorities to be treated for purposes of 1962 Act and provisions of 1968 Act other than Parts V and VI as a wholly owned subsidiary of each authority) shall have effect as if the words " wholly owned " (in each place where they occur) were omitted ; and
  - (b) subsection (6) (duty of individual authority to control subsidiary superseded by joint duty in case of joint subsidiaries) shall have effect as if the reference to section 25(1) of the 1962 Act included a reference to sections 21 and 33 of this Act.

- (4) Subsection (3)(a) above shall not affect the application of section 51(5) for the purpose of determining whether the company in question is to be treated for the purposes mentioned in section 51(5) as a wholly owned subsidiary of the authority or authorities concerned other than London Regional Transport.

### **63 Orders and regulations**

Any power to make an order or regulations conferred on the Secretary of State by any provision of this Act shall be exercisable by statutory instrument.

### **64 Stamp duty**

- (1) Stamp duty shall not be chargeable under section 47 of the Finance Act 1973 in respect of the formation by London Regional Transport of a company in pursuance of section 4 of this Act, if the formation of that company is certified by the Treasury—
- (a) as being effected in pursuance of section 4 ; and
  - (b) as satisfying the requirements of subsection (5) below.
- (2) Stamp duty shall not be so chargeable in respect of—
- (a) the formation of a company (otherwise than in pursuance of section 4 of this Act); or
  - (b) any increase in the capital of a company ;
- if the transaction concerned is certified by the Treasury as satisfying the requirements of subsections (3) to (5) below.
- (3) A transaction satisfies the requirements of this subsection if it relates to a public transport company and—
- (a) in a case within subsection (2)(a) above, the company will on its formation be owned by London Regional Transport; or
  - (b) in a case within subsection (2)(b) above, the company is owned by London Regional Transport immediately before and immediately after the increase in its capital takes effect.
- (4) A transaction satisfies the requirements of this subsection if it is effected solely for the purpose—
- (a) of facilitating such an eventual disposal as is mentioned in section 9(5) of this Act; or
  - (b) of complying with a direction given by the Secretary of State under section 10(1) of this Act.
- (5) A transaction satisfies the requirements of this subsection if it is entered into solely in connection with a relevant transfer, takes place on or before the transfer date and does not give rise to an excess of capital. In this subsection, " relevant transfer " means—
- (a) in a case within subsection (1) above, a transfer to be effected in pursuance of a scheme made under section 4 of this Act;
  - (b) in a case within subsection (2) above, a transfer to be effected in pursuance of a scheme made under section 9(6) of this Act.
- (6) For the purposes of subsection (5) above a transaction gives rise to an excess of capital if—

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- (a) in a case within subsection (1) or (2)(a) above, the total issued capital of the company exceeds on the transfer date, the total value of the assets less liabilities transferred; or , .
  - (b) in a case within subsection (2)(b) above the aggregate amount of the increase in issued capital of the company exceeds, on that date, that total value ;
- and in this subsection "issued capital" means issued share capital or loan capital.

(7) Stamp duty shall not be chargeable on any instrument which is certified to the Commissioners of Inland Revenue by London Regional Transport as having been made or executed in pursuance of Schedule 4 to the 1968 Act as it applies—

- (a) by virtue of section 27 of this Act to a transfer in pursuance of a scheme made under section 4 of this Act or to a transfer made in pursuance of a scheme made under section 9(6) of this Act in compliance with a direction given by the Secretary of State under section 10 of this Act; or
- (b) by virtue of section 47 of this Act to a transfer in pursuance of an order made by the Secretary of State under that section;

but no such instrument shall be treated as duly stamped unless it is stamped with the duty to which it would but for this subsection be liable or it has, in accordance with the provisions of section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with any duty or that it is duly stamped.

(8) For the purposes of subsection (3) above—

- (a) " public transport company " means a company whose objects include the provision of public passenger transport services; and
- (b) a company is to be treated as owned by London Regional Transport at any time when more than half in nominal value of that company's issued share capital is held by London Regional Transport or by nominees on their behalf.

## **65 Inquiries by Secretary of State**

The Secretary of State may hold inquiries for the purposes of his powers under this Act as if those purposes were purposes of the Ministry of Transport Act 1919, and section 20 of that Act shall apply accordingly.

## **66 Construction of powers of London Regional Transport**

- (1) Each of the powers conferred on London Regional Transport by the provisions of this Act is in addition to, and not in derogation of, any other power conferred on London Regional Transport by this Act or by any other enactment.
- (2) It is declared that the provisions of this Act conferring powers on London Regional Transport relate only to the capacity of London Regional Transport as a statutory corporation and nothing in those provisions is to be read as authorising the disregard by London Regional Transport of any enactment or rule of law.

## **67 General provision with respect to former London Board functions**

- (1) Without prejudice to the effect of any other provision of this Act in relation to any functions exercisable before the coming into operation of the 1969 Act by the London Board, the functions transferred to the Executive or (as the case may be) to the designated company (within the meaning of that Act) by or under section 17 of or Schedule 3 to that Act (the London Board's statutory functions) continue to be

exercisable (subject to the provisions of this Act) by London Regional Transport or (as the case may be) by that company.

- (2) Without prejudice to subsection (1) above, Schedule 4 to this Act has effect for the purpose of replacing (with certain modifications) the provisions of Schedule 3 to the 1969 Act (so far as not spent, irrelevant to the operations of London Regional Transport or superseded by any other provisions of this Act) with provisions referring to London Regional Transport or (as the case may be) to London Regional Transport and any subsidiary of theirs.
- (3) Schedule 4 to this Act also has effect for the purpose of substituting, for references to the Executive in enactments relating to the functions mentioned in subsection (1) above contained in Acts passed after the passing of the 1969 Act, references to London Regional Transport or (as the case may be) to London Regional Transport and any subsidiary of theirs.

## **68 Interpretation**

In this Act—

- " the 1962 Act" means the Transport Act 1962 ;
- " the 1968 Act" means the Transport Act 1968 ;
- " the 1969 Act" means the Transport (London) Act 1969 ;
- " accounting year " means, subject to paragraph 1 of Schedule 5 to this Act, a period of twelve months beginning with 1st April;
- "the appointed day" has the meaning given by section 1(4) of this Act;
- " the Boards " (unless the context otherwise requires) means the Boards established under section 1 of the 1962 Act other than the London Board, and references to a Board shall be construed accordingly ;
- "the Bus Company" means the National Bus Company established under section 24 of the 1968 Act;
- "charges" includes fares, rates, tolls and dues of every description;
- " the Common Council " means the Common Council of the City of London;
- " the Executive " means the London Transport Executive established under section 4 of the 1969 Act;
- " functions " includes powers, duties and obligations;
- " goods " includes animals, parcels and mails;
- " Greater London " means the administrative area of Greater London as for the time being constituted ;
- " hovercraft" has the same meaning as in the Hovercraft Act 1968;
- " land " includes buildings and other structures, land covered by water and any interest or right in, over or under land;
- " liability " includes an obligation;
- " the London Board " means the London Transport Board established under section 1 of the 1962 Act;
- " London bus service " has the meaning given by section 43(7) of this Act;
- " the London Regional Transport group" has the meaning given by section 22(3) of this Act;
- " participant " , in relation to a pension scheme, means—

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- (a) 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
- (b) 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, contributor or otherwise) has contributed under the scheme and has pension rights under it; and "participate" and "eligible to participate" shall be construed accordingly;

"Passengers' Committee" means the body established under section 40 of this Act;

"pension" in relation to a person, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of him, and includes a gratuity so payable and a return of contributions to a pension fund, with or without interest on or any other addition to those contributions, and any sums payable on or in respect of the death of that person;

"pension fund" means a fund established for the purposes of paying pensions;

"pension rights" includes, in relation to any person, all forms of right to or liability for the present or future payment of a pension, and any expectation of the accruer of a pension under any customary practice, and includes a right of allocation in respect of present or future payment of a pension ;

"pension scheme" includes any form of arrangement for the payment of pensions, whether subsisting by virtue of an Act of Parliament, trust, contract or otherwise ;

"public service vehicle" has the same meaning as in the Public Passenger Vehicles Act 1981;

"the Railways Board" means the British Railways Board established under section 1 of the 1962 Act;

"related company" has the meaning given by section 11(2) of this Act;

"road service licence" has the same meaning as in the Public Passenger Vehicles Act 1981;

"securities", in relation to a body corporate, means any shares, stock, debentures, debenture stock and any other security of a like nature of a body corporate ;

"statutory provision" means a provision, whether of a general or of a special nature, contained in, or in any document made or issued under, any Act, whether of a general or special nature ;

"subsidiary" (subject to section 62 of this Act) means, in relation to any body corporate, a body corporate which is a subsidiary of the first-mentioned body corporate as defined by section 154 of the Companies Act 1948 (taking references in that section to a company as being references to a body corporate);

"vehicle" includes a hovercraft; and

"wholly owned subsidiary" means a subsidiary all the securities of which are owned by a body of which it is a subsidiary, or by one or more other wholly owned subsidiaries of that body, or partly by that body and partly by any wholly owned subsidiary of that body.

## 69 Expenses

There shall be paid out of money provided by Parliament—

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

## **70 Initial membership of London Regional Transport**

- (1) Subject to the following provisions of this section, the chairman and any other person who is a member of the Executive immediately before the appointed day shall continue in office in accordance with the terms of their appointment (taking references in those terms to the Greater London Council as references to the Secretary of State) and be treated for the purposes of Schedule 1 to this Act as if appointed by the Secretary of State in pursuance of the provisions of that Schedule.
- (2) At any time during the period of three months beginning with the appointed day the Secretary of State may remove any such person from office, without notice and without assigning cause.
- (3) If a person ceases to be a member of London Regional Transport, otherwise than on the expiration of his term of office, at any time within the period mentioned in subsection (2) above, London Regional Transport shall pay to that person compensation of such amount, and on such terms, as the Secretary of State may, with the approval of the Treasury, determine.
- (4) The Secretary of State shall remove a member of London Regional Transport from office in pursuance of this section in the manner provided by paragraph 7(4) of Schedule 1 to this Act.

## **71 Further transitional provisions, savings, amendments and repeals**

- (1) If an order has been made under section 36(1) of this Act specifying a day for the application of sections 37 and 38 of this Act and either—
  - (a) the period of eight years mentioned in subsection (5) of section 36 has expired without the order having been confirmed by order made under that subsection ;
  - or
  - (b) before the expiry of that period a further order has been made under subsection (1) of that section for the purpose of revoking the order ;the Secretary of State may by order make such transitional and consequential provision (including provision modifying any enactment contained in this or any other Act) as appears to him to be necessary or desirable in consequence of the expiry of Part II of this Act by virtue of section 39(b) of this Act.
- (2) The transitional provisions and savings in Schedule 5 to this Act shall have effect.
- (3) Subject to those transitional provisions and savings—
  - (a) the enactments mentioned in Schedule 6 to this Act shall have effect subject to the amendments specified in that Schedule, being minor amendments and amendments consequential on the provisions of this Act; and
  - (b) the enactments mentioned in Schedule 7 to this Act (which include enactments which were spent or of no practical utility at the passing of this Act) are repealed to the extent specified in the third column of that Schedule.

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- (4) For any reference in any statutory provision (other than one specifically amended by any provision of this Act) to the Executive there shall be substituted a reference to London Regional Transport.
- (5) Subsection (4) above—
  - (a) applies to any reference, however worded, whether express or implied, and including a reference made by means of a general reference to a class of persons of which the Executive are one, without the Executive themselves being specifically referred to; and
  - (b) is without prejudice to the effect in relation to London Regional Transport of any provision of any agreement or of any provision of any other document (not being a statutory provision) which refers (in whatever words and whether expressly or by implication) to the Executive.
- (6) No statutory provision excluded by section 24(4) of the 1962 Act from applying to any of the Boards (statutory provisions relating to accounts, statistics and returns to be kept by railway companies, etc.) shall apply to London Regional Transport or any subsidiary of theirs.
- (7) Any order under subsection (1) above shall be subject to annulment in pursuance of a resolution of either House of Parliament.

## **72 Short title, commencement and extent**

- (1) This Act may be cited as the London Regional Transport Act 1984.
- (2) Subject to the following provisions of this section, this Act shall come into force on the appointed day.
- (3) The following provisions of this Act, that is to say—
  - (a) this section;
  - (b) sections 60, 68, 69 and 71(2) (so far as that subsection relates to the provisions of Schedule 5 mentioned in paragraph (c) below); and
  - (c) in Schedule 5, paragraph 7 and sub-paragraphs (1) to (5), (9) and (10)(a) of paragraph 8 ;
 shall come into force on the passing of this Act.
- (4) Without prejudice to section 13 of the Interpretation Act 1978, section 40(1) to (3) and (12) of, and Schedule 3 to, this Act shall come into force on the passing of this Act for the purpose of enabling the Passengers' Committee to exercise and perform their functions with full effect as from the appointed day.
- (5) Section 45 of this Act shall come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (6) The repeals made by this Act in Schedule 2 to the London Government Act 1963 (and the related repeal of paragraph 9 of Schedule 13 to the Local Government, Planning and Land Act 1980) shall come into force on 1st April 1985.
- (7) This Act, except—
  - (a) paragraph 8 of Schedule 1; and
  - (b) paragraph 13 of Schedule 3 ;
 does not extend to Scotland or to Northern Ireland.