

SCHEDULES

SCHEDULE 5

Section 71(2).

TRANSITIONAL PROVISIONS AND SAVINGS

Accounts

- 1 The first accounting year of London Regional Transport shall be the period beginning with 1st January 1984 and ending with 31st March 1985.

Annual report

- 2 In relation to the first accounting year of London Regional Transport, the reference in section 34(3)(d) of this Act to directions given by the Secretary of State under this Act shall be read as including a reference to directions given by the Greater London Council or by the Secretary of State under the 1969 Act

Revenue grants

- 3 So far as relates to the first accounting year of London Regional Transport, section 15(9) and (10) of this Act shall apply in relation to sums received by the Executive by way of grants under section 3(1)(a) of the 1969 Act in aid of the revenues of the Executive (including grants made under that paragraph in respect of reductions in fares for children) as they apply in relation to sums received by way of grants under section 12 of this Act which are entered in the revenue account of London Regional Transport.

Capital allowances

- 4 Notwithstanding the substitution by paragraph 4 of Schedule 6 to this Act of a new paragraph (d) for the paragraph (d) inserted in section 83(4) of the Capital Allowances Act 1968 by section 3(2) of the 1969 Act, the Capital Allowances (Relevant Grants) (No. 2) Order 1969 (which was made under section 83(4) by virtue of the original paragraph (d))—
- (a) shall continue in force as if so made by virtue of the new paragraph (d); and
 - (b) shall have effect with the substitution, for the reference in Article 1 of that Order to a grant made under section 3 of the 1969 Act, of a reference to a grant made under section 12 of this Act.
- 5 Any reference in—
- (a) Article 1 of the Order mentioned in paragraph 4 above, as it has effect by virtue of that paragraph ; and
 - (b) section 83(4)(d) of the Capital Allowances Act 1968, as substituted by paragraph 4 of Schedule 6 to this Act;
- to a grant made under section 12 of this Act shall be read as including a reference to a grant made under section 3 of the 1969 Act.

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Pensions and pension schemes

- 6 Any order made under section 74 of the 1962 Act (orders about pensions), as applied by section 18 of the 1969 Act, if and in so far as—
- (a) it is still in force immediately before the appointed day; and
 - (b) it would not by virtue of section 17(2)(b) of the Interpretation Act 1978 (which saves subordinate legislation on repeal and re-enactment of a provision if it could have been made under the provision as re-enacted) have effect as if made under section 74 as applied by section 25 of this Act;
- shall continue in force notwithstanding the repeal by this Act of section 18 of the 1969 Act.
- 7 (1) Without prejudice to section 13 of the Interpretation Act 1978 (anticipatory exercise of powers), orders may be made under section 74 of the 1962 Act, as it applies by virtue of sections 25 and 26 of this Act, before sections 25 and 26 come into force.
- (2) Any orders so made shall come into force on the appointed day.

The Passengers' Committee

- 8 (1) In this paragraph and paragraph 9 below—
- "the consultative body" means the body established by the Greater London Council under section 14 of the 1969 Act (users' consultative body); and
- "the Area Committee" means the Area Transport Users' Committee referred to in section 41(1)(a) of this Act.
- (2) For the purpose of preparing for the transition from the law in force immediately before the appointed day to the provisions of sections 40 and 41 of this Act—
- (a) the consultative body shall send to the Executive; and
 - (b) the Area Committee shall send to the Railways Board;
- copies of any relevant representations or reference pending before them at the passing of this Act or made to them on or after the passing of this Act.
- (3) For the purpose mentioned in sub-paragraph (2) above, where in relation to any relevant representations or reference so pending or made that body or Committee determine that it is not desirable to make any recommendation under section 14(1) of the 1969 Act or (as the case may be) under section 56(4) of the 1962 Act, that body or Committee shall send to the Executive or (as the case may be) to the Railways Board written notification of that determination.
- (4) In this paragraph "relevant representations" means—
- (a) representations made to the consultative body as mentioned in section 14(1) of the 1969 Act; and
 - (b) representations made to the Area Committee as mentioned in section 56(4) of the 1962 Act;
- other than representations which that body or Committee have determined not to consider as being representations appearing to them to be frivolous.
- (5) In this paragraph "relevant reference" means any reference made—
- (a) to the consultative body by the Greater London Council or by the Executive under section 14(1)(b) of the 1969 Act; or

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- (b) to the Area Committee by the Secretary of State or by the Railways Board under section 56(4)(b) of the 1962 Act.
- (6) London Regional Transport and the Railways Board shall each send to the Passengers' Committee—
 - (a) copies of any representations of which copies have been sent to them in pursuance of sub-paragraph (2) above which are pending before the consultative body or (as the case may be) the Area Committee at the appointed day ; and
 - (b) copies of any relevant reference pending before the consultative body or (as the case may be) the Area Committee at the appointed day.
- (7) Any representations of which a copy is sent to the Passengers' Committee in accordance with sub-paragraph (6)(a) above shall be treated for the purposes of section 40(5)(a) of this Act as having been made to that Committee as there mentioned.
- (8) Any reference of which a copy is sent to the Passengers' Committee in accordance with sub-paragraph (6)(b) above shall be treated for the purposes of section 40(5)(b) of this Act as having been made to that Committee and (where it was made by the Greater London Council) as having been so made by London Regional Transport.
- (9) For the purposes of this paragraph, any representations or reference made to the consultative body or (as the case may be) to the Area Committee before any relevant time are to be regarded as pending before that body or Committee at that time if that body or Committee have not before that time—
 - (a) made, and sent to the Executive under section 14(1) of the 1969 Act or (as the case may be) to the Railways Board under section 56(4) of the 1962 Act, any recommendation with respect to the matter which is the subject of the representations or (as the case may be) of the reference; or
 - (b) determined that it is not desirable to make any such recommendation with respect to that matter and, in the case of any such determination on or after the passing of this Act, sent written notification of that determination to the Executive or the Railways Board in accordance with sub-paragraph (3) above.
- (10) In sub-paragraph (9) above " relevant time " means—
 - (a) for the purposes of sub-paragraphs (2) and (3) above, the passing of this Act; and
 - (b) for the purposes of sub-paragraph (6) above, the appointed day.

Compensation for chairmen of bodies superseded by the Passengers' Committee

- 9 Where a person ceases to hold office (otherwise than on the expiration of his term of office)—
- (a) as chairman of the consultative body by virtue of the repeal by this Act of section 14 of the 1969 Act; or
 - (b) as chairman of the Area Committee by virtue of the dissolution of that Committee by section 41(1) of this Act;

the Secretary of State 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.

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London bus services

- 10 (1) Notwithstanding any repeal made by this Act, sections 23A and 23B of the 1969 Act (right of appeal where Executive refuses to make or vary an agreement authorising a London bus service)—
- (a) shall continue to apply in relation to any appeal made in accordance with section 23A which has not been determined or withdrawn before the appointed day and in relation to any appeal under section 23B from the decision of the Secretary of State on any such appeal under section 23A ; and
 - (b) subject to sub-paragraph (2) below, shall continue to authorise appeals to be brought on or after that day against a refusal or failure on the part of London Regional Transport to enter into an agreement to vary the terms of an agreement made under section 23(2) of that Act for the time being subsisting between any person and London Regional Transport.
- (2) Sub-paragraph (1)(b) above only applies to any agreement under section 23(2) which is in force immediately before the appointed day or is entered into by London Regional Transport in pursuance of any order made by the Secretary of State on any appeal to which sub-paragraph (1)(a) above applies.
- (3) Notwithstanding any repeal made by this Act, but subject to sub-paragraph (4) below, paragraphs 4 to 13 of Schedule 4 to the 1969 Act (provisions with respect to consents for London bus services continued in force or granted under that Schedule) shall continue to apply in relation to—
- (a) any consent continued in force or granted under that Schedule which is in force immediately before the appointed day ; and
 - (b) any application for the grant of a consent under paragraph 4 or 5 of that Schedule (consents as of right for certain successors in title) which has not been determined before the appointed day and any consent granted (or deemed by virtue of paragraph 6 of that Schedule to have been granted) in pursuance of any such application.
- (4) A consent continued in force or granted under Schedule 4 to the 1969 Act may not be renewed under paragraph 8(1) of that Schedule except on an application made before the appointed day.
- (5) Where on the date when any agreement to which sub-paragraph (1)(b) above applies would apart from this sub-paragraph expire there is pending in relation to that agreement any such appeal as is mentioned in that sub-paragraph, that agreement shall not cease to be in force until the appeal is determined or withdrawn.
- (6) Where on the date when any consent within sub-paragraph (3)(a) or (b) above would apart from this sub-paragraph expire there is pending in relation to that consent—
- (a) any appeal under paragraph 7 or 9 of that Schedule (including paragraph 9 as applied by paragraph 10) ; or
 - (b) any appeal under paragraph 12 of that Schedule against the cancellation of that consent under that paragraph ;
- that consent shall not cease to be in force until the appeal is determined or withdrawn.
- (7) In any provision of the 1969 Act which by virtue of this paragraph continues to apply for any purpose after the appointed day, references to the Executive shall be read as references to London Regional Transport.

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- (8) So far as relates to the purposes of section 23A of the 1969 Act as that section applies by virtue of this paragraph, section 248 of the Road Traffic Act 1960 (power of Secretary of State to hold inquiries) shall have effect as if the repeal made by this Act of words referring to section 23A had not been made.
- 11 (1) This paragraph applies to—
- (a) any agreement under section 23(2) of the 1969 Act to which paragraph 10(1)(b) above applies ; and
 - (b) any consent within paragraph 10(3)(a) or (b) above.
- (2) Subject to sub-paragraph (3) below, any agreement or consent to which this paragraph applies shall be treated for the purposes of this paragraph as remaining in force for an additional period of one month beginning with the day immediately following the date on which it expires (whether according to its terms or as extended by virtue of paragraph 10(5) or (6) above).
- (3) Sub-paragraph (2) above does not apply where in a case within paragraph 10(6)(b) above the cancellation of the consent takes effect on the determination of the appeal.
- (4) So long as any agreement or consent to which this paragraph applies remains in force, any person providing a London bus service in accordance with that agreement or consent shall be treated for the purposes of any reference in this or any other Act to any service or services provided in pursuance of an agreement entered into by virtue of section 3(2) of this Act (except the references in sections 8(a), 30(1)(a), 40(4)(b), and 51(3)(e) of this Act) as providing that service in pursuance of such an agreement (and shall accordingly be exempt by virtue of section 43(1) of this Act from the requirement of a road service licence in respect of that service and by virtue of subsection (2) of that section from the application to any such licence held by him which is within that subsection of any such condition as is there mentioned).
- (5) Subject to sub-paragraph (6) below, where at any time before any agreement or consent to which this paragraph applies ceases to be in force any person providing a London bus service in accordance with that agreement or consent applies to the metropolitan traffic commissioners for a road service licence in respect of that service, those commissioners shall grant that person a road service licence in accordance with paragraph 12 below.
- (6) Sub-paragraph (5) above does not apply in relation to a person providing a London bus service in accordance with a consent to which this paragraph applies where—
- (a) that consent has been cancelled under paragraph 12 of Schedule 4 to the 1969 Act; but
 - (b) the cancellation has not yet taken effect.
- (7) Where an application is made under sub-paragraph (5) above for a road service licence, as respects any period between the date on which the agreement or consent in question expires or (if later) the date of the application and the date of the grant of a road service licence in pursuance of the application—
- (a) a road service licence in the form applied for shall be regarded as having been granted to the applicant on the date of the making of the application ; and
 - (b) sub-paragraph (4) above shall not apply to the agreement or consent in question.
- (8) In this paragraph " metropolitan traffic commissioners " means the traffic commissioners for the Metropolitan Traffic Area.

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- 12 (1) Subject to the following provisions of this paragraph, a road service licence granted on an application under paragraph 11(5) above in respect of a London bus service (referred to below in this paragraph as a concessionary licence) shall authorise the continuation of that service on the same terms and conditions as applied under the agreement or consent in question immediately before the date of that application.
- (2) Any terms or conditions as to fares, or the minimum or maximum fares, which might be charged for that service under that agreement or consent shall not apply to the licence.
- (3) The provisions of the Public Passenger Vehicles Act 1981 with respect to, and with respect to applications for and the grant of, road service licences are subject to the following provisions of this paragraph as they have effect in relation to, and in relation to an application for and the grant of, a concessionary licence.
- (4) Sections 31(2) to (4), 34 and 35 of that Act (considerations as to initial grant of licence) shall not apply in relation to an application for a concessionary licence.
- (5) Section 32(1) of that Act (attachment of conditions on granting licence) shall not apply on the grant of a concessionary licence, but any terms or conditions attached to any such licence by virtue of sub-paragraph (1) above may be altered or removed in accordance with that section and shall be treated for the purposes of subsection (5) of that section as attached under that section.
- (6) No condition as to fares shall be attached under section 33 of that Act to a concessionary licence at the time when it is granted.
- (7) The traffic commissioners granting a concessionary licence may not under section 37(2) of that Act determine that it shall continue in force only up to and including an earlier date than the one which would apply under that subsection apart from any such determination.

Compensation for loss of employment, etc.

- 13 (1) Any regulations made under section 37 of the 1969 Act, if and in so far as they are in force immediately before the appointed day—
- (a) shall continue in force notwithstanding the repeal by this Act of that section ; and
- (b) may be varied or revoked by regulations made under section 48 of this Act as if they had been made by reason of any such transfer of property, rights or liabilities as is mentioned in section 48(1)(b).
- (2) Section 48(5) and (6) shall apply in relation to any such regulations as if—
- (a) that one of the relevant authorities required by those regulations to pay compensation under the regulations were the person primarily liable ; and
- (b) the other two authorities were contributories.
- (3) In sub-paragraph (2) above " the relevant authorities " means London Regional Transport, the Railways Board and the Bus Company.

Travel concessions

- 14 Arrangements made under section 138 of the 1968 Act by virtue of section 40 of the 1969 Act (which extended section 138 to the Executive and to local authorities in London) shall be treated as made under section 50 of this Act.

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Commitments to pay grants

- 15 (1) Where before 2nd December 1983 the Greater London Council have entered into any commitment (whether legally enforceable or not)—
- (a) to make any payment to any person (other than the Executive) under section 56(2) of the 1968 Act (grants by local authorities towards capital expenditure on public passenger transport facilities) ; or
 - (b) to make any grant to the Railways Board under section 3(1)(b) of the 1969 Act (grants in respect of passenger transport services, amenities or facilities required to meet the needs of Greater London) ;
- that commitment shall have effect, so far as relates to anything falling to be done in accordance with it on or after the appointed day, as if entered into by London Regional Transport.
- (2) London Regional Transport shall be entitled to recover from the Greater London Council an amount equal to any expenditure incurred by them in the initial year in making payments in pursuance of any such commitment.
- (3) In sub-paragraph (2) above, "the initial year" has the same meaning as in section 49 of this Act.
- 16 Any obligation of the Greater London Council—
- (a) to make any payment to the Executive under section 56(2) of the 1968 Act; or
 - (b) to make any grant to the Executive under section 3(1)(a) of the 1969 Act; shall cease to have effect.

Provisions as to transfer under 1969 Act

- 17 Notwithstanding any repeal made by this Act, the provisions of Schedule 2 to the 1969 Act, as they had effect immediately before the appointed day, continue to apply for the purpose of determining the effect of or giving effect to, or making any provision consequential on or incidental to, any transfer under section 16 of that Act.

Continuity of powers

- 18 (1) Anything done by the Executive under a superseded enactment, so far as that thing is still in force, subsisting or effective immediately before the appointed day, shall be treated for the purposes of this Act—
- (a) as done; and
 - (b) if properly done under the superseded enactment, as properly done;
- by London Regional Transport under the corresponding enactment in this Act.
- (2) For the purposes of sub-paragraph (1) above a thing is properly done under an enactment if it is done with any approval or consent required by that enactment for the doing of that thing.
- (3) So far as relates to anything done before the appointed day under a superseded enactment, references in this Act to the approval or consent of the Secretary of State shall be read as references to any approval or consent required by the superseded enactment.
- (4) In this paragraph, "superseded enactment" means an enactment which—

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- (a) is repealed by this Act or ceases to apply to London Regional Transport by virtue of any repeal made by this Act; and
- (b) is replaced by an enactment in this Act which re-enacts it, with or without modification.

Construction of references to London Regional Transport

- 19 To avoid doubt, it is declared that any reference (express or implied) to anything done by or to, to the employment of, or to any agreement or other thing subsisting in relation to or otherwise affecting London Regional Transport—
- (a) in this Act; or
 - (b) in any statutory provision amended by this Act;
- is to be read, in relation to anything occurring before the appointed day, as a reference to anything done by or to, to the employment of, or (as the case may be) to any agreement or other thing subsisting in relation to or otherwise affecting London Regional Transport under their former name.