



Transport Act 1962

1962 CHAPTER 46

PART III

TRANSPORT CHARGES AND FACILITIES

Passenger fares in London

45 Transport Tribunal's power to make orders

- (1) The Transport Tribunal shall, subject to and in accordance with the provisions of this Part of this Act, have power to make orders as respects the following charges of the London Board and the Railways Board, that is to say—
 - (a) charges for the carriage of passengers by railway on journeys wholly within the London Passenger Transport Area, and
 - (b) charges for the carriage of passengers by road on routes wholly or partly within the London special area except—
 - (i) charges for any service or part of a service which is the subject of a road service licence, and
 - (ii) charges for carriage in contract carriages,and any such order may include provisions as to the luggage which a passenger is entitled to take with him and as to the charges, if any, to be made in respect of that luggage.
- (2) An order under this section may vary or revoke the charges scheme continued in force by the last foregoing section or any previous order under this section, and the said scheme and any orders for the time being in force under this section are hereinafter referred to as "the London fares orders".
- (3) Any order under this section shall comply with the following requirements, that is to say—
 - (a) it shall fix maximum charges except in cases where it appears not to be reasonably practicable or to be undesirable so to do ;

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- (b) in cases in which no maximum charge is fixed it shall authorise the making of such charges as may be reasonable and provide for any questions as to the reasonableness of any such charge being determined, on the application either of the Board making the charge or of the person liable to be charged, by the Transport Tribunal, to the exclusion of any other court;
 - (c) it shall, save as aforesaid and subject to the provisions of this Act, secure that the charges to be made are left to the discretion of the Board concerned and that no limitations are imposed on that discretion ;
 - (d) it shall secure that the Board concerned have to publish maximum charges but do not have to publish any other charges.
- (4) In exercising their power to make orders under this section, the tribunal shall do nothing which will in the opinion of the tribunal prevent the London Board and the Railways Board from levying charges which make a proper contribution to the discharge of their financial duty, taking into account their present circumstances and future prospects and any directions given to them by the Minister under this Act.
- In this subsection " financial duty " means the duty imposed by subsection (1) of section eighteen of this Act and includes, in the case of the Railways Board, the duty imposed by subsection (4) of section twenty-two of this Act.
- (5) Where the tribunal make, or decline to make, an order under this section, they shall furnish a written statement of the reasons for their decision to the applicant and to every other person entitled to be heard on the application.
 - (6) It shall be the duty of the said two Boards to give to the tribunal all such assistance as is necessary or as the tribunal may require for the purpose of exercising their power to make orders under this section.