1960 No. 2396

The London Transport (Lost Property) Regulations, 1960

Made - - - -	19*th December*, 1960
Laid before Parliament	30*th December*, 1960
Coming into Operation	1*st February*, 1961

The Minister of Transport, in exercise of his powers under section 119 of the Transport Act, 1947(a), and of all other powers him enabling in that behalf, hereby makes the following Regulations :—

Commencement and Citation

1. These Regulations may be cited as the London Transport (Lost Property) Regulations, 1960, and shall come into operation on the 1st day of February, 1961.

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

" the Commission " means the British Transport Commission, and any reference to the Commission in relation to any functions which are for the time being delegated to the London Transport Executive in pursuance of section 5 of the Transport Act, 1947, shall be construed as a reference to that Executive;

" employees' benefit fund " means any fund formed or to be formed by the Commission for the general benefit of the employees of the Commission which the Commission may designate for the purposes of these Regulations ;

" Lost Property Office " means any place designated by the Commission for the safe keeping of lost property, and any reference to the delivery of property to a Lost Property Office means delivery to an official at such an office in accordance with any relevant directions of the Commission.

(2) Any reference in these Regulations to the conductor of a vehicle shall, as respects a vehicle which has no conductor, be construed as a reference to the driver.

(3) The Interpretation Act, 1889(b), shall apply to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

Application of Regulations

3.—(1) These Regulations apply in relation to the safe custody, redelivery and disposal of property found on or in any premises or vehicle belonging to the Commission and under the control of the London Transport Executive, and references in these Regulations to " premises " or " vehicle " shall be construed as references to any such premises or vehicle.

(a) 10 & 11 Geo. 6. c. 49. (b) 52 & 53 Vict. c. 63.

(2) Without prejudice to the generality of paragraph (1) of this Regulation, these Regulations shall apply in relation to the safe custody, redelivery and disposal of any property found on any premises or vehicle before the coming into operation of these Regulations and which was delivered to the Commission in accordance with the provisions of the London Passenger Transport Board (Lost Property) Provisional Regulations, 1933.

Lost Property to be handed to conductor, guard or other official

4. Any person who finds property accidentally left on or in any premises or vehicle shall hand it immediately in the state in which he finds it (i) to the conductor or guard of the vehicle on or in which it is found or (ii) where this is not practicable or where the property is not found on or in a vehicle, to some other appropriate official of the Commission.

Search of Vehicles and Premises for Lost Property

5.—(1) In the case of a road vehicle the conductor shall, immediately before or on the termination of any journey, so far as practicable search the vehicle for any property accidentally left on or in the vehicle.

(2) The Commission shall make suitable arrangements for premises and rail vehicles to be searched at reasonable intervals for any property accidentally left thereon or therein.

Delivery of Lost Property to Lost Property Offices

6. Any official of the Commission to whom property is handed over under Regulation 4 hereof or who himself finds any property on or in any premises or vehicle shall, as soon as possible and in any case within 24 hours, deliver the property for safe keeping in the state in which it comes into his possession to a Lost Property Office or to such official of the Commission as the Commission may direct for delivery to a Lost Property Office:

Provided that if before any such property shall have been delivered for safe keeping to a Lost Property Office as provided by this Regulation, it is claimed by a person who satisfies the conductor, guard or other official, as the case may be, that he is the owner, it shall be returned to that person forthwith, without fee or reward on his giving his name and address to the conductor, guard or other official, who shall, as soon as possible report the facts and give the claimant's name and address and a description of the property to the Commission in such manner as the Commission may direct.

Recording and Safe Keeping of Property

7. Any property delivered to a Lost Property Office for safe keeping under Regulation 6 hereof shall be retained for safe keeping by the Commission until claimed by the owner thereof or disposed of in accordance with these Regulations, and the Commission shall keep for a period of not less than twelve months a record showing particulars of the property, the circumstances in which it was found, and the ultimate disposal of the property, and such record shall at all reasonable times during the said period be available for inspection by a police officer or any person authorised in that behalf by the Traffic Commissioner for the Metropolitan Traffic Area:

Provided that—

(*a*) official documents, including licences, passports and alien's identity books shall wherever practicable be returned forthwith to the appropriate Government department, local authority or other body or person responsible for issuing them or for controlling or dealing with them;

(*b*) where the name and address of the owner of any property, other than the documents referred to in the preceding proviso, are readily ascertainable the Commission shall forthwith notify him that the property is in the possession of the Commission and may be claimed in accordance with these Regulations.

Return of Claimed Property on Payment of Charges

8.—(1) If any property, while it is retained by the Commission for safe keeping, be claimed and the claimant proves to the satisfaction of the Commission that it belongs to him, it shall thereupon be delivered to him on payment to the Commission of the following charges:—

(*a*) in the case of property of a value less than £1, a fee not exceeding one shilling; and

(*b*) in the case of property of a value of £1 or more, a fee not exceeding one shilling for every £1 or part of £1 of the value of the property together with an additional sum not exceeding one tenth of the value of the property (any fraction of a penny in such one tenth being reckoned as a penny).

(2) For the purposes of these Regulations, other than Regulation 9, the value of any property shall be deemed to be such sum as may be agreed between the claimant and the Commission or, failing agreement, such sum as may be fixed by an independent expert nominated by the Commission, who shall before nominating an expert consult the claimant and endeavour to agree with him the expert to be nominated. Any fee payable to such expert shall be paid by the claimant.

(3) The additional sum not exceeding one tenth of the value of any property paid to the Commission as provided by sub-paragraph (*b*) of paragraph (1) of this Regulation shall be paid by the Commission to the employees' benefit fund.

Disposal of Property by the Commission

9. If any property retained by the Commission for safe keeping in accordance with these Regulations be not claimed within one month of the date when it was delivered to a Lost Property Office for safe keeping as provided by Regulation 6 hereof, and proved to the satisfaction of the Commission to belong to the claimant, or if the claimant shall refuse or neglect to pay to the Commission the appropriate sum or sums due under Regulation 8 hereof and to take delivery of the property within the said period, with any necessary extension thereof to enable the value of the property to be fixed under these Regulations, the property shall thereupon vest in the Commission who shall without undue delay sell the property and pay one half of the proceeds to the employees' benefit fund:

Provided that—

(*a*) property the value of which in the opinion of the Commission exceeds 10s., and any other property which for any reason in the opinion of the Commission should be retained for a longer period than one month, shall not vest in the Commission and shall not be so disposed of until the expiration of such longer period, not being less than three months, as the Commission may think fit;

(*b*) any official documents which it has not been practicable to return to the appropriate body or person in accordance with the provisions of proviso (*a*) to Regulation 7 hereof, and any other documents which have not been claimed by a person entitled to their return within the period of one month as provided by this Regulation, shall be

dealt with or disposed of in such manner as the Commission may deem appropriate.

Perishable Property

10. Notwithstanding the foregoing provisions of these Regulations, if any property retained by the Commission under these Regulations appears to the Commission to be of a perishable nature, and if, within 48 hours from the time when it was found, it has not been claimed and proved to the satisfaction of the Commission to belong to a claimant, who has paid the amounts payable under Regulation 8 hereof and taken delivery of the property, the property shall thereupon vest in the Commission who may destroy or otherwise dispose of it as they think fit and if it is sold shall pay one half of the proceeds of sale to the employees' benefit fund:

Provided that any property which is or which becomes objectionable may be destroyed or disposed of at any time in the discretion of the Commission.

Cost of Packing and Carriage

11. Where any property is forwarded to a claimant the reasonable costs of packing and carriage shall be paid to the Commission in advance by the claimant.

Examination of Property

12. Where any property is contained in a package, bag or other receptacle the Commission may cause such receptacle to be opened and the contents examined, or require the claimant to open it and submit it and its contents for examination, if the Commission deem it necessary to do so for the purpose either—

(*a*) of identifying and tracing the owner of the property, or

(*b*) of ascertaining the nature of the contents or valuing the property.

Given under the Official Seal of the Minister of Transport this nineteenth day of December, 1960.

(L.S.)

Ernest Marples,
The Minister of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations, but is intended to indicate their general purport.)

These regulations, which make provision as respects property accidentally left in or on vehicles or premises of the London Transport Executive, re-enact in amended form the London Passenger Transport Board (Lost Property) Provisional Regulations, 1933.

The principal change permits an increase in the fee chargeable upon the return of claimed property from 6d. per £1 value to 1s. per £1 value.