RAILWAY

The Railway Freight Rebates Regulations, 1950

1950 No. 2078

Made - - - -	19*th December*, 1950
Laid before Parliament	21*st December*, 1950
Coming into Operation	1*st January*, 1951

The Minister of Transport in exercise of the powers conferred upon him by section 87 of the Transport Act, 1947(a), and of all other powers him enabling in that behalf hereby makes the following Regulations:—

1. These Regulations shall come into operation on the 1st day of January, 1951, and may be cited as "The Railway Freight Rebates Regulations, 1950".

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;

"the Minister" means the Minister of Transport;

"the Rebates Acts" means the Railway Freight Rebates Enactments, 1929 to 1943, as amended by section 87 of the Transport Act, 1947, and section 104 of the Local Government Act, 1948(b);

"the Fund" means the Railway Freight Rebates Fund established under the provisions of the Rebates Acts and all monies, investments and other assets (if any) for the time being forming part of that fund;

"the Rebates Stock" means the Railway Clearing House (Railway Freight Rebates Fund) Redeemable 2½ per cent. Stock, 1937-52 issued in pursuance of the powers conferred by section 68 of and the Eleventh Schedule to the Local Government Act, 1929(c), and the Railway Freight Rebates Act, 1936(d);

"the Deed Poll" means the Deed Poll relating to the creation and issue of the Rebates Stock executed by the Railway Clearing House on the 14th December, 1936.

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

3. The system of rebates provided for by the Rebates Acts shall terminate as respects the Commission on the coming into operation of these Regulations.

4.—(1) The principal of and the interest on any amount of the Rebates Stock outstanding immediately before the coming into operation of these Regulations shall as from that date become a liability of the Commission.

(a) 10 & 11 Geo. 6. c. 49.
(b) 11 & 12 Geo. 6. c. 26.
(c) 19 & 20 Geo. 5. c. 17.
(d) 1 Edw. 8 & 1 Geo. 6. c. 2.
(e) 52 & 53 Vict. c. 63.

(2) All sums payable by the Commission for interest or repayment of principal or into any sinking fund for repayment of principal in respect of the Rebates Stock shall be paid out of the revenue of the Commission and shall have the same priority as payment of rates over other payments thereout to the extent of any relief from rates provided for by any Act.

(3) As from the coming into operation of these Regulations the Deed Poll shall have effect as though the Commission had been a party thereto, and for any reference to the Railway Clearing House there were substituted as respects anything falling to be done on or after the coming into operation of these Regulations a reference to the Commission and any reference to the Fund or a charge on the Fund were omitted.

5. On the coming into operation of these Regulations the Fund shall be wound up in accordance with the following provisions of these Regulations.

6.—(1) On or before the 31st March, 1951, or such later date as the Minister may allow (hereinafter referred to as "the closing date") the accounts of the Fund for the period from the 1st October, 1950, to the 31st December, 1950, inclusive shall be audited by an auditor appointed by the Minister in the same manner, subject to the preceding provisions of these Regulations, as are the annual accounts of the Fund under the provisions of the Rebates Acts, and the provisions of those Acts as respects the defraying of the expenses of the audit and the duty of the Commission and of the Railway Clearing House as respects the furnishing of information and the giving of facilities to the auditor shall apply as they apply in relation to the said annual audit.

(2) Abstracts of the accounts of the Fund for the said period in the form in which the annual abstracts of account are prepared under the provisions of the Rebates Acts, subject to the preceding provisions of these Regulations, certified by the auditor, shall be furnished by the Railway Clearing House to the Minister as soon as may be after they have been so certified.

7.—(1) Subject to the provisions of the next succeeding Regulation, as from the coming into operation of these Regulations no further payments shall be made into or out of the Fund, except payments which became or become due in respect of any period prior to the coming into operation of these Regulations and are paid before the closing date.

(2) Any balance, whether in the form of cash, investments or other assets, standing to the credit of the Fund at the closing date shall be paid by the Railway Clearing House to the Commission free from any charge imposed by the Deed Poll.

8. As respects any payments into or out of the Fund which became or become due in respect of any period prior to the coming into operation of these Regulations but have not been paid before the closing date, the following provisions shall apply:—

(*a*) any such payment due to or from the Commission shall cease to be payable;

(*b*) any such payment due to or from any other person shall be paid by or to the Commission to or from that person.

9. The provisions of these Regulations are without prejudice to any relief from rates provided for by any Act.

Given under the Official Seal of the Minister of Transport this nineteenth day of December, 1950.

(L.S.)

Alfred Barnes,
The Minister of Transport.

EXPLANATORY NOTE

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

These Regulations provide for the termination as respects the British Transport Commission of the system of rebates provided for by the Railway Freight Rebates Enactments, 1929 to 1943, as modified by subsequent enactments, and for the winding up of the Railway Freight Rebates Fund and the payment of the balance standing to the credit of the Fund to the Commission. They also provide for the transfer from the Railway Clearing House to the Commission of liability for the Railway Clearing House (Railway Freight Rebates Fund) Redeemable 2½ per cent. Stock 1937-52.

The Railway Freight Rebates Scheme, Modification Order, 1950

1950 No. 1985

Made - - - - *22nd November*, 1950
Coming into Operation *1st December*, 1950

IN THE COURT OF THE TRANSPORT TRIBUNAL.

Whereas it is enacted by Paragraph 10 of Part I of the Eleventh Schedule to the Local Government Act, 1929(**a**), as amended by the Railway Freight Rebates Acts, 1936, and 1943(**b**), that the Transport Tribunal shall review the operation of the Railway Freight Rebates Scheme within three months after the end of every year and shall give not less than twenty-one days' notice of the date, time and place of the sitting at which the Review will take place.

And Whereas the year for the purposes of the said Scheme ended on the 30th day of September, 1950.

And Whereas we caused public notice to be given not less than twenty-one days previous to the 22nd day of November, 1950, that we should sit at 10.30 a.m. on the said 22nd day of November, 1950, at the office of the Transport Tribunal, Wellington House, 125-130 Strand, London, W.C.2, for the purpose of holding the said Review.

And Whereas on the 22nd day of November, 1950, we have reviewed the operation of the said Scheme and have taken into consideration all submissions lodged relative thereto and have in Open Court heard the Railway Executive and every Representative Body of Traders interested which was desirous of being heard.

And Whereas we consider a modification to be necessary and desirable.

Now we, the Transport Tribunal, in pursuance of the powers vested in us under the Local Government Act, 1929, as amended by the Railway Freight Rebates Acts, 1936, and 1943, do hereby order that the Railway Freight Rebates Scheme as approved by Statutory Rule and Order 1929, No. 619(**c**), as amended by Statutory Rule and Order 1936, No. 1375(**d**), Statutory Rule

(**a**) 19 & 20 Geo. 5. c. 17. (**b**) 1 Edw. 8. & 1 Geo. 6. c. 2 and 6 & 7 Geo. 6. c. 23.
(**c**) S.R. & O. 1929, p. 1213. (**d**) S.R. & O. 1936, II, p. 2110.