CHAPTER 13

Transport Act, 1953

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An Act to require the British Transport Commission to dispose of the property held by them for the purposes of the part of their undertaking which is carried on through the Road Haulage Executive; to amend the law relating to the carriage of goods by road and to provide for a levy, for the benefit of the said Commission and for other purposes, on motor vehicles used on roads; to provide for the reorganisation of the railways operated by the said Commission and to amend the law relating to the powers, duties and composition of the said Commission; to repeal certain provisions of the Transport Act, 1947, and to amend other provisions thereof; to amend section six of the Cheap Trains Act, 1883; and for purposes connected with the matters aforesaid.

[6th May 1953.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Carriage of Goods by Road

Disposal of Commission's existing road haulage undertaking.

1.—(1) Subject to the provisions of this Act, it shall be the duty of the British Transport Commission (in this Act referred to as " the Commission ") to dispose, as quickly as is reasonably practicable, of all the property held by them for the purposes of so much of their undertaking as is at the passing of this Act carried on through the Road Haulage Executive.

The part of the undertaking of the Commission referred to in this subsection is hereafter in this Act referred to as " the existing road haulage undertaking ".

(2) Pending the disposal of the property mentioned in subsection (1) of this section, it shall be the duty of the Commission to carry on the existing road haulage undertaking in such manner as may appear to them to be expedient for the purpose of enabling the said property to be disposed of without delay and on the best terms available, and without avoidable disturbance of the transport system of the country.

(3) Subject to the provisions of this subsection, sections thirty-nine to fifty-one, section fifty-four, section fifty-five and subsection (2) of section sixty of the Transport Act, 1947 (which relate to the acquisition of certain road transport undertakings by the Commission), and any notice of acquisition given under Part III of that Act before the passing of this Act, shall cease to have effect:

Provided that this subsection shall not affect the operation of the said provisions in relation to or in connection with any transfer effected before the passing of this Act in consequence of any notice of acquisition under the said Part III.

(4) Nothing in this section shall be taken as restricting the powers conferred on the Commission by section two of the Transport Act, 1947, and, accordingly, the Commission may provide, continue or develop any services or facilities for the carriage of goods by road otherwise than as part of the operation of the existing road haulage undertaking.

(5) The references in this Act to the property held by the Commission for the purposes of the existing road haulage undertaking are references to—

(*a*) property which at the passing of this Act is held by the Commission solely or partly for the purposes of the existing road haulage undertaking and is then in the possession, as between the Road Haulage Executive and persons other than the Commission, of that Executive; and

(*b*) property which after the passing of this Act is obtained or appropriated by the Commission solely or partly for or to the purposes of the said undertaking and thereby comes into the possession of the Road Haulage Executive as aforesaid or would thereby so come into the possession of that Executive if the undertaking were being carried on through that Executive,

other than property which is consumed or disposed of in the ordinary course of the carrying on of that undertaking:

Provided that the Minister may direct that any property held by the Commission at the passing of this Act, or thereafter

obtained or appropriated by them, partly for or to the purposes of the existing road haulage undertaking and partly for or to other purposes shall be treated, or shall not be treated, as property held by the Commission for the purposes of that undertaking and the said references shall be construed accordingly.

(6) Nothing in this section shall compel the Commission, unless they think fit so to do, to dispose of any property, being money or being a claim for a debt or other monetary claim.

Road Haulage Disposal Board.

2.—(1) There shall be a body, to be called the Road Haulage Disposal Board (hereafter in this Act referred to as "the Board"), with the powers and duties conferred and imposed on them by the subsequent provisions of this Act.

(2) The Board shall consist of six members all of whom shall be appointed by the Minister.

(3) Of the said members the Minister shall appoint one to be chairman and one to be deputy chairman of the Board.

(4) Of the remaining members of the Board—

(*a*) one member shall be appointed from among persons nominated by the Commission;

(*b*) one member shall be appointed after consultation with such bodies representative of trade and industry as the Minister thinks fit;

(*c*) one member shall be appointed after consultation with such bodies representative of persons holding A or B licences as the Minister thinks fit; and

(*d*) one member shall be appointed after consultation with such bodies representative of persons holding C licences as the Minister thinks fit.

(5) Every member of the Board shall hold and vacate his office in accordance with the terms of his appointment and shall, on ceasing to be a member, be eligible for reappointment:

Provided that any member may at any time by notice in writing to the Minister resign his office.

(6) A person shall be disqualified for being appointed or being a member of the Board so long as he is a member of the Commons House of Parliament.

(7) A member of the Board who is in any way directly or indirectly interested in any transaction entered into or proposed to be entered into by the Commission with which the Board are concerned shall disclose the nature of his interest at a meeting of the Board; and the disclosure shall be recorded in the minutes of the Board, and the member shall not take any part in any deliberation or decision of the Board with respect to that transaction:

Provided that a member of the Board appointed under paragraph (*a*) of subsection (4) of this section shall not be deemed

for the purposes of this subsection to be interested in any transaction by reason only of the interest which the Commission has therein.

(8) Any question arising at any meeting of the Board shall be determined in accordance with the opinion of the majority of the members of the Board present and voting at that meeting:

Provided that if at any meeting of the Board there is a difference of opinion between the members of the Board on any question, and the chairman, or, in the absence of the chairman, the deputy chairman, considers that the matter is of sufficient importance to require to be referred to the Minister, he may refer the matter to the Minister, and where the matter is so referred to the Minister the Minister may, if he thinks fit, give directions to the Board as to the course to be followed, and the Board shall comply with any such directions.

(9) The Board shall from time to time, and at least once in every six months, make to the Minister a report in writing as to the progress made in the disposal of the property held by the Commission for the purposes of the existing road haulage undertaking and the Minister shall lay a copy of each such report before each House of Parliament.

The report for any period shall set out any direction given by the Minister to the Board during that period and any action taken by the Board in compliance with such direction.

(10) The Board may appoint a secretary and, with the approval of the Minister, such other officers and such servants as they consider necessary for assisting them in the proper execution of their duties.

(11) There shall be paid to the members of the Board and to any officer or servant of the Board such remuneration (whether by way of salaries, fees or allowances) as may be determined by the Minister, with the approval, in the case of the members of the Board, of the Treasury; and any such remuneration as aforesaid and any other expenses of the Board shall be defrayed out of the Transport Fund established under the subsequent provisions of this Act.

(12) The Board may act notwithstanding a vacancy among the members thereof, and the quorum of the Board shall be three.

(13) Subject to the preceding provisions of this section, the Board may regulate their own procedure.

Sales of transport units.

3.—(1) For the purpose of disposing of the property held by them for the purposes of the existing road haulage undertaking, the Commission shall from time to time, by public notice, invite tenders for the purchase, on specified conditions, of—

(*a*) one or more specified motor vehicles; and

(*b*) such other property, if any, as may be specified,

and the specified conditions may include conditions whereby the purchaser takes over such rights and obligations of the Commission, whether under contract or otherwise, as may be specified, being rights and obligations connected with the subject matter of the purchase.

(2) In the case of each such invitation, the properties which are to be the subject of the purchase, and the conditions of the purchase, shall be such as, in the opinion of the Commission, are calculated to enable a purchaser to engage without delay in the carriage of goods by road for hire or reward, and the aggregate of the property, rights and obligations which a purchaser obtains or will obtain under a purchase resulting from such an invitation is hereafter in this Act referred to as "a transport unit".

(3) In determining what are to be the transport units for which persons are invited to tender as aforesaid, the Commission shall have regard to the desirability of securing that persons desirous of entering or re-entering the road haulage industry have a reasonable opportunity of doing so notwithstanding that their resources permit them to do so only if their operations are on a small scale, and, without prejudice to the generality of the foregoing provision but subject to the provisions of subsection (5) of this section, no transport unit shall, without the approval of the Minister, include more than fifty motor vehicles or motor vehicles the aggregate weight of which unladen exceeds two hundred tons.

Subject as aforesaid, the transport units shall be determined with a view to securing that the property held by the Commission for the purposes of the existing road haulage undertaking fetches in the aggregate the best possible price.

(4) The provisions of Part I of the First Schedule to this Act shall, subject to the provisions of subsection (5) of this section, have effect for the purpose of giving to the purchaser of a transport unit and his successors in title the rights referred to in those provisions of obtaining free of charge, for the five year period therein referred to, authorisations under A licences to use the vehicles comprised in the unit, or other vehicles substituted therefor in accordance with the said provisions, without being subject to the condition provided for in section fifty-two of the Transport Act, 1947 (namely that, except under or in accordance with a permit granted by the Commission, goods shall not be carried for hire or reward in any authorised vehicle if at any time while the goods are being so carried the vehicle is more than twenty-five miles from its operating centre).

(5) The vehicles included in a transport unit may include vehicles specified as additional vehicles, and the vehicles so specified shall—

(*a*) be deemed for the purposes of the First Schedule to this Act not to be included in that transport unit, but without prejudice to the substitution thereof in accordance with Part I of the said First Schedule for other vehicles so included;

(*b*) be disregarded for the purposes of the limitations imposed by subsection (3) of this section on the size of the transport unit.

(6) In determining which tenders for transport units are to be accepted and which refused, the Commission shall have regard to the desirability of avoiding any step which is likely to lead to the elimination or undue restriction of competition in the carriage of goods by road for hire or reward, but no such tender shall be refused wholly or mainly on the ground that it is likely to lead to the elimination or undue restriction of such competition as aforesaid without the consent of the Minister.

(7) In performing their duties under this section the Commission shall consult the Board and act on lines settled from time to time with the approval of the Board, and no invitation to tender for a transport unit shall be issued by the Commission without the approval of the Board and no tender for any transport unit shall be accepted or refused by the Commission without the approval of the Board; and the Board shall not give their approval to the acceptance of any such tender unless they are satisfied that the price is a reasonable one having regard to the value of the property and rights which the purchaser will obtain by the purchase, including the rights provided for by Part I of the First Schedule to this Act.

(8) If any difference arises between the Commission and the Board as to the lines on which the Commission are to act in performing their duties under this section or as to what properties should be included in, or what should be the conditions attached to the purchase of, any transport unit, or as to whether any tender for a transport unit should or should not be accepted, either the Commission or the Board may refer the matter to the Minister and the Minister shall give such directions therein as he thinks fit, and any directions so given by him shall be binding on the Commission and the Board.

Where Scotland is affected, the Minister shall consult the Secretary of State for Scotland before giving any directions under this subsection.

(9) In this section "specified" means specified in the public notice inviting the tenders or ascertainable in the manner specified in that notice.

Transfer of transport units to companies under control of Commission.

4.—(1) Where either—

(*a*) an invitation to tender for the purchase of specified property has been issued under the last preceding section; or

(*b*) the Board have approved the issue by the Commission of such an invitation; or

(*c*) the Board have informed the Commission that they would be prepared to approve the issue of such an invitation,

the Commission may, if the Minister gives his consent, make over to any company under their direct or indirect control all the property and connected rights and obligations, if any, which the purchaser would have obtained under a purchase resulting from the invitation, and in that event subsections (4) and (5) of the last preceding section, section six of this Act and the First Schedule to this Act shall have effect as if the transaction had been a purchase in pursuance of the invitation and as if all such things had been done as would have fallen to be done if the transaction had been such a purchase, and, without prejudice to the generality of the preceding provisions of this subsection, references in the said provisions of this Act to transport units, to purchasers of transport units and to additional vehicles shall be construed accordingly:

Provided that, without prejudice to the power of the Minister to give or refuse his consent under this subsection in any case and on any ground, the Minister shall so exercise his powers under this subsection as to secure that—

(i) the total weight unladen of the motor vehicles made over to companies thereunder does not exceed five-fourths of the total weight unladen of the motor vehicles owned on the first day of January, nineteen hundred and forty-eight, by the bodies corporate which, on that day, came, by virtue of Part II of the Transport Act, 1947, under the direct or indirect control of the Commission; and

(ii) without prejudice to the preceding provisions of this proviso, the total weight unladen of the vehicles so made over which belong to each of the three following categories, that is to say—

(*a*) vehicles (whether motor vehicles or trailers) specially constructed to carry abnormal indivisible loads;

(*b*) motor vehicles (of whatever character) which in the opinion of the Minister ought to be regarded as special vehicles constructed for special purposes other than the carriage of abnormal indivisible loads;

(*c*) other motor vehicles,

does not exceed thirteen-tenths of the total weight unladen of the vehicles so owned belonging to those categories respectively.

(2) The annual statement to be prepared by the Commission under section ninety-four of the Transport Act, 1947, shall, as respects any period during which any company to which property has been made over under this section remains under the direct or indirect control of the Commission, include information as to the principal activities of the company and be so framed as to show the financial results of the activities of the company, and the Minister and the Treasury shall exercise their powers under the said section ninety-four accordingly.

(3) So long as any company to which property has been made over under this section remains under the direct or indirect control of the Commission, any person employed by the company shall be deemed for the purposes of section ninety-five of the Transport Act, 1947 (which relates to terms and conditions of employment of staff), to be employed by the Commission and to be under the direct control of the Commission itself.

Transfer of property to companies with a view to the sale of their shares.

5.—(1) If it appears to the Commission that it is expedient that any property held by them for the purposes of the existing road haulage undertaking should, instead of being disposed of under section three or section four of this Act, be disposed of under this section and that such disposal will not prejudice the purposes to which the Commission are to have regard under subsection (3) of the said section three, they may make over that property, together with any such rights or obligations of theirs as in their opinion can conveniently be made over therewith, to a company under their control in the shares of which no other person than they themselves have any beneficial interest, with a view to the subsequent sale of the shares of the company:

Provided that the Commission shall not exercise their powers under this subsection without the approval of the Board, and the Board shall not give their approval unless it appears to them that the proposed course of action is expedient and will not prejudice the purposes to which the Commission are to have regard as aforesaid.

(2) Where any property is made over to a company under subsection (1) of this section, it shall be made over at a price equal to the net value thereof as shown in the books of the Commission (but adjusted so as to take into account depreciation up to the time of the making over thereof so far as not already taken into account), increased by the value, if any, as so shown, of any rights of the Commission made over therewith, and decreased by the value, if any, as so shown, of any liabilities of the Commission made over therewith.

In this subsection " net value " means value after deducting depreciation, and the references to values shown in the books of the Commission are references to the values so shown after making, if the Commission, in making up their books for the year nineteen hundred and fifty-two or any subsequent year, depart to any substantial extent from the principles and practice applied by them for the years falling before the year nineteen hundred and fifty-two, all adjustments which are necessary to produce the result which would have been produced but for the departure, and the requirement that the net value shall be adjusted so as to take into account depreciation up to the time of the making over of the property shall be construed as a requirement that the additional depreciation shall be allowed at the rates at which, and in the cases in which, depreciation was allowed under the said principles and practice.

(3) Where the Commission have made over any property to a company under subsection (1) of this section, they shall proceed to the sale of all the shares thereof as soon as is reasonably practicable, and to that end shall, as soon as is reasonably practicable, by public notice invite tenders for the purchase (in one parcel) of all those shares, on conditions specified in the notice or ascertainable in a manner specified in the notice:

Provided that—

(*a*) no invitation to tender under this section shall be issued without the approval of the Board ; and

(*b*) if it appears to the Commission that the sale of the shares by tender would be inappropriate and would be unlikely to secure the best possible price for the shares, they may, with the approval of the Board, sell the shares (in one parcel) otherwise than by tender.

(4) In determining whether any tender or offer for the shares of any such company as aforesaid is to be accepted or refused, the Commission shall have regard to the desirability of avoiding any step which is likely to lead to the elimination or undue restriction of competition in the carriage of goods by road for hire or reward, but no such tender or offer shall be refused wholly or mainly on the ground that it is likely to lead to the elimination or undue restriction of such competition as aforesaid without the consent of the Minister.

(5) No tender or offer for the shares of any such company as aforesaid shall be accepted or refused by the Commission without the approval of the Board, and the Board shall not approve the acceptance of any such tender or offer unless they are satisfied that the price is a reasonable one having regard to the value of the company's undertaking and the rights conferred by the subsequent provisions of this section.

(6) If any difference arises between the Commission and the Board under this section, the Commission or the Board may refer

the matter to the Minister and the Minister shall give such directions as he thinks fit and any directions so given by him shall be binding on the Commission and the Board.

Where Scotland is affected, the Minister shall consult the Secretary of State for Scotland before giving any directions under this subsection.

(7) Where property is made over to a company under subsection (1) of this section, section twelve of the Road and Rail Traffic Act, 1933, shall have effect as if—

(*a*) the company were and at all times since the passing of this Act (or since its incorporation, whichever is the later) had been a subsidiary company of the Commission and the Commission were and at all times since the passing of this Act had been the holding company thereof;

(*b*) the Commission, in every application made for a licence under Part II of the First Schedule to this Act, being an application made before the making over of the property, had signified to the licensing authority their desire that the provisions of the said section twelve should have effect as respects the company;

(*c*) the reference in subsection (1) of the said section twelve to Part I of the Road and Rail Traffic Act, 1933, included a reference to section fifty-nine of the Transport Act, 1947, subsections (1) to (5) of section seven of this Act and Part II of the First Schedule to this Act:

Provided that this subsection shall have effect in relation to a company only as respects the period preceding the date on which its shares are transferred in pursuance of the sale thereof under this section.

(8) Where the shares of a company are transferred in pursuance of the sale thereof under this section, the First Schedule to this Act shall have effect as if the company had, at the time of the transfer of the shares, purchased as or as part of a transport unit all the vehicles owned by it on that date which were then authorised vehicles under an A licence granted to the Commission under Part II of the First Schedule to this Act or were specified in a then pending application for such a licence as vehicles intended to be authorised thereunder and as if all such things had been done as would have fallen to be done if the vehicles had been so purchased; and, without prejudice to the generality of the preceding provisions of this subsection, references in the said First Schedule to transport units, to purchasers of transport units and to motor vehicles sold as or as part of transport units shall be construed accordingly:

Provided that—

(*a*) the total number of trailers specified by virtue of paragraph 2 of Part I of the said First Schedule in applications

for special A licences shall not exceed the number of trailers in the possession of the company at the time of transfer of the shares;

(*b*) in paragraph 4 of the said Part I, the reference to the Commission shall be deemed to be a reference to the company and the reference to the publication of the public notice inviting tenders shall be deemed to be a reference to the date of the transfer of the shares.

(9) The Commission, in making over vehicles to a company under subsection (1) of this section, may, by notice to the company, designate certain of those vehicles as additional vehicles, and in that event—

(*a*) any application by the Commission for an A licence under Part II of the First Schedule to this Act and any licence granted in pursuance of any such application shall lapse so far as it relates to any motor vehicles so designated, but without prejudice to the substitution of any such vehicle for another vehicle in accordance with the provisions of the said Part II;

(*b*) the Commission shall give all such notices and make all such applications as are necessary to secure that no such vehicle, being a motor vehicle, is included in an A licence so granted otherwise than by virtue of such a substitution as aforesaid and that any such vehicle, being a motor vehicle, which has been included in such an A licence otherwise than by virtue of such a substitution is removed therefrom;

(*c*) any such vehicles, being trailers, shall be left out of account for the purposes of paragraph (*a*) of the proviso to the last preceding subsection.

(10) Any property made over to a company under subsection (1) of this section shall be deemed for the purposes of section six of this Act to have been disposed of as or as part of a transport unit, but if, after any property has been so made over to a company but before the shares of the company have been transferred in pursuance of the sale thereof under this section, any property of the company (whether part of such property or not) is transferred to the Commission, the property so transferred to the Commission shall be deemed for all the purposes of this Act to become property held by the Commission for the purposes of the existing road haulage undertaking and shall be dealt with accordingly.

(11) A company to which property has been made over under subsection (1) of this section—

(*a*) may dispose of any of its property in the ordinary course of its business; and

(*b*) may, with the approval of the Board, dispose of any of its property to the Commission,

but, save as aforesaid, may not dispose of any of its property:

Provided that this subsection shall have effect, in relation to a company, only as respects the period preceding the date on which its shares are transferred in pursuance of the sale thereof under this section.

(12) Until the shares of any company to which property has been made over under subsection (1) of this section are transferred in pursuance of the sale thereof under this section, any person employed by the company shall be deemed for the purposes of section ninety-five of the Transport Act, 1947 (which relates to terms and conditions of employment of staff), to be employed by the Commission and to be under the direct control of the Commission themselves.

(13) Where a company to which property has been made over under subsection (1) of this section has disposed of all its property, this section shall cease to apply to it unless and until further property is transferred to it under the said subsection (1).

Disposal of property otherwise than in transport units.

6.—(1) If it appears to the Commission as respects any property held by them for the purposes of the existing road haulage undertaking that it is impracticable or inexpedient to dispose of that property as or as part of a transport unit, they may, with the consent of the Minister, dispose of that property otherwise than as or as part of a transport unit.

Any consent of the Minister under this subsection may be given so as to apply to a specified transaction or to a specified class of transactions or to all transactions and may be given either absolutely or subject to conditions, including, in particular, conditions requiring the approval of the Board to be obtained (whether as to the action to be taken in particular cases or as to the general lines on which action is to be taken).

(2) The Minister may give directions to the Commission, as respects any property held by them for the purposes of the existing road haulage undertaking, requiring them to dispose of that property otherwise than as or as part of a transport unit, and the Commission shall comply with any such directions.

Any directions of the Minister under this subsection may be absolute or conditional, need not be restricted to individual items of property and may require the Commission to consult the Board and, to such extent, if any, as may be specified in the directions, to obtain the approval of the Board as to the action to be taken.

(3) If it appears to the Commission as respects any property held by them for the purposes of the existing road haulage undertaking that the retention thereof by them for use for the purposes of some other part of their undertaking (being a part the operations of which do not consist wholly or mainly in the carriage of goods by road for hire or reward) is necessary in

order to avoid prejudice to the efficient carrying on thereof, they may, with the consent of the Minister, retain that property for such use as aforesaid instead of disposing of it.

(4) Any land or interest in land which—

(*a*) is property held by the Commission for the purposes of the existing road haulage undertaking; and

(*b*) immediately before the date of transfer, as defined in Part II of the Transport Act, 1947, was property of any of the bodies specified in the Third Schedule to that Act; and

(*c*) on the said date of transfer, vested in the Commission under the said Part II,

may, if the land is within the precincts of premises which, at the passing of this Act, are occupied by the Commission but are not then in the possession, as between the Road Haulage Executive and persons other than the Commission, of that Executive, be retained by the Commission.

(5) Save as provided by the preceding provisions of this section, the Commission shall not dispose of any property held by them for the purposes of the existing road haulage undertaking otherwise than as or as part of a transport unit:

Provided that nothing in this subsection shall prevent the Commission consuming or disposing of any such property in the ordinary course of the carrying on of the existing road haulage undertaking, and nothing in this subsection shall apply to any such property being money or a claim for a debt or other monetary claim.

Commission's vehicles to require licences but to be free from twenty-five mile limit.

7.—(1) Section fifty-nine of the Transport Act, 1947 (which provides that no licence is required for goods vehicles used by the Commission), shall cease to have effect.

(2) As respects goods vehicles which at the passing of this Act belonged to the Commission or were in the possession of the Commission under an agreement for hire or loan, the repeal of the said section shall not take effect until six months from the passing of this Act and, if before the expiration of the said six months an application is made for a licence authorising the use of any of the vehicles which so belonged to the Commission, that repeal shall not take effect as respects those vehicles until the application is determined by the licensing authority.

(3) If any vehicle as respects which the said section fifty-nine is still in force is destroyed or damaged beyond repair or is disposed of in the ordinary course of the business of the Commission, the Commission may substitute for that vehicle—

(*a*) if the vehicle is a motor vehicle, another motor vehicle of the same or less weight unladen;

(*b*) if the vehicle is a trailer, another trailer,

and thereafter the preceding provisions of this section shall have effect as if the substituted vehicle had, and the original vehicle had not, belonged to the Commission or, as the case may be, been in the possession of the Commission under an agreement for hire or loan at the passing of this Act.

(4) Section fifty-two of the Transport Act, 1947 (which provides for restricting the use of goods vehicles more than twenty-five miles from their operating centres), shall not apply to the use of vehicles by the Commission.

(5) The provisions of Part II of the First Schedule to this Act shall have effect for the purpose of giving to the Commission the rights referred to in those provisions of obtaining free of charge, for the five year period therein referred to, authorisations under A licences or C licences to use the goods vehicles referred to in those provisions.

(6) Vehicles specified in licences which are being used by the Commission or by any company under the direct or indirect control of the Commission to which property has been made over under the preceding provisions of this Act shall—

(*a*) for the purpose of any wages regulation order in force under the Wages Councils Act, 1945, at the passing of this Act; and

(*b*) for the purpose of determining the workers in relation to whom the Road Haulage Wages Council referred to in section one of the Wages Councils Act, 1948, operates; and

(*c*) for the purposes of Part II of the Road Haulage Wages Act, 1938,

be deemed to be vehicles not specified in any licence.

Repeal, as from end of 1954, of provisions relating to twenty-five mile limit.

8.—(1) At the end of the year nineteen hundred and fifty-four, section fifty-two of the Transport Act, 1947 (which provides for restricting the use of goods vehicles more than twenty-five miles from their operating centres), any such condition in a licence as is provided for by the said section fifty-two, and sections fifty-three and fifty-six, subsection (2) of section fifty-seven, section fifty-eight, subsections (1) and (3) to (6) of section sixty, and sections sixty-one and sixty-two of the said Act (which contain various provisions supplementary or incidental to the said section fifty-two) shall cease to have effect.

(2) Pending the coming into operation of subsection (1) of this section, subsections (5) and (6) of section fifty-three of the Transport Act, 1947 (which empower the Commission to revoke original permits granted to existing undertakings for the use of goods vehicles more than twenty-five miles from their operating

centres, and to substitute other permits therefor), shall not have effect, but without prejudice to the operation of subsections (3) and (4) of that section in relation to any substituted permits (within the meaning of that section) granted before the passing of this Act.

(3) Where—

(*a*) before the passing of this Act a notice of acquisition was served under Part III of the Transport Act, 1947 with respect to an undertaking; and

(*b*) that notice has not, at the passing of this Act, been withdrawn or declared to be of no effect but no transfer has been effected thereunder; and

(*c*) there is in force at the date of the passing of this Act a licence authorising the use of any vehicles which, if the transfer by virtue of the notice had fallen to be made at the passing of this Act, would, by virtue of the notice, have been transferred to the Commission,

then, as from the passing of this Act, the said section fifty-two shall not apply to that licence or any licence substituted therefor so long as the following condition is fulfilled as respects that licence or, as the case may be, the licence so substituted, that is to say, that the total number of authorised vehicles, being motor vehicles, does not exceed the total number of the vehicles, being motor vehicles, mentioned in paragraph (*c*) of this subsection.

Amendments as to grounds for granting or refusing licences.

9.—(1) In subsection (2) of section six of the Road and Rail Traffic Act, 1933 (which specifies certain matters to which licensing authorities are to have regard in exercising their discretion to grant or refuse applications for licences), for the words "shall have regard primarily to the interests of the public generally, including those of persons requiring, as well as of those of persons providing, facilities for transport" there shall be substituted the words "shall have regard to the interests of the public generally, including primarily those of persons requiring facilities for transport and secondarily those of persons providing facilities for transport".

(2) To the paragraphs of the said subsection (2) setting out the particular matters to which the licensing authority is to have regard there shall be added the following paragraph—

"(*f*) to the extent to which the vehicles to be authorised will further the provision of services under which goods will be carried partly by road and partly by railway or inland waterway without the need for unloading and reloading,"

and at the end of the said subsection (2) there shall be added the following paragraph—

"Where goods are contained in a receptacle which is an additional body for a goods vehicle and is constructed or adapted for the purpose of being taken on to or off the vehicle with goods contained therein, the transfer of the receptacle with goods contained therein on to or off any goods vehicle, railway wagon or vessel shall not be treated for the purposes of paragraph (*f*) of this subsection as an unloading or reloading of those goods."

(3) Where, under subsection (2) of section eleven of the said Act, the licensing authority takes into consideration any objection to an application for the grant or variation of a licence—

(*a*) the onus of proof that there are such grounds for the objection as are specified in that subsection shall lie on the objector; and

(*b*) in considering whether existing transport facilities are to be treated as suitable, the licensing authority shall have regard to the relative efficiency, reliability and adequacy of the existing facilities at the date of the application and the facilities which the applicant will provide if his application is granted, and to all other relevant considerations, including, to such extent as may in all the circumstances appear proper, the charges made and to be made in respect of those facilities respectively.

(4) There shall be included among the grounds on which an A licence or a B licence may be suspended or revoked under subsection (1) of section thirteen of the Road and Rail Traffic Act, 1933, or a direction may be given under subsection (3) of that section, the following additional ground, that is to say, that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for any such variation thereof as is mentioned in subsection (3) of section eleven of that Act, any statement of fact made after the passing of this Act which (whether to his knowledge or not) was false or any statement of intention or expectation made after the passing of this Act which has not been fulfilled.

The proviso to subsection (1) of the said section thirteen (which imposes certain conditions on the powers of the licensing authority to revoke or suspend a licence) shall not apply to any revocation, suspension or direction made or given by virtue of this subsection, but, if the holder of the licence requests the licensing authority to hold a public inquiry, the licensing authority shall not make or give any such revocation, suspension or direction except after holding such an inquiry.

Abrogation of rights of Commission and companies controlled by them under covenants etc. against carrying on road haulage business.

10. Any right which the Commission or any company under the direct or indirect control of the Commission has at the passing of this Act by virtue of any covenant or agreement theretofore entered into in connection with the sale of an undertaking or a part of an undertaking or of shares in a company to restrain any other person from carrying on or taking part in carrying on business consisting wholly or partly in the carriage of goods by road in Great Britain or in any part of Great Britain shall, on the passing of this Act, cease to be exercisable.

Supplemental provisions as to preceding sections.

11.—(1) The power of the Minister under section twenty-five of the Road and Rail Traffic Act, 1933, to make regulations for the purpose of carrying Part I of that Act into effect shall extend to the making of regulations for the purpose of carrying into effect the preceding provisions of this Act, including the provisions of the First Schedule to this Act, and accordingly references in that section to Part I of that Act shall be construed as including references to the said provisions.

(2) Without prejudice to the generality of subsection (1) of this section, such regulations as are therein referred to may make provision as to the means by which vehicles to which any of the provisions of this Act referred to in the said subsection (1) apply are to be identified, whether by plates, marks or otherwise, and the references in section thirty-four of the Road and Rail Traffic Act, 1933, to documents, plates or marks by which a vehicle is to be identified as being an authorised vehicle shall be deemed to include references to documents, plates or marks by which a vehicle is to be identified as being one to which any of the said provisions apply.

(3) The Commission shall furnish to the Board from time to time such reports and information as may in the opinion of the Commission be of assistance to the Board in the discharge of their functions or as the Board may require them to furnish to the Board for that purpose.

(4) If it appears to the Minister that, having regard to the stage reached in the disposal of the property held by the Commission for the purposes of the existing road haulage undertaking, it is expedient so to do, he may by order provide for abolishing the Board and winding up their affairs, and for transferring to the Minister any functions of the Board so far as they remain to be exercised or performed.

The power conferred by this subsection to make orders shall be exercisable by statutory instrument and no order shall be made by the Minister under this subsection unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

The Transport Levy and the Transport Fund

The transport levy.

12.—(1) Subject to the provisions of this section and to the provisions of section fifteen of this Act, in the case of the vehicles described in the first column of the Tables in Parts I and III of the Second Schedule to this Act, being vehicles which are used on public roads in Great Britain on or after the first day of January, nineteen hundred and fifty-four, a charge, in this Act referred to as "the transport levy", shall be made in accordance with the subsequent provisions of this section for the benefit of the Transport Fund established under the next following section.

(2) The transport levy shall be charged for the periods covered by the licences taken out in respect of the vehicle in question under the Vehicles (Excise) Act, 1949, and the amount charged by way of the levy for any such period shall be the amount by which the excise duty payable upon that licence would be increased if the annual amount of that duty were increased by the amount arrived at by multiplying the unit charge, as defined in subsection (3) of this section, by the appropriate multiplier, as defined in subsection (4) thereof.

(3) The amount referred to in this section as "the unit charge"—

(*a*) shall, until the end of the year nineteen hundred and fifty-five, be thirteen shillings and sixpence;

(*b*) subject to the provisions of subsection (2) of section fifteen of this Act, shall, for each period of three years following the end of that year, be such sum as may be fixed in relation to that period by an order of the Minister made under this subsection before the beginning of that period or, if no sum is so fixed, the sum which was the unit charge immediately before the beginning of that period,

and the Minister shall exercise his powers under this subsection in respect of each period with a view to securing that, as nearly as conveniently may be, the said Transport Fund will, over that period, be sufficient and not more than sufficient to meet the payments falling to be made therefrom.

The power conferred on the Minister by this subsection to make orders shall be exercisable by statutory instrument and no order shall be made by the Minister under this subsection unless a draft thereof has been laid before Parliament and has been approved by resolution of each House of Parliament.

(4) The number referred to in this section as "the appropriate multiplier" is the number arrived at under the second column of the Table in Part I, or, as the case may be, the fourth and fifth columns of the Table in Part III, of the Second Schedule to

this Act by reference to the weight unladen of the vehicle, plus, in the case of a vehicle of the description specified in the first column of the Table in Part I of that Schedule which is used for drawing a trailer, that one of the numbers in the third column of the Table in Part II of that Schedule which is appropriate having regard to the weight unladen of that vehicle.

(5) Sections eight, nine, eleven to fifteen and twenty-one to twenty-five of the Vehicles (Excise) Act, 1949 (which contain provisions as to the collection of the excise duties under that Act and as to other connected matters), shall have effect as if the transport levy payable in the case of a vehicle for any period were part of the duty payable under that Act in respect of that vehicle for that period:

Provided that—

(*a*) the transport levy paid to a council in respect of any vehicle shall be paid by it to the Minister in accordance with such directions as may be contained in any Order in Council made under the said section eight instead of being paid into the Exchequer; and

(*b*) the power conferred by the said section twenty-five to make regulations for the purpose of carrying that Act into effect shall include power to make regulations for the purpose of carrying this section into effect.

Any increase attributable to this subsection in the sums which, under section twenty-four of the Vehicles (Excise) Act, 1949, fall to be paid out of moneys provided by Parliament shall be paid out of moneys so provided.

(6) In the case of each Government Department other than the Admiralty, the War Department and the Air Ministry, there shall be paid to the Minister for each year out of moneys provided by Parliament such sum, if any, as the Minister may estimate to be the total amount, or, as the case may be, the total additional amount, which would have been payable by way of the transport levy in respect of vehicles used for the purposes of that Department in that year if the excise duties under the Vehicles (Excise) Act, 1949, had been chargeable in respect of Crown vehicles.

In this subsection "Government Department" means a Department or body the salaries or expenses of which are the subject of a payment from moneys provided by Parliament, not being a payment by way of grant in aid.

(7) In this section, "public road" has the same meaning as in the Vehicles (Excise) Act, 1949, and subsections (4) and (5) of section five of that Act (which relate to super-imposed vehicles and the meaning of the word "trailer") and section twenty-six of that Act (which relates to the computation of the unladen

weight of vehicles and other matters) shall apply for the determination of the transport levy payable in respect of a vehicle as they apply for the determination of the excise duty payable in respect thereof.

Establishment of Transport Fund.

13.—(1) There shall be established a fund under the control and management of the Minister, to be known as " the Transport Fund," into which all sums paid to the Minister under the last preceding section either by councils or out of moneys provided by Parliament shall be paid, and out of which there shall be made the payments provided for by the other provisions of this Act (and in particular by the next following section) and payments to the Commission equal to so much of the payments falling to be made by the Commission under the provisions of this Act relating to compensation to officers and servants as is ascribable to the duties imposed by this Act on the Commission as to the disposal of the property held by the Commission for the purposes of the existing road haulage undertaking.

(2) If it appears to the Minister that the Transport Fund will be insufficient for the time being to meet the payments falling to be made therefrom, he may, within the period of twelve months following the passing of this Act, pay into the Fund, out of moneys provided by Parliament, sums not exceeding in all fifty thousand pounds, but sums equal to the sums so paid into the Fund shall, as soon as the resources of the Fund are sufficient for the purpose, be paid out of the Fund into the Exchequer.

(3) If at any time the Transport Fund is insufficient to make all the payments which have become due to be paid therefrom, the payments shall be made as soon as the Fund becomes sufficient for the purpose, and, as between such payments, priority shall be given, first, to the salaries, allowances and expenses of the Board, next, to the payments into the Exchequer required by subsection (2) of this section, next, to payments of interest, and next to payments to the Commission in respect of compensation paid by them to officers and servants.

(4) Any sums standing to the credit of the Transport Fund which are not for the time being required for the purpose of making payments out of the Fund may be invested by the Minister in such securities as may be approved by the Treasury, and any income arising therefrom shall be paid into the Fund.

(5) The Minister shall, as respects each year during which the Transport Fund is in existence, prepare, in such form and manner as the Treasury may direct, an account of all sums paid into or out of the Fund, and each such account shall, on or before the first day of July next following the expiration of the year to which it relates, be transmitted to the Comptroller and

Auditor General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before each House of Parliament.

In this subsection "year" means a period of twelve months beginning with the first day of January.

Payments to Commission out of Transport Fund for loss on disposal of road haulage undertaking.

14.—(1) An amount equal to—

(*a*) the road haulage capital loss as defined in the Third Schedule to this Act; plus

(*b*) one million pounds (for the loss from disturbance suffered by the Commission while the assets of the existing road haulage undertaking are being disposed of),

shall be paid out of the Transport Fund to the Commission by such instalments as are hereinafter mentioned, that is to say—

(i) the first instalment shall be paid on the first day of January, nineteen hundred and fifty-five, and the subsequent instalments shall be paid on the first day of January in each subsequent year until the whole amount is paid; and

(ii) subject as hereinafter provided, the instalments shall be equal instalments paid over such period as may be determined by the Minister:

Provided that the Minister shall, not later than the thirtieth day of September, nineteen hundred and fifty-four, make a provisional estimate of the total amount falling to be paid as aforesaid and a provisional determination of the said period, and shall from time to time revise that estimate, and, if he thinks that the variations in his estimates warrant that course, also that determination, and—

(i) the instalments from time to time payable shall be calculated and paid by reference to the latest estimate and determination for the time being; and

(ii) if, on a revision of the estimate or the determination, it appears that too little or too much has been paid, the subsequent instalments shall be adjusted as the Minister may direct in order to make good the excess or deficiency.

(2) The Minister—

(*a*) in making or revising any such estimate as aforesaid, shall, as respects the road haulage capital loss, consult the auditor or auditors of the Commission who shall furnish him with such information and certificates as he may require;

(*b*) in determining the period over which the instalments are to be paid and in revising any determination thereof, shall act with the approval of the Treasury.

(3) If at any time the Transport Fund is for the time being more than sufficient to make all the payments which have become due to be paid therefrom, such sum, if any, as the Minister may direct shall be paid therefrom to the Commission, and, where any payment is made under this subsection, the total amount falling to be paid under subsection (1) of this section shall be deemed to be reduced by the amount of the payment and the said total amount shall be estimated or re-estimated accordingly.

A direction may be given under this subsection either before or after the payment of the first instalment under subsection (1) of this section but not later than the payment of the final instalment thereunder, and, where the direction is given after any estimate has been made under the proviso to that subsection, the amount directed to be paid shall not exceed the total amount of the instalments remaining to be paid, calculated by reference to the latest such estimate.

(4) Interest at such rates as may from time to time be fixed by directions of the Treasury shall be paid out of the Transport Fund to the Commission at such times as the Minister may direct on so much of the amount required to be paid therefrom by subsection (1) of this section as is due and remains unpaid and, for the purposes of this subsection—

(*a*) the whole of the said amount shall be deemed to have become due at the end of June, nineteen hundred and fifty-four; and

(*b*) the proviso to the said subsection (1) shall, with any necessary adaptations, apply in relation to the payments of interest as it applies in relation to the instalments.

The rate fixed by any direction of the Treasury under this subsection shall be such as would in the opinion of the Treasury be appropriate for securities the principal of which and the interest on which was charged on the Consolidated Fund of the United Kingdom or the growing produce thereof, being securities issued at par at the time when the direction was given and redeemable twenty years after their issue.

Cessation of transport levy and winding up of Transport Fund.

15.—(1) If, in the last year of any of the periods of three years referred to in paragraph (*b*) of subsection (3) of section twelve of this Act, it appears to the Minister that, if the transport levy ceases to be charged at the end of that period, the Transport Fund will be sufficient to meet all the payments falling to be made therefrom, he shall by order provide that the transport levy shall not be charged in respect of the use of any vehicle after the end of that period.

(2) If, in the last year of any of the said periods, it appears to the Minister that the amounts required to make the Transport

Fund sufficient to meet all the payments falling to be made therefrom can be provided if the transport levy ceases to be charged at the end of the first, or at the end of the second, of the years comprised in the next following such period, he may by order provide that the transport levy shall not be charged in respect of the use of any vehicle after the end of the first, or, as the case may be, the second, of the said years and shall by that order fix the sum which is to be treated as the unit charge for that year or, as the case may be, for those years.

(3) Where the Minister makes an order under subsection (1) or subsection (2) of this section, he may by the same or a subsequent order direct that the Transport Fund shall be wound up on such date as may be specified in the order, and, if such an order is made, the assets of the Fund at that date shall be made over to the Commission in full satisfaction of any payments which otherwise would have fallen to be made therefrom to the Commission after that date.

(4) In considering for the purposes of this section whether or not the Transport Fund will be sufficient to meet the payments falling to be made therefrom, the Minister—

(*a*) may ignore an insufficiency less than the estimated net produce of the transport levy for one year with a unit charge of sixpence;

(*b*) may place a capital value on the liability of the Fund to the Commission for payments in respect of compensation to officers and servants by way of periodical payments.

(5) The powers conferred on the Minister by this section to make orders shall be exercisable by statutory instrument, and no order making any such provision as is mentioned in subsection (1) or subsection (2) of this section shall be made by the Minister unless a draft of the order has been laid before Parliament and has been approved by a resolution of each House of Parliament.

Re-organisation of Railways

Re-organisation of railways.

16.—(1) Within twelve months from the passing of this Act or such longer period as the Minister may allow, the Commission shall prepare and submit to the Minister a scheme for the re-organisation of that part of their undertaking which consists in the operation of the railways.

(2) The said scheme shall provide—

(*a*) for the abolition (if it has not already been abolished) of the Railway Executive; and

(*b*) for the setting up, for such areas as may be specified by or under the scheme, of such authorities as may be so specified; and

(*c*) for the delegation to those authorities of such functions of the Commission relating to that part of their undertaking as may be so specified in relation to those authorities respectively; and

(*d*) for the compilation and publication as respects each of those areas of such statements of operating costs and such statistics as may be so specified.

(3) The said scheme may provide—

(*a*) for the setting up of other authorities and for the delegation to them of such functions of the Commission relating to that part of their undertaking as may be specified by or under the scheme, being functions which appear to the Commission or to the Minister to be unsuitable for delegation to an authority set up for a particular area;

(*b*) for the setting up for the purpose—

(i) of co-ordinating the exercise and performance of their functions by all or any of the authorities set up under the scheme, whether for areas or otherwise; and

(ii) of making provision for matters of common interest to all or any of those authorities,

of co-ordinating authorities.

(4) The said scheme may provide for regulating—

(*a*) the relations of the authorities set up under the scheme with each other;

(*b*) the relations of those authorities with the Commission; and

(*c*) the relations of those authorities with persons other than the Commission,

and for giving to the Commission such powers of control over those authorities as may be specified by or under the scheme.

(5) The authorities to be set up under the scheme may be individuals or bodies of persons, whether corporate or unincorporated, and the scheme may provide for the incorporation of any of those authorities.

(6) The scheme may—

(*a*) entrust to any authority set up under the scheme, or otherwise deal with, functions of the Commission not concerned or directly concerned with the operation of the railways if it appears to the Commission or to the Minister to be necessary or expedient that those matters should be entrusted to those authorities or so dealt with by the scheme;

(*b*) authorise any such authority set up for an area to operate, as respects particular matters specified by or under the scheme, outside its own area either concurrently with, or to the exclusion of, any authority within the area of which the operation takes place;

(*c*) contain such incidental, consequential and transitional provisions as may appear as aforesaid to be necessary or expedient for the purposes of the scheme, including provisions amending or applying, with or without modifications, any statutory provision.

(7) Nothing in the preceding provisions of this section shall be taken to require that all functions of the Commission relating to the operation of the railways shall be entrusted to authorities set up under the scheme or as requiring that all functions of the Commission relating to the operation of the railways shall be dealt with in the scheme, and, in particular, the scheme shall be such as will, in the opinion of the Commission or of the Minister, reserve to the Commission general financial control and general control of the charges to be made for the services and facilities provided.

(8) Without prejudice to the provisions of subsection (7) of this section, the scheme under this section need not deal with all or any of the railways the operation of which forms part of the passenger transport services provided at the passing of this Act by the London Transport Executive.

(9) In relation to Scotland, for the requirement in paragraph (*b*) of subsection (2) of this section there shall be substituted a requirement that the scheme shall provide for an authority for the whole of Scotland (with or without authorities for areas in Scotland) and, in relation to the authority for the whole of Scotland, references to Scotland shall, in the provisions of this section subsequent to the said paragraph (*b*), be substituted for the references to the areas of the authorities set up under the said subsection (2).

Approval and amendment of re-organisation schemes.

17.—(1) On any scheme being submitted to the Minister under the last preceding section, the Minister shall consider the scheme and shall consult with such bodies representative of classes of persons likely to be specially affected by the scheme as he may think fit and with the National Coal Board and may then, if he thinks fit, by order approve the scheme, either without modification or with such modifications as he may, after consultation with the Commission, think fit, and the scheme, as so approved, shall come into effect as from such date as may be specified therein.

(2) Any scheme approved as aforesaid may be amended or revoked by a subsequent scheme prepared and submitted by the Commission, and the preceding provisions of this section shall have effect with respect to any such subsequent scheme.

(3) Any scheme approved as aforesaid may also be amended or revoked by an order of the Minister made after consultation with the Commission, with such bodies representative of classes of persons likely to be specially affected by the order as he may think fit and with the National Coal Board.

(4) The references in subsections (2) and (3) of this section to the amendment of a scheme include references to the revocation thereof and the substitution of a new scheme, and any scheme so substituted shall be deemed to be a scheme under the last preceding section.

(5) The power conferred by this section on the Minister to make orders shall be exercisable by statutory instrument, and no order shall be made by the Minister under this section unless a draft of the order has been laid before Parliament and has been approved by a resolution of each House of Parliament.

(6) Before exercising his powers under this section in any case affecting Scotland, the Minister shall consult the Secretary of State for Scotland.

Road passenger transport, trade harbours and port facilities

Repeals and amendments relating to the Commission's functions with respect to road passenger transport.

18.—(1) Sections sixty-three and sixty-four of the Transport Act, 1947 (which relate to area schemes as to passenger road transport services), are hereby repealed.

(2) Subject to the provisions of subsection (4) of this section, sections seventy-two to seventy-six of the Road Traffic Act, 1930 (which relate to road service licences), shall apply to passenger road transport services provided by the Commission as they apply to passenger road transport services provided by other persons, and subsections (1), (3) and (4) of section sixty-five of the Transport Act, 1947 (which exempt services of the Commission from the said sections seventy-two to seventy-six and impose and confer on the Commission certain functions in respect of road passenger transport services provided by them), shall cease to have effect:

Provided that—

(*a*) any passenger road transport service which is being provided by the Commission at the passing of this Act shall be exempt from the operation of the preceding provisions of this subsection for three months from the passing of this Act and, if within the said three months an application for the grant of the necessary road service licence is duly made to the licensing authority for public service vehicles, until that application and any application for any necessary backing of the licence have been determined by the licensing authority or authorities concerned;

(*b*) any enactment in force at the end of the year nineteen hundred and forty-seven which authorised any of the bodies mentioned in the Third Schedule to the Transport Act, 1947, to construct and maintain shelters, buildings or barriers shall have the same effect in relation to the Commission as it would have if subsection (4) of the said section sixty-five had not been enacted.

(3) Subject to the provisions of subsection (4) of this section, it shall not be lawful for the Commission to run any public service vehicle as a contract carriage:

Provided that this subsection shall not apply—

(*a*) so as to prevent the use of any public service vehicle as a contract carriage to carry a pleasure party consisting of persons employed by the Commission, with or without their families or friends, or to carry any party on any journey which begins or ends within the city of Sheffield, the county borough of Halifax, the county borough of Huddersfield or the borough of Todmorden; or

(*b*) so as to prevent, up till the end of September, nineteen hundred and fifty-three, the use of any public service vehicle as a contract carriage for the purpose of performing any contract entered into by the Commission before the passing of this Act.

(4) The following provisions (being an adaptation of provisions contained in section fifteen of the London Passenger Transport Act, 1933, which, until the coming into force of the Transport Act, 1947, applied to the London Passenger Transport Board) shall apply to the Commission—

(*a*) it shall be lawful for the Commission to run any public service vehicle as a contract carriage on roads within the London Passenger Transport Area and roads outside that area within a radius of ten miles, or, in the County of Kent, five miles, from any point on the boundary of that area;

(*b*) sections seventy-two to seventy-six of the Road Traffic Act, 1930, shall not apply to a road service provided by the Commission wholly within the London special area, and, in the case of a road service provided by the Commission partly within and partly without the London special area, shall not apply to that service in so far as it is within the London special area;

(*c*) the licensing authority for public service vehicles, in considering whether they will grant or back a road service licence to the Commission in respect of any route or part of a route which is outside the London

special area but within the London Passenger Transport area, shall, in addition to the matters to which they are required to have regard by virtue of section seventy-two of the Road Traffic Act, 1930, have regard to the duty of the Commission to provide or secure the provision of an adequate and properly co-ordinated system of passenger transport for the London Passenger Transport Area,

and for the avoidance of doubt it is hereby declared that subsection (2) of section twenty-six of the London Passenger Transport Act, 1933 (which relates to charges and fares), has effect, in the case of a public service vehicle operating wholly or in part outside the London special area, subject, as respects any part of the service outside that area, to the provisions of section seventy-two of the Road Traffic Act, 1930.

(5) Notwithstanding anything in subsection (2) of section two of the Transport Act, 1947—

(*a*) the Commission shall not have power to acquire (whether absolutely or for any period) the whole or any part of any undertaking of any other person if the activities of that undertaking, or that part thereof, as the case may be, consist wholly or mainly in the provision of passenger road transport services;

(*b*) except with the consent of the Minister, the Commission shall not acquire or cause or permit any body corporate directly or indirectly controlled by them to acquire any securities if the acquisition thereof would bring under the direct or indirect control of the Commission a body corporate which is carrying on or is about to carry on an undertaking the activities of which consist wholly or mainly in the provision of passenger road transport services.

(6) Where—

(*a*) the Commission directly or indirectly control a body corporate which is carrying on or is about to carry on an undertaking the activities whereof consist wholly or mainly in the provision of passenger road transport services; and

(*b*) as a result of the Commission or any body corporate directly or indirectly controlled by the Commission disposing of any securities the Commission would no longer control the first-mentioned body corporate, whether directly or indirectly,

then, without prejudice to any other power of the Minister to give directions to the Commission, the Minister may, with the consent of the Treasury, direct the Commission to dispose or,

as the case may be, to cause the second-mentioned body corporate to dispose of those securities at such times and in such manner as may be specified in the direction, and it shall be the duty of the Commission to comply with that direction:

Provided that the securities required to be disposed of shall not be more than is necessary to divest the Commission of control of the first-mentioned body corporate.

(7) The Commission shall not, without the permission of the Minister, cause or permit the voluntary liquidation of any body corporate directly or indirectly under their control which is carrying on an undertaking the activities whereof consist wholly or mainly in the provision of passenger road transport services.

(8) Passenger road transport services provided by any body corporate which is directly or indirectly controlled by the Commission shall be deemed for the purposes of section six of the Transport Act, 1947 (which relates to Consultative Committees), to be provided by the Commission.

Trade harbours and port facilities.

19.—(1) Sections sixty-six to sixty-eight of the Transport Act, 1947 (which relate to schemes as to trade harbours), are hereby repealed.

(2) The Commission shall not, after the passing of this Act, provide port facilities in any place unless either—

(*a*) they were, on the first day of July, nineteen hundred and fifty-two, providing port facilities in that place; or

(*b*) they had, on the said first day of July, power, otherwise than by reason only of section two of the Transport Act, 1947, to provide port facilities in that place.

Charges, etc.

Amendments as to charges schemes.

20.—(1) The charges made by the Commission which are to be determined by or under charges schemes under Part V of the Transport Act, 1947, shall be the following and no other charges, that is to say—

(*a*) charges for the carriage of merchandise or passengers by railway;

(*b*) railway tolls, that is to say, charges for the use of the railways of the Commission by traffic drawn by engines not belonging to the Commission;

(*c*) tolls for the use of inland waterways;

(*d*) charges for port facilities;

(*e*) charges for the carriage of passengers by road on routes wholly or partly within the London special area, not being carriage in contract carriages; and

(*f*) such other charges, if any, as, by reason of their connection with any of the charges aforesaid, ought properly to be dealt with by a charges scheme,

and, without prejudice to the generality of the preceding provisions of this subsection, the duty imposed by section seventy-six of that Act on the Commission to prepare and submit drafts of charges schemes shall be limited accordingly:

Provided that no fares for any service or part of a service which is the subject of a road service licence shall be made the subject of any charges scheme after the passing of this Act, and any fares which are the subject of a charges scheme in force at the passing of this Act shall cease to be subject thereto on the service or part of the service to which they relate becoming the subject of a road service licence.

(2) Every charges scheme shall, as respects the services and facilities to which it relates, comply with the following requirements, that is to say—

(*a*) it shall not provide for fixed charges or standard charges;

(*b*) it shall fix maximum charges except in cases where it appears not to be reasonably practicable or to be undesirable so to do;

(*c*) in cases in which no maximum charge is fixed it shall authorise the Commission to make 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 Commission or of the person liable to the charge by the Transport Tribunal, to the exclusion of any other court;

(*d*) it shall, save as aforesaid, and subject to the provisions of this Act, secure that the charges to be made are left to the Commission's discretion and that no conditions or limitations are imposed on that discretion;

(*e*) it shall secure that the Commission have to publish the maximum charges but do not have to publish any other charges; and

(*f*) the provision which it makes for through charges shall be such as may be appropriate having regard to the preceding paragraphs of this subsection;

and section seventy-seven of the Transport Act, 1947, shall, as respects charges, be limited accordingly.

This subsection shall not invalidate any charges scheme confirmed before the passing of this Act, but any scheme amending a scheme so confirmed, being an amending scheme confirmed after the passing of this Act, shall comply with the provisions of this section.

(3) Rules made by the Transport Tribunal under section twenty-two of the Railways Act, 1921, may—

(*a*) authorise or provide for authorising the Commission, on such terms, if any, as may be specified by or under the rules—

(i) to submit provisional proposals as respects any of the matters which will fall to be dealt with under a charges scheme which they are in the course of preparing and, in particular, proposals as respects the classification of merchandise, or the terms and conditions applicable to the services and facilities which will fall to be dealt with under the scheme;

(ii) to submit to the Tribunal a request for guidance on such questions of principle affecting a charges scheme which they are in the course of preparing as may be specified in the request;

(*b*) provide for the publication of any proposals or requests so submitted, for the making of objections and representations and the holding of inquiries with respect thereto and for the provisional or final decision by the Tribunal of all or any of the matters or questions referred to or specified therein;

(*c*) prohibit, to such extent as may be specified by or under the rules, objections and other representations being made with respect to the scheme on grounds on which objections and other representations were or might have been made with respect to the proposals or request.

(4) For the avoidance of doubt it is hereby declared that the power of the Transport Tribunal to alter a charges scheme (whether at the time of the confirmation thereof or subsequently under section seventy-nine or section eighty of the Transport Act, 1947) includes power so to alter the scheme that it extends to charges to which it would not otherwise extend or does not extend to charges to which it would otherwise extend.

(5) At the end of section eighty-one of the Transport Act, 1947 (which gives a locus standi to certain local authorities as regards charges schemes) there shall be inserted the following paragraph—

"In this section 'local authority' includes the council of any non-county borough, metropolitan borough or urban district having in any case a population of not less than fifty thousand according to the last census for the time being."

(6) The reference in this section to charges for the carriage of merchandise by railway does not include a reference to collection

and delivery charges, but nothing in this subsection shall prevent collection and delivery charges being dealt with under paragraph (*f*) of subsection (1) of this section.

(7) The reference in this section to tolls for the use of inland waterways includes a reference to wharfage charges made in connection with the use of inland waterways but does not include a reference to charges for carriage by inland waterway.

(8) It is hereby declared that the discretion which, under paragraph (*d*) of subsection (2) of this section, is to be secured to the Commission includes a discretion to exceed any charge continued, with or without adjustment, by an order made under subsection (2) of section thirty-four of the Railways Act, 1921, but where the Commission make a charge exceeding any charge so continued, any person who would have been entitled to the benefit of the charge so continued may complain to the Transport Tribunal, and the Tribunal shall make such order as to the charges to be made by the Commission in the cases to which the charge so continued would have applied as may appear to the Tribunal to be reasonable.

Exclusion of certain enactments.

21.—(1) The following enactments, that is to say—

(*a*) the enactments relating to equality of charges, that is to say, section seventy-four of the Transport Act, 1947, the enactments referred to in that section, and section sixteen of the Regulation of Railways Act, 1868; and

(*b*) so much of section two of the Railway and Canal Traffic Act, 1854, or any statutory provision passed or made with respect to any particular undertaking, as prohibits undue preference; and

(*c*) section thirty-seven (except subsection (13) thereof) and section thirty-eight of the Road and Rail Traffic Act, 1933 (which relate to agreed charges); and

(*d*) sections fourteen and fifteen of the Regulation of Railways Act, 1873, sections thirty-three and thirty-four of the Railway and Canal Traffic Act, 1888, and subsection (5) of section fifty-four of the Railways Act, 1921 (which relate to charges made for the carriage of merchandise by inland waterway and to the publication of charges for such carriage and for the carriage of merchandise by sea), or any corresponding statutory provision passed or made with respect to a particular undertaking,

shall not apply to any charges made by the Commission, or, so far as the enactments mentioned in paragraph (*b*) of this subsection are concerned, to any act or omission of the Commission.

(2) Section thirty-nine of the Road and Rail Traffic Act, 1933, and section thirty-nine of the Railways Act, 1921 (which contain provisions for the protection of coastwise shipping and the interests of canals), shall have effect in relation to charges made by the Commission subject to the provisions of the Fourth Schedule to this Act, being provisions which amongst other things—

(*a*) apply section thirty-nine of the Road and Rail Traffic Act, 1933, to all charges made or proposed to be made by the Commission for the carriage of merchandise by railway other than standard charges and maximum charges, extend it so that it applies with modifications to harbour authorities as well as to coastwise shipping and provide for an expedited procedure under it in certain cases;

(*b*) apply section thirty-nine of the Railways Act, 1921, to all charges made or proposed to be made by the Commission for the carriage of merchandise by railway other than standard charges and maximum charges and extend it so that it applies to canal carriers as well as to canals,

and section thirty of the Railway and Canal Traffic Act, 1888 (which contains provisions for the protection of harbour authorities), shall not apply to any charges made by the Commission or to any other act or omission of the Commission.

(3) As soon as a charges scheme comes into force with respect to charges for the carriage of merchandise by railway, the provisions of Part III of the Railways Act, 1921 (except sections twenty to twenty-six, thirty-nine and fifty-six), shall not apply to the Commission or to any charges made by the Commission.

(4) Notwithstanding the exclusion by subsection (1) of this section of section thirty-seven of the Road and Rail Traffic Act, 1933, the Commission may, if they think fit, make such charge or charges for the carriage of the merchandise of any trader, or for the carriage of any part of his merchandise, as may be agreed by the Commission and that trader, and effect shall be given to any such agreement notwithstanding that the effect thereof in certain instances may be that the charge falling to be made thereunder will exceed the relevant maximum or standard charge:

Provided that this subsection shall have effect subject to the provisions of section thirty-nine of the Road and Rail Traffic Act, 1933, section thirty-nine of the Railways Act, 1921, and the Fourth Schedule to this Act.

Notwithstanding anything in section fifty-seven of the Railways Act, 1921, the charges provided for by any agreement made under this subsection shall not be deemed to be exceptional charges within the meaning of Part III of that Act, and the expression 'exceptional rates' in the said Part III shall be construed accordingly.

(5) Any agreement made under the said section thirty-seven shall not be affected by the fact that all or any of the charges to which it relates have ceased to be subject to the said section thirty-seven, but shall, as respects those charges, be deemed to be made under the last preceding subsection.

(6) So much of any statutory provision passed or made with respect to any particular undertaking as limits the discretion of the persons carrying on that undertaking as to the charges to be made by them for carriage by water (whether by specifying, or providing for specifying, the charges to be made, or fixing, or providing for fixing, maximum charges, or otherwise) shall not apply to the charges of the Commission.

(7) In this section, "trader" means a person sending or receiving or desiring to send or receive merchandise by railway.

Protection of traders against unreasonable or unfair treatment as to charges.

22.—(1) Any person desiring to send merchandise by railway in circumstances in which that merchandise cannot reasonably be carried by any other means of transport who is of opinion that the charge which he is or will be required to pay in respect of the carriage by railway of that merchandise in those circumstances is unreasonable or unfair may complain to the Transport Tribunal.

(2) On any such complaint, the Transport Tribunal shall hear the complainant and the Commission and shall first satisfy themselves that, in the circumstances in which it is to be carried, the merchandise cannot reasonably be carried by any means of transport other than railway.

(3) If the Transport Tribunal are so satisfied, they may, on the application of the complainant, by order require the Commission to disclose to the complainant any charges which are being made by the Commission for the carriage by railway of such merchandise as may be specified in the order between such places as may be so specified, being the carriage of the same or similar merchandise in the same or similar circumstances.

(4) If the Transport Tribunal are so satisfied as aforesaid and either—

(*a*) no order has been made by them under subsection (3) of this section; or

(*b*) such an order has been made and the complainant, within one month of the date upon which the Commission complies with that order, gives notice to the Tribunal that he has not withdrawn his complaint,

the Tribunal shall consider whether or not the charge complained of is unreasonable or unfair.

(5) If on any such consideration as aforesaid the Transport Tribunal are not satisfied by the Commission that the charge complained of is in all the circumstances fair and reasonable, they may make such order in the matter as they consider just.

Special procedure for temporary authorisation of increased charges.

23.—(1) If it appears to the Commission that the following conditions are fulfilled, that is to say—

(*a*) that there has been or will be an increase in their costs which will, unless met quickly by an increase in their charges, seriously affect their financial position; and

(*b*) that the necessary increase of their revenue cannot reasonably be obtained without making charges greater than those authorised by the charges schemes for the time being in force,

they may take either or both of the following courses, that is to say—

(i) they may apply to the Transport Tribunal under this subsection for temporary amendments of all or any of the schemes (being schemes devoted exclusively or principally to determining the charges to be made for the carriage of passengers) so as to increase all or any of the charges authorised by the schemes;

(ii) they may, by notice published in the London and Edinburgh Gazettes and in such other manner as may appear to them best adapted for informing persons affected, declare that all or any of the maximum charges fixed by any of the charges schemes (not being such charges schemes as aforesaid) are to be treated, as from a date specified in the notice, as increased by such percentages as may be so specified in relation to those maximum charges respectively;

and where such a notice is published, the schemes shall until such date as may be fixed under subsection (6) of this section be deemed to be amended accordingly:

Provided that the increase made in any one maximum charge by a notice published under this subsection or, where more than one notice so published is in force at the same time, by all the notices so in force taken together, shall not exceed ten per cent.

(2) Where an application is made to the Transport Tribunal under subsection (1) of this section, they shall consider it as quickly as may be, ex parte, in private and without any publication of the application, and if, after hearing the Commission, they are satisfied that the conditions specified in subsection (1) of this section are fulfilled, they shall by order make such amendments of the schemes or any of them as they think necessary:

Provided that the Tribunal, on any such application—

(*a*) shall not, in relation to any scheme, make any order which will, in their opinion, either alone or together with any other order under this subsection which is still in force and affects that scheme, result in an increase of more than ten per cent. in the revenue of the Commission from the charges to which that scheme relates;

(*b*) shall not make any order which in their opinion will result in the revenue of the Commission from passenger transport services provided for the purposes of so much of their undertaking as is at the passing of this Act being carried on through the London Transport Executive being increased by more than so much of the increase in the costs of the Commission which was the occasion of the application as is properly apportionable to the provision of such services.

(3) Any order under subsection (2) of this section—

(*a*) shall come into force on such date as may be specified in the order; and

(*b*) shall continue in force until such date as may be fixed under subsection (6) of this section.

(4) Where the Transport Tribunal make an order under subsection (2) of this section, the Commission shall forthwith publish the order in such manner as the Tribunal may direct.

(5) Where the Transport Tribunal make an order under subsection (2) of this section or the Commission publish a notice under subsection (1) of this section, the Commission shall, within one month or such longer period as the Minister may allow, apply to the Tribunal under section seventy-nine of the Transport Act, 1947, for the alteration of all or any of the charges schemes in force, and the proviso to subsection (1) of the said section seventy-nine (which prevents the Transport Tribunal from entertaining applications under that section unless certain conditions are complied with) shall not apply to any application made in pursuance of this subsection.

(6) When the Transport Tribunal determine any application made in pursuance of subsection (5) of this section, they shall by order fix a date for the termination of the operation of the relevant order made by them under subsection (2) of this section or, as the case may be, of the relevant notice under subsection (1) of this section.

(7) For the avoidance of doubt it is hereby declared—

(*a*) that the schemes sought to be altered by an application made in pursuance of subsection (5) of this section may be different from the schemes amended by the relevant order under subsection (2) of this section or deemed to be amended by the relevant notice under subsection (1) of this section; and

(*b*) that the alterations sought for by such an application may be different from the amendments made by the relevant order under the said subsection (2) or deemed to be made by the relevant notice under the said subsection (1).

Amendments to Cheap Trains Act, 1883, s. 6.

24.—(1) The charges to be made in default of agreement between the Commission or railway company concerned and the Secretary of State, Admiralty or police authority for any conveyance provided in pursuance of section six of the Cheap Trains Act, 1883, shall be charges at such rates as may from time to time be determined by the Transport Tribunal on the application of the Commission or railway company concerned or of the Secretary of State, Admiralty or police authority, and paragraphs (ii) to (v) of subsection (1) of that section (except so much of paragraph (iii) thereof as applies that section to wives, widows and children) shall cease to have effect.

(2) Any increase in the sums payable out of moneys provided by Parliament which is attributable to the amendment of the said section six effected by this section shall be paid out of moneys so provided.

(3) This section shall come into force on the appointed day.

Amendments as to general duty and constitution of Commission, etc.

Amendments as to general duty and constitution of Commission, etc.

25.—(1) For subsections (1) to (3) of section three of the Transport Act, 1947 (which relates to the general duty of the Commission), there shall be substituted the following subsection—

" (1) It shall be the general duty of the Commission, in the exercise of their powers under this Act—

(*a*) to provide railway services for Great Britain;

(*b*) to provide or secure the provision of an adequate and properly co-ordinated system of passenger transport for the London Passenger Transport Area;

(*c*) to provide, in such places and to such extent as may appear to the Commission to be expedient, other transport services;

(*d*) to provide, in such places and to such extent as may appear to the Commission to be expedient, facilities for traffic on inland waterways; and

(*e*) to provide, to such extent as may appear to the Commission to be expedient, port facilities in such places as may appear to them to be expedient, being places in which they were providing port facilities on the first day of July, nineteen hundred and fifty-two, or had, on the said first day of July, power otherwise than by reason only of section two of this Act to provide port facilities,

due regard being had, as respects all the services and facilities mentioned in this subsection, to efficiency, economy and safety of operation and to the needs of the public, agriculture, commerce and industry."

(2) The following provisions shall have effect as respects the membership of the Commission—

(*a*) the maximum number of members of the Commission other than the chairman shall, instead of being eight, be fourteen, of whom at least two shall be persons appointed after consultation with the Secretary of State for Scotland as being persons likely to be conversant with the circumstances and special requirements of Scotland;

(*b*) in exercising the powers exercisable by him under or by virtue of section one of the Transport Act, 1947, the Minister shall have regard to the desirability of securing that the members of the Commission include—

(i) persons who between them have had experience in the management of railways and road transport and in the organisation of workers; and

(ii) persons who, otherwise than by virtue of such experience as aforesaid, may between them be expected to be conversant with the requirements, as respects transport, of agriculture, commerce and industry.

(3) The power conferred on the Minister by subsection (3) of section five of the Transport Act, 1947, to make provision as to the number and names of the Executives shall include power to provide that there shall be no Executives.

(4) For the avoidance of doubt it is hereby declared that the matters to which licensing authorities for public service vehicles and licensing authorities for goods vehicles are to have regard in exercising their discretion to grant or refuse applications for licences do not include the duty imposed upon the Commission by paragraph (*c*) of subsection (1) of section three of the Transport Act, 1947, as amended by subsection (1) of this section.

Miscellaneous amendments as to Commission.

26.—(1) The following provisions shall have effect as respects the borrowing powers of the Commission—

(*a*) the provisos to subsections (1) and (2) of section eighty-eight of the Transport Act, 1947 (which impose limits of twenty-five million pounds and two hundred and fifty million pounds on temporary borrowings and borrowings by the issue of stock otherwise than for the purposes specified in paragraphs (*b*) and (*d*) of the said subsection (2)), shall cease to have effect;

(*b*) the aggregate of the amounts outstanding—

(i) in respect of the principal of any British transport stock issued otherwise than for the purposes specified in paragraph (*d*) of the said subsection (2) or in paragraph (*b*) of subsection (1) of section eighty-nine of the said Act; and

(ii) in respect of any temporary loans raised by the Commission under subsection (1) of the said section eighty-eight,

shall not at any time exceed the sum of two hundred and seventy-five million pounds;

(*c*) any consent or authority for temporary borrowings given by the Minister under subsection (1) of the said section eighty-eight shall require the approval of the Treasury;

(*d*) nothing in the said section eighty-eight shall apply to any borrowings of the Commission from any body which, within the meaning of subsection (6) of section one hundred and one of the Transport Act, 1947, is completely controlled by the Commission, but no such borrowings shall be deemed to be temporary loans for the purposes of subsection (1) of section ninety of that Act (which empowers the Treasury to give guarantees in respect of borrowings by the Commission):

Provided that nothing in paragraph (*b*) of this subsection shall prevent the Commission from borrowing in excess of the sum

therein referred to for the purpose of redeeming any British transport stock which they are required or entitled to redeem, or of repaying any money temporarily borrowed under subsection (1) of the said section eighty-eight.

Any additional sums which, by reason of the amendments effected by the preceding provisions of this subsection, are required by the Treasury for fulfilling any guarantee of British transport stock or of any temporary loan raised by the Commission shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

(2) The Commission shall have power to engage in any activities which the Minister may from time to time think fit in the interests of national defence to authorise or direct them to engage in, and the limitations imposed by the provisos to subsections (2) and (3) of section two of the Transport Act, 1947, and by subsection (4) of that section shall not apply to any such activities:

Provided that the Minister shall not authorise or direct the Commission to engage in any form of activity falling within the scope of the said limitations unless he is satisfied that, unless he gives the direction or authority, work required in the interests of national defence cannot be carried out or cannot be carried out without serious risk of undue delay or of loss of efficiency.

(3) For the purposes of section forty-two of the Finance Act, 1930 (which gives relief from stamp duty in the case of a transfer of property as between associated companies with limited liability), the Commission shall be deemed to be a company with limited liability.

(4) The Commission may cause to be incorporated under the Companies Act, 1948, one or more companies under their direct or indirect control, the powers of which include power to carry on business as carriers of goods by road in Great Britain.

Pension rights and compensation to employees

Provisions as to pension rights.

27.—(1) The Minister shall make regulations—

(*a*) for providing or securing the provision of pensions to or in respect of persons who, having been in the employment of the Commission and, in connection with that employment, having had pension rights under pension schemes (hereafter in this section referred to as "existing pension schemes"), cease to be in the employment of the Commission in consequence of the duties imposed on the Commission by this Act as to the disposal of the property held by them for the purposes of the existing road haulage undertaking, of the powers and duties conferred on the Commission and the Minister by this Act in connection with the reorganisation of that part of the Commission's under-

taking which consists in the operation of the railways, or of the modifications of the functions of the Commission effected by this Act; and

(*b*) for enabling persons in the employment of the Commission who, being participants in a pension scheme, suffer any diminution of their emoluments or change in the nature or terms of their employment in consequence of the said duties, powers and duties or modifications to avoid, on such terms as may be provided for by the regulations, any corresponding diminution in, or consequential loss of, any pension to or for which they may or might have become entitled or eligible,

and any such regulations may for the purposes aforesaid, amend any existing pension scheme and any statutory provision relating thereto or any trust deed, rules or other instrument made for the purposes thereof.

(2) Without prejudice to the generality of the preceding subsection, regulations made under this section may provide, in a case where any such person obtains other employment and, in connection with that employment, has pension rights under another pension scheme, for the making of a payment, by way of transfer value or otherwise, to the persons administering that scheme, being a payment by the Commission or out of any pension fund established under the existing pension scheme or a payment partly by the Commission and partly out of any such pension fund, and for conferring on the said person, in accordance with arrangements made with the persons administering the other pension scheme, pension rights equal in value to those which he had under the existing pension scheme; and the regulations may empower any persons administering that other pension scheme to carry out any such arrangements, notwithstanding anything to the contrary contained in the scheme or in any statutory provision, trust deed, rules or other instrument made for the purposes thereof.

(3) Regulations made under this section may be made so as to have effect from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any person other than the Commission in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

(4) Regulations made under this section may contain such supplementary and consequential provisions as the Minister thinks necessary, including—

(*a*) provisions as to the procedure for determining questions arising under the regulations and the manner in which and the persons by whom such questions are to be determined; and

(*b*) in particular, provisions enabling appeals from any determination of any such question to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor, or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State.

Where any such provision is made as is specified in paragraph (*b*) of this subsection, the decision of the referee or board of referees shall be final, and nothing in the Arbitration Act, 1950, shall be construed as applying to any proceedings before any such referee or board of referees.

(5) The power to make regulations under this section shall be exercisable by statutory instrument and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Compensation to officers and servants.

28.—(1) The Minister shall by regulations provide for the payment by the Commission, in such cases and to such extent as may be specified in the regulations, of compensation to officers or servants of the Commission who suffer loss of employment or loss or diminution of emoluments or pension rights, or whose position is worsened, in consequence of the duties imposed on the Commission by this Act as to the disposal of the property held by the Commission for the purposes of the existing road haulage undertaking, of the powers and duties conferred on the Commission and the Minister by this Act in connection with the re-organisation of that part of the Commission's undertaking which consists in the operation of the railways, or of the modifications of the functions of the Commission effected by this Act.

(2) Different regulations may be made under this section in relation to different classes of persons and different classes of cases, and any such regulations may be made so as to have effect as from a date prior to the making thereof, so, however, that so much of any regulations as provides that any provision thereof is to have effect as from a date earlier than the making thereof shall not place any officer or servant to whom the regulations relate in a worse position than he would have been in if the regulations had been made to have effect only as from the date of the making thereof.

(3) Regulations made under this section—

(*a*) may prescribe the procedure to be followed in making claims for compensation, and the manner in which and the persons by whom the question whether any or what compensation is payable is to be determined; and

(*b*) may in particular contain provisions enabling appeals from any determination as to whether any or what compensation is payable to be brought, in such cases and subject to such conditions as may be prescribed by the regulations, to a referee or board of referees appointed by the Minister of Labour and National Service, after consultation with the Lord Chancellor, or, where the proceedings are to be held in Scotland, after consultation with the Secretary of State.

Where any such provision is made as is specified in paragraph (*b*) of this subsection, the decision of the referee or board of referees shall be final and nothing in the Arbitration Act, 1950, shall be construed as applying to any proceedings before any such referee or board of referees.

(4) The power to make regulations under this section shall be exercisable by statutory instrument and no regulations shall be made by the Minister under this subsection unless a draft of the regulations has been laid before Parliament and has been approved by a resolution of each House of Parliament.

Miscellaneous and General

Amendments as to Consultative Committees for Scotland and Wales.

29.—(1) In proviso (*b*) to subsection (3) of section six of the Transport Act, 1947 (which provides, inter alia, that there shall be a Transport Users Consultative Committee in respect of both passenger and goods traffic for Wales), after the word "Wales", in both places where it occurs, there shall be inserted the words "and Monmouthshire", and the Transport Users Consultative Committee in respect of passenger and goods traffic established for Wales at the passing of this Act shall be deemed to have been established for Wales and Monmouthshire.

(2) Copies of the minutes and of the recommendations or conclusions of the Transport Users Consultative Committee for Scotland referred to in the said proviso (*b*) and of the Transport Users Consultative Committee for Wales and Monmouthshire referred to in subsection (1) of this section shall be sent to the Minister as well as to the Commission and the Central Transport Consultative Committee, and, where a copy of such a recommendation is so sent to the Minister, the Minister may give such directions to the Commission with respect to the matters dealt with by the recommendation as he thinks fit, and the Commission shall give effect to any such directions.

(3) Copies of the minutes and of the recommendations or conclusions of any Transport Users Consultative Committee the whole or any part of the area of which consists of or includes any part of Scotland, or any part of Wales and Monmouthshire, shall be sent to the Committee for Scotland, or, as the case may

be, for Wales and Monmouthshire, referred to in subsection (2) of this section as well as to the Central Transport Consultative Committee and the Commission, and the said Committees referred to in the said subsection (2) shall each make an annual report to the Minister copies of which shall be laid before each House of Parliament.

Amendments as to Coastal Shipping Advisory Committee.

30.—(1) In subsection (1) of section seventy-one of the Transport Act, 1947 (which provides for the establishment of a Coastal Shipping Advisory Committee), after the words " the interests of the Commission and those of persons engaged in coastal shipping " there shall be inserted the words " or the interests of carriers of goods by road for hire or reward and those of the said persons, or the interests of the Commission and those of the said carriers and those of the said persons ".

(2) At the end of paragraph (*b*) of subsection (2) of the said section seventy-one there shall be added the words " and

(*c*) such number of persons representing the interests of carriers of goods by road for hire or reward as the Minister thinks fit, to be appointed by him after consultation with such body or bodies as he thinks fit, being a body or bodies who appear to him to be representative of those carriers " ;

and in the said subsection (2) for the words " the number of representatives of the Commission on the said Committee " there shall be substituted the words " the aggregate number of the other members of the said Committee."

(3) The preceding provisions of this section shall come into force on the appointed day, and the persons who, immediately before that day, are members of the said Committee shall cease to hold office as such on that day unless they have been reappointed to be members of the said Committee under the said section seventy-one as amended by this section.

Before appointing a day under this subsection the Minister shall consult the said Committee.

(4) As from the passing of this Act it shall be part of the functions of the said Committee to take all steps open to them to secure the establishment and maintenance of suitable arrangements for promoting consultation between persons affording services and facilities for the carriage of goods by coastal shipping and by rail, road and inland waterway, respectively.

Amendments as to Transport Tribunal.

31.—(1) The obligation imposed on the Commission—

(*a*) by subsection (2) of section twenty-one of the Railways Act, 1921, to repay to the Minister the remuneration of the members, officers and servants, and other expenses, of the Transport Tribunal, so far as they are not met out of the amount recovered by way of fees ; and

(*b*) by sub-paragraph (2) of paragraph 7 of the Tenth Schedule to the Transport Act, 1947, to pay to the Minister the remuneration and expenses of persons appointed from any panel of the said Tribunal and of certain additional members of the said Tribunal, so far as they are not met out of the amount recovered by way of fees,

shall not apply to so much of the said remuneration and expenses (so far as not met as aforesaid) as may be apportioned by the Tribunal to the exercise after the passing of this Act of the jurisdiction transferred to them by section seventy-three of the Transport Act, 1947, in respect of appeals from licensing authorities under Part I of the Road and Rail Traffic Act, 1933.

(2) The Tenth Schedule to the Transport Act, 1947 (which contains miscellaneous provisions as to the Transport Tribunal), shall have effect as if—

(*a*) the reference in paragraph 5 thereof to the jurisdiction conferred on the Tribunal by that Act; and

(*b*) the reference in paragraph 6 thereof to the jurisdiction conferred on the Tribunal by that Act other than jurisdiction which, but for the provisions of that Act would have been jurisdiction of the Railway and Canal Commission or of the High Court or the Court of Session,

included references to any jurisdiction conferred on the Transport Tribunal by or by virtue of this Act.

(3) It is hereby declared that the repeal by the Railway and Canal Commission (Abolition) Act, 1949, of section seventeen of the Railway and Canal Traffic Act, 1888 (which contained provisions as to appeals from the Railway and Canal Commission), and of all enactments applying that section, did not affect the said section seventeen as applied to the Transport Tribunal by section twenty-six of the Railways Act, 1921, and by that section as extended by subsection (13) of section thirty-seven of the Road and Rail Traffic Act, 1933, and paragraph 5 of the Tenth Schedule to the Transport Act, 1947.

(4) Any reference in the Transport Act, 1947, to the permanent members of the Transport Tribunal shall be construed as including a reference to any person appointed under subsection (3) of section twenty-four of the Railways Act, 1921, to act in the place of a permanent member.

Amendments as to Transport Arbitration Tribunal.

32.—(1) In subsection (4) of section one hundred and five of the Transport Act, 1947 (which provides for the appointment of a person to discharge the duties of any member of the Transport Arbitration Tribunal temporarily incapable of performing the

duties of his office), for the words " If any member of the arbitration tribunal becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office " there shall be substituted the words " If any member of the arbitration tribunal, by reason of illness or other infirmity or absence, is temporarily unable to perform the duties of his office ".

Any increase attributable to this subsection in the sums which, under subsection (4) of section one hundred and seven of the said Act, are payable out of moneys provided by Parliament shall be paid out of moneys so provided, without prejudice, however, to the duty of the Commission under the said subsection (4) to repay the increase to the Minister.

(2) It is hereby declared, for the removal of doubt, that the power of the Transport Arbitration Tribunal under subsection (5) of the said section one hundred and five to appoint a person or persons to hear and determine proceedings referred to him or them by the Tribunal may be exercised by the appointment of a member or members of the Tribunal whether with or without other persons.

(3) In the proviso to subsection (1) of section one hundred and eight of the Transport Act, 1947 (which provides that the confirmation of the Transport Arbitration Tribunal shall not be required in the case of an agreement for the payment of compensation under Part III of that Act to any person if the total amount of the compensation payable to him under the agreement does not exceed twenty thousand pounds), for the words " twenty thousand " there shall be substituted the words " one hundred thousand."

Repeal of s. 7 and s. 114 of Transport Act, 1947.

33. Section seven of the Transport Act, 1947 (which enables persons carrying on undertakings to make and carry out agreements for the transfer of those undertakings to the Commission and contains other provisions for facilitating the carrying on of undertakings agreed to be transferred to the Commission), and section one hundred and fourteen of that Act (which provides for the payment of additional compensation to local authorities in respect of the transfer of undertakings under Part II or Part IV of that Act) are hereby repealed.

Administrative provisions.

34.—(1) The Minister may hold inquiries for the purposes of his powers and duties under this Act as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.

(2) Any administrative expenses incurred by the Minister in the execution of this Act (including any charges and expenses of licensing authorities and other persons incurred in or by reason of the execution thereof which are directed by the Minister under

subsection (3) of section twenty-two of the Road and Rail Traffic Act, 1933, to be paid as expenses of the roads department of the Ministry of Transport) shall be paid out of moneys provided by Parliament.

(3) The Minister of Labour and National Service may, with the consent of the Treasury, pay, out of moneys provided by Parliament—

(*a*) to any referee or to the members of any board of referees appointed by him under the provisions of this Act relating to pension rights of and compensation to officers and servants such fees and allowances as he may with the consent of the Treasury determine; and

(*b*) to a person giving evidence before any such referee or board such allowances as the Minister may with the consent of the Treasury determine.

(4) Any increases attributable to any of the provisions of this Act in the sums payable into the Exchequer under subsection (2) of section one hundred and twenty-three of the Transport Act, 1947, shall be paid into the Exchequer.

Interpretation

35.—(1) Section one hundred and twenty-five of the Transport Act, 1947, except subsections (2) and (3) thereof, shall apply for the interpretation of this Act as it applies for the interpretation of that Act, as if any reference therein to that Act included a reference to this Act, and in this Act " charges scheme " means a charges scheme as defined in section seventy-six of that Act:

Provided that, in this Act, " property " includes claims for debts and other monetary claims.

(2) Except where the context otherwise requires, in the provisions of this Act relating to the carriage of goods by road expressions have the same meanings as in Part I of the Road and Rail Traffic Act, 1933, except that " motor vehicle " means a goods vehicle within the meaning of the said Part I other than a trailer.

(3) Except where the context otherwise requires, in the provisions of this Act relating to the carriage of passengers by road expressions have the same meanings as in the Road Traffic Act, 1930.

(4) In this Act " the London Passenger Transport Area " has the meaning assigned to it by section one hundred and seven of the London Passenger Transport Act, 1933, and " the London special area " means the special area as defined in the said section one hundred and seven.

(5) In this Act "merchandise" includes goods, minerals, live stock and animals of all descriptions, and "undue preference" has the meaning assigned to it by section fifty-five of the Railway and Canal Traffic Act, 1888, that is to say, it includes an undue preference or an undue or unreasonable prejudice or disadvantage in any respect, in favour of or against any person or particular class of persons or any particular description of traffic.

(6) In this Act "the appointed day" means such day as the Minister may by order (which shall be a statutory instrument) appoint, and different days may be appointed for different purposes and for different provisions of this Act.

(7) Any reference in this Act to the Commission includes, as respects matters falling within the scope of any delegation to an Executive, a reference to that Executive, and, as respects matters falling within the scope of any delegation to any authority or other person which is effected by or under any scheme under this Act with respect to the re-organisation of the Commission's railways, includes, save so far as the contrary is provided by the scheme, a reference to that authority or person.

(8) It is hereby declared that any reference in the Transport Act, 1947, to the functions of the Commission includes a reference to any powers and duties conferred or imposed on the Commission by this Act, and any reference in that Act to directions given by the Minister to the Commission thereunder shall be deemed to include a reference to directions given by the Minister to the Commission under this Act.

Short title, extent and repeals.

36.—(1) This Act may be cited as the Transport Act, 1953.

(2) Sections sixteen, seventeen and twenty-five of this Act shall, so far as applicable to so much of the undertaking of the Commission as represents the undertaking of any of the bodies specified in the Third Schedule to the Transport Act, 1947, extend to Northern Ireland but, save as aforesaid, this Act shall not extend to Northern Ireland.

(3) The provisions of the Transport Act, 1947, are hereby repealed to the extent specified in Part I of the Fifth Schedule to this Act, subject to the savings contained in Part II of that Schedule.

SCHEDULES

FIRST SCHEDULE

Sections 3, 4, 5, 7, 11.

RIGHTS OF OBTAINING LICENCES FOR FIVE YEARS FOR GOODS VEHICLES FREE OF CHARGE

PART I

VEHICLES COMPRISED IN TRANSPORT UNITS

Rights on initial application

1. If the purchaser of a transport unit, before the date on which he obtains delivery of any motor vehicles as or as part of that unit, makes an application with respect to any of those vehicles (except additional vehicles) and no other motor vehicles for an A licence authorising the use of those vehicles, then, subject to the provisions of this Part of this Schedule—

(*a*) the application shall not be refused; and

(*b*) the condition specified in section fifty-two of the Transport Act, 1947 (namely that, except under or in accordance with a permit granted by the Commission, goods shall not be carried for hire or reward in any authorised vehicle if at any time while the goods are being so carried the vehicle is more than twenty-five miles from its operating centre), shall not apply to the licence; and

(*c*) the licence shall be granted for so much of the five year period (as hereinafter defined) as remains unexpired on the date on which the licence is expressed to take effect, and subsections (1) to (4) of section three of the Road and Rail Traffic Act, 1933, shall not apply to the licence; and

(*d*) no fee shall be charged in respect of the grant of the licence; and

(*e*) until the application is determined, the applicant shall be in the same position as respects the vehicles to which the application relates as he would have been in if the application had been granted:

Provided that the licensing authority may entertain any such application as aforesaid which is through inadvertence or other cause made on or after the first-mentioned date, and the preceding provisions of this paragraph shall thereupon apply to that application except sub-paragraph (*e*) thereof.

A licence granted under this paragraph is hereafter in this Part of this Schedule referred to as " a special A licence ".

2. Where a transport unit includes trailers, but not otherwise, an application made by the purchaser of the unit for a special A licence with respect to any motor vehicles included therein may extend to a specified number of trailers:

Provided that the number of trailers so specified, together with the number of trailers (if any) specified by him in other such applications relating to the same transport unit, shall not exceed the number of trailers (other than additional vehicles) included in that transport unit.

1ST SCH. —*cont.*

3. Where, before an application is made for a special A licence with respect to any motor vehicle included in a transport unit, that vehicle is destroyed or damaged beyond repair, another vehicle of the same or less weight unladen may be included in the application instead of the destroyed or damaged vehicle and if, while any such application is pending with respect to such a motor vehicle, the motor vehicle is destroyed or damaged beyond repair, the application shall, if the applicant so requires, be treated as if it had been made with respect to another vehicle of the same or less weight unladen instead of the destroyed or damaged vehicle; and paragraph 1 of this Part of this Schedule shall apply in each case to that other vehicle as it would have applied to the destroyed or damaged vehicle.

4. Notwithstanding anything in this Part of this Schedule, where the permanent base or centre specified in an application for a special A licence as that from which it is intended that the authorised vehicles will normally be used for the purpose of carrying goods for hire or reward is not the permanent base or centre from which the vehicles in question, or, as the case may be, the vehicles corresponding thereto, were last used by the Commission before the publication of the public notice inviting tenders for the purchase of the transport unit, the licensing authority may refuse the application if it appears to him that the vehicles used from the first-mentioned base or centre could not conveniently serve substantially the same areas as those which might conveniently be served by vehicles used from the second-mentioned base or centre.

In relation to such a transfer as is provided for by section four of this Act, the reference in this paragraph to the publication of the public notice inviting tenders shall be deemed to be a reference to the date of the transfer.

5. Notwithstanding the last preceding paragraph, an application for a special A licence shall be deemed, for the purposes of section eleven of the Road and Rail Traffic Act, 1933 (which relates to the procedure on applications for licences), to be an application which the licensing authority is bound to grant.

Variation, revocation and suspension of licences, assignment of vehicles, etc.

6. No variation of a special A licence shall be made except a variation consisting only of the removal of a specified vehicle from the licence, or of the specification in the licence in substitution for a specified vehicle of a vehicle of the same or less weight unladen, or of a reduction in the number of trailers specified in the licence.

7. Nothing in this Part of this Schedule shall be taken as preventing the licensing authority from exercising, in relation to special A licences, his power to revoke or suspend a licence or to give directions under subsection (3) of section thirteen of the Road and Rail Traffic Act, 1933.

8. Where the holder of a special A licence—

(*a*) agrees to assign any of the authorised vehicles to any other person (other than the Commission); and

(*b*) gives particulars of the agreement to the licensing authority by whom the licence was granted; and

(*c*) makes an application to the end that, as from the date of the delivery of the vehicles to the assignee, the licence shall be revoked or so varied as not to authorise the use of the vehicles (or any vehicles substituted therefor in the licence), or, in so far as the vehicles are trailers, so as to reduce the number of trailers by the number of trailers agreed to be assigned,

the proposed assignee shall have the same rights under the preceding provisions of this Part of this Schedule, for the purpose of obtaining a new special A licence with respect to the assigned vehicles or vehicles substituted therefor, as he would have if he were the purchaser of a transport unit consisting of the assigned vehicles and the date of delivery were the same date as the date of delivery under the assignment, so, however, that the five year period shall be calculated as from the date of the original delivery of the vehicles or, as the case may be, the vehicles corresponding thereto, as or as part of a transport unit.

An application made under sub-paragraph (*c*) of this paragraph shall not be withdrawn unless the licensing authority, being satisfied that the assignment has not taken place and will not take place, permits it to be withdrawn, and, where permission is given, this paragraph shall not apply to the agreement which was the ground of the application.

9. Any person who, by virtue of regulations made under section twenty-one of the Road and Rail Traffic Act, 1933, is deemed temporarily to be the holder of a special A licence shall have the same rights under the preceding provisions of this Part of this Schedule, for the purpose of obtaining a new special A licence with respect to the authorised vehicles or vehicles substituted therefor, as he would have if he were the purchaser of a transport unit consisting of the authorised vehicles and the date of delivery were the date on which he ceased to be deemed to be the holder of that licence, so, however, that the five year period shall be calculated from the date of the original delivery of the vehicles or, as the case may be, the vehicles corresponding thereto, as or as part of a transport unit.

Interpretation

10. Where the purchaser of a transport unit is, within the meaning of section twelve of the Road and Rail Traffic Act, 1933, a subsidiary of a holding company, the references in paragraphs 1 and 2 of this Part of this Schedule to the making of applications by the purchaser of a transport unit shall include references to the making of applications by the holding company in accordance with the said section twelve and, in relation to a special A licence held by such a holding company, paragraph 8 of this Part of this Schedule shall have effect as if any agreement to assign, or assignment of, any of the authorised vehicles by the subsidiary company were an agreement or assignment by the holding company.

11. The references in paragraphs 1 and 2 of this Part of this Schedule to the purchaser of a transport unit shall include references to a person who, on the death, incapacity, bankruptcy or liquidation of the

1ST SCH. —*cont.*

purchaser or the appointment of a receiver or manager in relation to his business, becomes entitled to apply for an A licence in respect of the vehicles included in that unit.

12. In this Part of this Schedule, " additional vehicles " means vehicles included in a transport unit and specified as additional vehicles under subsection (5) of section three of this Act, " assignment ", in relation to any vehicles, includes the transfer of possession of the vehicles under a hire purchase agreement, and " the five year period ", in relation to any vehicles, means the period beginning with the date on which those vehicles or, as the case may be, vehicles corresponding thereto, were delivered as or as part of a transport unit sold by the Commission and ending with such date prescribed under subsection (2) of section three of the Road and Rail Traffic Act, 1933, as falls next before the expiration of the period of five years beginning with the first-mentioned date.

PART II

GOODS VEHICLES OF COMMISSION

1.—(1) If the Commission, before the expiration of six months from the passing of this Act, apply for the grant of an A licence or a C licence authorising the use of any motor vehicles which at the passing of this Act belonged to the Commission and no other motor vehicles, then, subject to the provisions of this paragraph—

(*a*) the application shall not be refused; and

(*b*) the licence shall be granted for so much of the five year period (as hereinafter defined) as remains unexpired on the date when the licence is expressed to take effect, and subsections (1) to (4) of section three of the Road and Rail Traffic Act, 1933, shall not apply to the licence; and

(*c*) no fee shall be charged in respect of the grant of the licence.

(2) No application for an A licence shall be made under this paragraph in respect of any motor vehicles which at the passing of this Act were being used exclusively for purposes other than hire or reward.

(3) The total number of motor vehicles the use of which is authorised by A licences granted under this paragraph shall not at any time exceed the sum of the two following numbers, that is to say—

(*a*) eleven-twelfths of the number of motor vehicles which, at the end of the year nineteen hundred and fifty-two, were property held by the Commission for the purposes of the existing road haulage undertaking; and

(*b*) the total number of motor vehicles belonging to the Commission at the passing of this Act, not being property then held as aforesaid and not being vehicles which were then being used exclusively for purposes other than hire or reward:

Provided that where any motor vehicles are sold as or as part of transport units, the total number of vehicles the use of which is allowed by this sub-paragraph to be authorised as aforesaid shall be reduced by the number of motor vehicles so sold.

1ST SCH. —*cont.*

(4) Where the Commission apply for an A licence under this paragraph, they shall furnish to the licensing authority a certificate that the grant of the application will not result in any contravention of sub-paragraph (2) or sub-paragraph (3) of this paragraph.

2. An application under the preceding paragraph may extend to a specified number of trailers.

3. If a motor vehicle with respect to which an application for the grant of an A licence or a C licence may be made under paragraph 1 of this Part of this Schedule is destroyed or damaged beyond repair or is disposed of in the ordinary course of the business of the Commission before such an application is made with respect thereto, another vehicle of the same or less weight unladen may be included in such an application instead of the vehicle which was destroyed, damaged or disposed of, and if, while any such application is pending with respect to such a vehicle, the vehicle is destroyed, damaged beyond repair or disposed of as aforesaid, the application shall, if the Commission so require, be treated as if it had been made in respect of another vehicle of the same or less weight unladen instead of the vehicle which was destroyed, damaged or disposed of; and paragraph 1 of this Part of this Schedule shall apply in each case to that other vehicle as it would have applied to the vehicle which was destroyed, damaged or disposed of.

4. No variation shall be made of an A licence granted under paragraph 1 of this Part of this Schedule except a variation consisting only of the removal of a specified vehicle from the licence, or of the specification in the licence in substitution for a specified vehicle of a vehicle of the same or less weight unladen, or of a reduction in the number of trailers specified in the licence.

5. Nothing in this Part of this Schedule shall be taken as preventing the licensing authority from exercising, in relation to a licence granted under paragraph 1 of this Part of this Schedule, his power to revoke or suspend a licence or to give directions under subsection (3) of section thirteen of the Road and Rail Traffic Act, 1933.

6. No vehicle shall be substituted in an A licence granted under paragraph 1 of this Part of this Schedule for any motor vehicle sold as or as part of a transport unit, and where a motor vehicle which has at any time been authorised to be used under such an A licence is so sold, any vehicle which has been substituted (directly or indirectly) in that licence for that vehicle shall cease to be an authorised vehicle under that licence, and the Commission shall give all such notices and make all such applications as are necessary to secure that any motor vehicle so sold or so substituted as aforesaid is removed from the licence.

7. In this Part of this Schedule, " the five year period " means the period beginning with the passing of this Act and ending with such date prescribed under subsection (2) of section three of the Road and Rail Traffic Act, 1933, as falls next before the expiration of five years from the passing of this Act.

Section 12.

SECOND SCHEDULE

RATES OF TRANSPORT LEVY

PART I

Ordinary Scale for Goods Vehicles

1 Description of vehicle	2 Number by which unit charge is to be multiplied
Goods vehicles which are chargeable with excise duty in accordance with section five of, and paragraph 2 or paragraph 7 of Part I of the Fourth Schedule to, the Vehicles (Excise) Act, 1949, being vehicles the weight of which unladen exceeds one and a half tons.	The number of quarters of a ton in the weight unladen of the vehicle, any odd part of a quarter of a ton being reckoned as a quarter of a ton.

PART II

Addition where Goods Vehicle mentioned in Part I is used for Drawing Trailers

Weight unladen of vehicle		
1 Exceeding	2 Not exceeding	3 Number to be added to number arrived at under Part I
1½ tons	2½ tons	4
2½ tons	4 tons	6
4 tons	—	8

PART III

Tractors

1 Description of Vehicle	Weight unladen		Number by which unit charge is to be multiplied	
	2 Exceeding	3 Not exceeding	4 Initial	5 Addition to number in column 4 for each ton or part of a ton in excess of the weight in column 2
Tractors which are chargeable with excise duty in accordance with section four of, and paragraph 6 of the Third Schedule to, the Vehicles (Excise) Act, 1949.	—	2 tons	6	—
	2 tons	4 tons	12	—
	4 tons	6 tons	18	—
	6 tons	7¼ tons	22	—
	7¼ tons	8 tons	24	—
	8 tons	—	24	3

THIRD SCHEDULE

Section 14.

MEANING OF " ROAD HAULAGE CAPITAL LOSS "

1. In section fourteen of this Act the expression " the road haulage capital loss " means the amount, as determined by the Minister, by which the aggregate of the sums referred to in paragraph 2 of this Schedule exceed the aggregate of the sums referred to in paragraph 3 of this Schedule.

2. The sums first referred to in paragraph 1 of this Schedule are the following sums—

(*a*) the aggregate net value of the property sold under section three or subsection (1) or subsection (2) of section six of this Act, as at the time of the respective sales, as shown in the books of the Commission but adjusted so as to take into account depreciation up to the time of the sale so far as not already taken into account;

(*b*) the aggregate net value of the property of any company the shares of which are sold under section five of this Act as at the time when the shares are transferred in pursuance of the contract of sale, as shown in the books of the company but—

(i) adjusted so as to take into account depreciation up to the time of the transfer so far as not already taken into account; and

(ii) increased by the value, if any, as so shown, of any rights of the company as at that time not already taken into account; and

(iii) decreased by the value, if any, as so shown of the liabilities of the company as at that time;

(*c*) the expenses incurred by the Commission in connection with—

(i) sales under the said section three and the said subsections (1) and (2);

(ii) the making over of property to companies under the said section five; and

(iii) the sale of the shares of any company under the said section five,

so far, in any case, as not included in the sums shown in the books of the Commission as expenses deductible in computing sums shown therein as net traffic receipts;

(*d*) such amounts as may be just in respect of any sums paid or liabilities incurred by the Commission before any sale under the said section three or the said subsection (1) or subsection (2) or the making over of any property to a company under the said section five, being sums paid or liabilities incurred for rights or benefits which, as results of the sale or, as the case may be, the making over of the property, are not, or are not wholly, enjoyed by the Commission;

3RD SCH. —*cont.*

(*e*) so much of that part of the sums shown in the balance sheets of the Commission as goodwill which is ascribable to the road haulage undertaking as—

(i) ought justly to be apportioned to the property which was the subject of any sale under the said section three or the said subsection (1) or subsection (2) or was made over to a company under the said section five; and

(ii) is not otherwise taken into account under this paragraph;

(*f*) any losses incurred by the Commission in respect of contracts entered into by them for the purposes of the existing road haulage undertaking, being losses incurred as the result of the disposal of the property held by the Commission for the purposes thereof and not being losses which could reasonably have been avoided by the Commission; and

(*g*) two million pounds (in respect of assets forming part of the property held by the Commission for the purposes of the existing road haulage undertaking the cost of which has been charged by the Commission to revenue):

Provided that, if under the contract for the sale of the shares of a company under the said section five, the price paid therefor depends to any extent on the position as respects the company on a particular date, sub-paragraph (*b*) of this paragraph shall have effect as if the references therein to the time of the transfer of the shares were references to that date.

3. The sums secondly referred to in paragraph 1 of this Schedule are the prices at which property is sold under the said section three or the said subsection (1) or subsection (2) and the prices at which shares are sold under the said section five.

4. In this Schedule—

" price ", in relation to property sold under section three of this Act, means the aggregate of all the sums for which the purchaser becomes liable to the Commission as the result of his purchase of the transport unit in question, irrespective of whether the sums are ascribable to property or to other rights which he obtains as the result of his purchase, adjusted, however,—

(*a*) by adding the value, if any, as at the time of the purchase, as shown in the books of the Commission, of any liabilities of the Commission to third parties taken over by the purchaser from the Commission; and

(*b*) by subtracting the value, if any, as at that time, as so shown, of any obligations of third parties to the Commission taken over by him, not being property;

" net value " means value after deducting depreciation,

the references to values and sums shown in the books or balance sheets of the Commission or a company to which property is made over under the said section five are references to the values and sums so shown after making the appropriate adjustments of provisional items, and, if the Commission or the company in making up their

books or their balance sheet for the year nineteen hundred and fifty-two or any subsequent year, depart to any substantial extent from the principles and practice applied by the Commission for the years falling before the year nineteen hundred and fifty-two, all adjustments which are necessary to produce the result which would have been produced but for the departure, and the requirements that the net values shall be adjusted so as to take into account depreciation up to a particular time shall be construed as requirements that the additional depreciation shall be allowed at the rates at which, and in the cases in which, depreciation was allowed under the said principles and practice.

3RD SCH. —*cont.*

FOURTH SCHEDULE

Section 21.

MODIFICATIONS AND EXTENSIONS OF SECTION THIRTY-NINE OF THE ROAD AND RAIL TRAFFIC ACT, 1933, AND SECTION THIRTY-NINE OF THE RAILWAYS ACT, 1921

PART I

The Road and Rail Traffic Act, 1933, *s.* 39

1.—(1) Section thirty-nine of the Road and Rail Traffic Act, 1933, shall apply to all charges made or proposed to be made by the Commission for the carriage of merchandise by railway (other than standard charges and maximum charges) and not merely to agreed charges and exceptional rates made or charged by them, and the said section thirty-nine shall, with the necessary adaptations, have effect accordingly.

(2) The amendments of the said section thirty-nine effected, as respects charges made otherwise than under a charges scheme, by subsection (5) of section eighty-three of the Transport Act, 1947, shall, notwithstanding anything in subsection (1) of the said section eighty-three, have effect in relation to all charges made or proposed to be made by the Commission for the carriage of merchandise by railway, whether under a charges scheme or not.

2.—(1) If a representation under the said section thirty-nine is made wholly or partly on the ground that the charges in question place coastal carriers at an undue or unfair disadvantage and the Tribunal are of opinion that the body making the representation has a reasonable case to make in that respect, they shall, if the said body requests them so to do, instead of publishing the representation and holding an inquiry under subsection (3) of that section, give, as quickly as may be, to the said body and the Commission an opportunity of calling witnesses and being heard as to the representation and, if, after hearing the said body, the Commission and their respective witnesses, considering the matters which they are required by the said subsection (3) to investigate and having regard to all the considerations to which they are required by the said subsection (3) to have regard, the Tribunal are of opinion that, having regard to all the circumstances, the charges in question or any of them—

(*a*) place coastal carriers at an undue or unfair disadvantage in the competition, or

4TH SCH. —*cont.*

(*b*) are inadequate, having regard to the cost of affording the service or services in respect of which they are made,

and that in either case the action of the Commission is by reason of its prejudicial effect upon the interests of coastwise shipping undesirable in the national interests, may make any such order as they might have made upon an inquiry under the said subsection (3).

(2) Where the Tribunal make an order by virtue of sub-paragraph (1) of this paragraph, the Commission shall publish the order in such manner as the Tribunal may direct, and if, within one month from the publication of the order as aforesaid, any body which, in the opinion of the Minister, is properly representative of the interests of traders notifies the Tribunal that it objects to the order, the Tribunal shall hold an inquiry on the matter in accordance with the provisions of subsection (3) of the said section thirty-nine and shall, upon that inquiry, revoke or vary their previous order, or refuse to revoke or vary it, as may be appropriate.

(3) The reference in subsection (5) of the said section thirty-nine to orders made under subsection (4) of that section shall be deemed to include a reference to any order of the Tribunal made under the preceding provisions of this paragraph.

3. It is hereby declared that the powers of the Tribunal under the said section thirty-nine extend to cancelling or varying any agreement made or deemed to be made under subsection (4) of section twenty-one of this Act, but where any agreement in writing made or deemed to be made as aforesaid regulates, for a specified period of not less than three months or for a period determinable by not less than three months' notice, any charges to be made by the Commission, the following provisions shall have effect in relation to any order of the Tribunal under sub-paragraph (1) of the last preceding paragraph cancelling that agreement or varying it in relation to any charges to be made during that period—

(*a*) any trader who is a party to that agreement may within one month from the publication of the order under sub-paragraph (2) of that paragraph apply to the Tribunal for the cancellation or variation of the order in so far as it so cancels or varies the agreement;

(*b*) the order, in so far as it so cancels or varies that agreement, shall not take effect until the expiration of the said period of one month and, if, within that period, an application is made under this paragraph, shall not take effect unless and until the Tribunal, having given the applicant, the Commission and the body on whose representation the order was made an opportunity of being heard, confirm the order, in so far as it so cancels or varies the agreement, with or without variation:

Provided that the Tribunal shall not separately deal with the application if an inquiry falls to be held into the order under the said sub-paragraph (2) and in that event the order, in so far as it so cancels or varies the agreement as aforesaid, shall not take effect unless and until the Tribunal, having held the inquiry, confirm the order in so far as it so cancels or varies the agreement, with or without variation.

4. An additional member of the Tribunal appointed from the shipping panel under the said section thirty-nine shall not be paid any such remuneration or expenses as are provided for by paragraph 7 of the Tenth Schedule to the Transport Act, 1947.

5. The said section thirty-nine and the preceding provisions of this Schedule shall apply in relation to any body, being either a harbour authority or a body which, in the opinion of the Minister, is properly representative of the interests of harbour authorities, as it applies in relation to the bodies representative of coastal carriers mentioned in subsection (2) of the said section thirty-nine, but as if—

(*a*) the references to charges made in competition with coastal carriers were references to charges made for the carriage of merchandise by rail to or from harbours where port facilities are provided by the Commission; and

(*b*) the reference in paragraph (*a*) of subsection (2) of the said section thirty-nine to coastal carriers being placed at an undue or unfair disadvantage and the references in paragraph (*a*) of subsection (4) of the said section thirty-nine and paragraph (*a*) of sub-paragraph (1) of paragraph 2 of this Schedule to coastal carriers being placed at an undue or unfair disadvantage in the competition were references to any harbour authority being placed at an undue or unfair disadvantage; and

(*c*) in the said subsection (4) and the said sub-paragraph (1) the references to the interests of coastwise shipping were references to the interests of any harbour authority; and

(*d*) so much of the said section thirty-nine and the preceding provisions of this Schedule as relates to the shipping panel were omitted.

6. In this Part of this Schedule, " trader " means a person sending or receiving, or desiring to send or receive, merchandise by railway, and " harbour authority " means any person or body of persons (other than the Commission) in whom powers and duties of improving, maintaining or managing a harbour are vested by or under any Act of Parliament.

PART II

The Railways Act, 1921, *s.* 39

1. Section thirty-nine of the Railways Act, 1921, shall extend to all charges made or to be made by the Commission for the carriage of merchandise by railway (other than standard charges and maximum charges) and not merely to agreed charges and exceptional rates made or charged by them, and the said section thirty-nine shall, with the necessary adaptations, have effect accordingly.

2. The said section thirty-nine, in relation to the Commission. shall have effect as if after the word " canals," in both places where that word occurs, there were inserted the words " or canal carriers."

Section 36.

FIFTH SCHEDULE

PROVISIONS OF THE TRANSPORT ACT, 1947, REPEALED

PART I

Extent of repeal

Section seven.

Sections thirty-nine to fifty-six.

Subsection (2) of section fifty-seven.

Sections fifty-eight to sixty-four.

Subsections (1), (3) and (4) of section sixty-five.

Sections sixty-six to sixty-eight.

In subsection (1) of section seventy-four, the words " the Commission or ", in both places where they occur.

The provisos to subsections (1) and (2) of section eighty-eight.

The proviso to subsection (1) of section eighty-nine.

Section one hundred and fourteen.

In section one hundred and twenty-five, the definitions of " meat ", " operating centre ", " ordinary furniture removal " and " superimposed trailer ".

Subsections (9) and (10) of section one hundred and twenty-six.

In Part I of the Eighth Schedule, in sub-paragraph (1) of paragraph 1, the words from " Provided that " to the end of the sub-paragraph, and in sub-paragraph (2) of paragraph 3, the words from " in the case " to " any other case ".

Part II of the Eighth Schedule.

The Ninth Schedule.

PART II

Savings

1. The repeal of sections fifty-two and fifty-three, section fifty-six, subsection (2) of section fifty-seven, section fifty-eight, subsections (1) and (3) to (6) of section sixty and sections sixty-one and sixty-two of the Transport Act, 1947, and of the said definitions in section one hundred and twenty-five of that Act except that of " superimposed trailer ", shall not have effect until the first day of January, nineteen hundred and fifty-five.

2. The proviso to subsection (3) of section one of this Act shall apply in relation to the repeal of the provisions of the Transport Act, 1947, which relate to the acquisition of certain road transport undertakings by the Commission as it applies in relation to the provisions of that subsection.

3. The repeal of section fifty-nine of the Transport Act, 1947, shall be subject to the provisions of subsections (2) and (3) of section seven of this Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Railway and Canal Traffic Act, 1854	17 & 18 Vict. c. 31.
Regulation of Railways Act, 1868	31 & 32 Vict. c. 119.
Regulation of Railways Act, 1873	36 & 37 Vict. c. 48.
Cheap Trains Act, 1883	46 & 47 Vict. c. 34.
Railway and Canal Traffic Act, 1888	51 & 52 Vict. c. 25.
Ministry of Transport Act, 1919	9 & 10 Geo. 5. c. 50.
Railways Act, 1921	11 & 12 Geo. 5. c. 55.
Finance Act, 1930	20 & 21 Geo. 5. c. 28.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
London Passenger Transport Act, 1933	23 & 24 Geo. 5. c. 14.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
Road Haulage Wages Act, 1938	1 & 2 Geo. 6. c. 44.
Wages Councils Act, 1945	8 & 9 Geo. 6. c. 17.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Wages Councils Act, 1948	12, 13 & 14 Geo. 6. c. 7.
Railway and Canal Commission (Abolition) Act, 1949	12, 13 & 14 Geo. 6. c. 11.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.
Arbitration Act, 1950	14 Geo. 6. c. 27.

CHAPTER 14

An Act to prohibit the carrying of offensive weapons in public places without lawful authority or reasonable excuse. [6th May 1953.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Prohibition of the carrying of offensive weapons without lawful authority or reasonable excuse.

1.—(1) Any person who without lawful authority or reasonable excuse, the proof whereof shall lie on him, has with him in any public place any offensive weapon shall be guilty of an offence, and shall be liable—

(*a*) on summary conviction, to imprisonment for a term not exceeding three months or a fine not exceeding fifty pounds, or both;

(*b*) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine not exceeding one hundred pounds, or both.