

1954 No. 1579

**The British Transport Commission (Organisation) Scheme
Order, 1954**

Made - - - - - 25th November, 1954

Coming into Operation 25th November, 1954

Whereas the British Transport Commission have in pursuance of the provisions of section 16 of the Transport Act, 1953(a), prepared and submitted to the Minister of Transport and Civil Aviation (hereinafter referred to as "the Minister") a Scheme for the re-organisation of that part of their undertaking which consists of the operation of the railways :

And Whereas the Minister has in accordance with section 17 of the said Act consulted with bodies representative of classes of persons likely to be specially affected by the said Scheme, with the National Coal Board and with the Secretary of State for Scotland :

And Whereas the Minister has after consultation with the British Transport Commission made a modification in the said Scheme and the said Scheme as so modified is set out in the Schedule to this Order :

And Whereas a draft of this Order has been approved by resolution of each House of Parliament :

Now, therefore, the Minister in exercise of the powers conferred upon him by section 17 of the Transport Act, 1953, hereby makes the following Order:—

1. The Scheme set out in the Schedule to this Order is hereby approved.
2. This Order may be cited as the British Transport Commission (Organisation) Scheme Order, 1954.

Given under the Official Seal of the Minister of Transport and Civil Aviation this twenty-fifth day of November, 1954.

(L.S.)

John Boyd-Carpenter,

The Minister of Transport
and Civil Aviation.

SCHEDULE

THE BRITISH TRANSPORT COMMISSION (ORGANISATION) SCHEME, 1954

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PART I—PRELIMINARY

Short title and commencement

1.—(1) This Scheme may be cited as the British Transport Commission (Organisation) Scheme, 1954.

(2) This Scheme shall come into effect as from the date on which the Order approving this Scheme is made under Section 17 of the Transport Act, 1953.

Interpretation

2.—(1) In this Scheme, unless the context otherwise requires, expressions to which meanings are assigned by the Transport Act, 1947(a), and the Transport Act, 1953, shall have the same respective meanings, and—

“the Act of 1953” means the Transport Act, 1953 :

“area” means an area specified in or under the First Schedule to this Scheme ;

“authority” means an authority set up under any provision of this Scheme ;

“Area Authority” means an authority set up under Article 4 of this Scheme :

“ the Commission ” means the British Transport Commission ;

“ the Minister ” means the Minister of Transport and Civil Aviation ;

“ the railways ” means the railways of the Commission other than those the operation of which formed part of the passenger transport services provided at the passing of the Act of 1953 by the London Transport Executive.

(2) Notwithstanding anything in subsection (7) of Section 35 of the Act of 1953, any reference in that Act to the Commission shall not, as respects matters falling within the scope of any delegation to any authority which is effected by or under this Scheme, include a reference to that authority.

(3) The Interpretation Act, 1889(a), shall apply to the interpretation of this Scheme as it applies to the interpretation of an Act of Parliament.

(4) Any reference in this Scheme to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any subsequent enactment.

(5) The marginal notes to this Scheme and the headings to the Parts of this Scheme have been added for convenience of reference only and shall not be read as forming part of this Scheme.

PART II—REORGANISATION OF THE RAILWAYS

Division of Great Britain into areas

3. For the purposes of this Part of this Scheme, Great Britain shall be divided into areas, and the provisions of the First Schedule to this Scheme shall have effect with respect to such areas.

Setting up of Area Authorities

4.—(1) There shall be set up for each of the areas specified in paragraph 1 of the First Schedule to this Scheme an authority consisting of a body of persons to be called by such name as the Commission may determine, and each such authority shall, for the purposes of the Act of 1953 and this Scheme, be the Area Authority for the area for which they are set up.

(2) The provisions of the Second Schedule to this Scheme shall have effect with respect to the membership of, and otherwise in relation to, each Area Authority.

(3) The Area Authorities required to be set up under paragraph (1) of this Article shall be so set up within three months of the date on which this Scheme comes into effect, or within such longer period as the Minister may, either generally or in relation to a particular Area Authority, allow.

(4) The provisions of paragraphs (1) and (2) of this Article shall apply in relation to any new or amalgamated area which may be specified under paragraph 3 of the First Schedule to this Scheme as if such area had been specified in paragraph 1 of that Schedule.

Delegation to Area Authorities of railway functions

5.—(1) Subject to the provisions of this Scheme and to such conditions and limitations as the Commission may impose, there shall by virtue of this paragraph be delegated to each Area Authority the function of ensuring that the policies of the Commission in relation to that part of their undertaking which consists in the operation of the railways are carried into effect and, subject as aforesaid and to the carrying into effect of such policies, also the following functions, that is to say—

(a) the management of the railways ;

(b) promoting initiative in improving the services and facilities afforded to the public on the railways, and in effecting economies ;

- (c) ensuring that contact is maintained with transport users so that the requirements of such users in relation to the railways may be met to the fullest possible extent consistent with the general duty of the Commission, and
- (d) ensuring that proper measures are taken affecting the safety, health and welfare of persons employed by the Commission on or in connection with the railways.

The delegation of functions by virtue of this paragraph shall take effect in relation to each Area Authority on such day as may be appointed by the Commission not being more than three months after the date on which that authority is set up or such longer period as the Minister may allow, and different days may be appointed for different Area Authorities.

(2) Subject to the provisions of this Scheme, the Commission may delegate to all or any Area Authorities, subject to such conditions and limitations as the Commission may impose, such other functions of the Commission relating to that part of their undertaking which consists in the operation of the railways as they may specify and, subject as aforesaid, the Commission may at any time revoke or vary any such delegation.

Exercise by Area Authorities of delegated railway functions

6.—(1) Subject to the provisions of paragraph (2) of this Article, the functions of the Commission for the time being delegated to each Area Authority by or under Article 5 of this Scheme shall be exercised and performed by that authority in relation to such parts of the railways as are situate within the area of the authority.

(2) Each Area Authority shall also exercise and perform, in relation to such parts of the railways situate in any other area as may be specified by the Commission, such of the functions for the time being delegated to that authority by or under Article 5 of this Scheme as may be so specified, and such specified functions shall be exercised and performed by that authority either concurrently with, or to the exclusion of, the Area Authority for that other area as the Commission may direct.

Setting up of other authorities

7.—(1) There may be set up such authorities other than Area Authorities as the Commission, with the approval of the Minister, may specify.

(2) Any such authority may be an individual or a body of persons and, in the case of an authority which is a body of persons, the provisions of paragraphs 3 to 9 inclusive of the Second Schedule to this Scheme shall, except in so far as the Commission may otherwise determine, apply as if such authority were an Area Authority.

Delegation to other authorities of railway functions

8. Subject to the provisions of this Scheme, the Commission may delegate to any authority set up under Article 7 of this Scheme, subject to such conditions and limitations as the Commission may impose, such functions of the Commission relating to that part of their undertaking which consists in the operation of the railways as may be specified by the Commission, being functions which appear to the Commission to be unsuitable for delegation to an Area Authority, and, subject as aforesaid, the Commission may at any time revoke or vary any such delegation.

Commission to compile and publish certain information

9.—(1) The Commission shall compile and publish as respects each area such statements of operating costs and such statistics as the Commission, after consultation with and with the approval of the Minister, may specify.

(2) Until such time as statements and statistics are specified in pursuance of paragraph (1) of this Article, the Commission shall compile and publish annually as respects each area such statistics as are specified in the Third Schedule to this Scheme.

Delegation to authorities of functions other than railway functions

10. Subject to the provisions of this Scheme, the Commission may, with the approval of the Minister, delegate to any authority, subject to such conditions and limitations as the Commission may impose, any functions of the Commission not concerned or directly concerned with the operation of the railways, and, subject as aforesaid, the Commission may at any time, with the like approval, revoke or vary any such delegation:

Provided that this Article shall not be construed as limiting any power of delegating or otherwise dealing with any of the said functions which is exercisable by the Commission otherwise than by virtue of this Scheme.

Exercise of other functions by Area Authorities

11.—(1) Subject to the provisions of paragraph (2) of this Article, any Area Authority to whom functions are delegated under Article 10 of this Scheme shall exercise and perform those functions in relation to the area of that authority to such extent as may be specified by the Commission.

(2) Any such authority shall also exercise and perform in relation to any other area, to such extent as may be specified by the Commission, such of the functions for the time being delegated to that authority under Article 10 of this Scheme as may be so specified, and such specified functions shall be exercised and performed by that authority either concurrently with, or to the exclusion of, the Area Authority for that other area as the Commission may direct.

PART III—GENERAL

Delegated functions to be exercised in name of Commission

12. The functions of the Commission for the time being delegated to or exercisable by any authority by or under this Scheme shall be exercised and performed by that authority on behalf, and in the name, of the Commission.

Duty of authorities to make recommendations and provide information

13. Each authority shall, where it appears to the authority to be necessary or the Commission so require, make recommendations to the Commission in relation to any matter affecting the policy of the Commission, and each such authority shall furnish to the Commission such information as the Commission may require.

Authorities to comply with directions

14. Whether or not any delegation of functions effected by or under this Scheme is expressed to be subject to any conditions or limitations, every authority shall give effect to any directions which may be given to that authority by the Commission.

Settlement of differences

15. If any difference shall arise between an authority and any other authority as to the exercise or performance by either authority of any functions delegated to or exercisable by them by or under this Scheme, such difference shall be referred to the Commission for determination, and the provisions of Article 14 of this Scheme (which impose a duty on authorities to comply with directions given by the Commission) shall apply accordingly.

Abolition of authorities

16.—(1) The Commission may—

- (a) abolish any Area Authority whose area is, by reason of any variation of areas effected under paragraph 3 of the First Schedule to this Scheme, abolished or amalgamated with any other area, and
- (b) with the approval of the Minister, abolish any authority set up under Article 7 of this Scheme

if in either case there is, in the opinion of the Commission, no necessity for the continued existence of the authority.

(2) As from such abolition, any functions formerly delegated to or exercisable by the authority so abolished shall, unless delegated to another authority by or under this Scheme, revert to and become exercisable by the Commission.

Reserved functions

17. Such of the functions of the Commission as are not for the time being delegated to or exercisable by any authority by or under this Scheme shall be reserved to the Commission.

Functions which are not to be delegated

18. Any functions of the Commission the delegation of which would, in the opinion of the Commission, prevent there being reserved to the Commission general financial control of their undertaking and general control of the charges to be made for the services and facilities provided for the purposes thereof, shall not be delegated to or exercisable by any authority under this Scheme.

SCHEDULES

FIRST SCHEDULE

ARTICLE 3

PROVISIONS RELATING TO AREAS

1.—(1) Unless and until other provision is made in accordance with this Schedule, there shall be five areas (in this Schedule referred to as “the original areas”) comprising between them the whole of England and Wales and such areas shall be known respectively as the Eastern Area, the London (Midland Area, the North Eastern Area, the Southern Area and the Western Area, or by such other names as the Commission may determine.

(2) There shall also be an area consisting of the whole of Scotland, which shall be known as the Scottish Area or by such other name as the Commission may determine.

2.—(1) The boundaries of the original areas shall be shown on maps prepared on the authority of the Commission and duly certified as maps prepared in accordance with this Scheme, and such maps shall be prepared within one month from the date on which this Scheme comes into effect.

(2) Copies of the said maps shall be available for inspection at such places and at such times during normal business hours as shall be specified in a notice duly published by the Commission.

3.—(1) The Commission may vary the areas comprising England and Wales, and such variation may involve not only the variation of the boundaries of existing areas but also the formation of a new area from any part of an existing area or parts of existing areas or the amalgamation of an existing area with any other such area or part thereof, and any such new or amalgamated area shall be known by such name as the Commission may determine:

Provided that the areas comprising England and Wales shall not at any time be less than five in number.

(2) Every variation made in accordance with the preceding sub-paragraph shall be shown on maps prepared and duly certified in like manner as the maps showing the boundaries of the original areas, and copies of every map prepared for the purposes of this sub-paragraph shall be available for inspection at such places and at such times during normal business hours as shall be specified in a notice duly published by the Commission.

4. If any question arises as to the exact boundary of any area, as shown on any map prepared and certified for the purposes of this Scheme, such question shall be determined by the Commission.

5. In this Schedule—

- (i) "duly certified" means certified under the hand of the Chief Secretary of the Commission or some other person authorised by the Commission to act in that behalf, and
- (ii) "duly published by the Commission" means published by the Commission in the London Gazette and the Edinburgh Gazette and in such newspapers as the Commission may determine.

SECOND SCHEDULE

ARTICLES 4 AND 7

PROVISIONS RELATING TO AREA AUTHORITIES

1. Each Area Authority (in this Schedule referred to as "the Authority") shall consist of a chairman and not less than two nor more than six other members, all of whom shall be appointed by the Commission in accordance with the next succeeding paragraph.

2. At least one member of the Authority shall be a member of the Commission. Each member of the Authority who is not a member of the Commission shall be a person who has in the opinion of the Commission had wide experience and is likely to be conversant with the circumstances and special requirements, in relation to transport, of the area of the Authority.

The Commission may appoint any member of the Authority to be chairman.

3. Every member of the Authority shall hold and vacate office in accordance with the terms of his appointment and shall hold office on such terms and conditions (including terms and conditions relating to remuneration) as may be determined from time to time by the Commission:

Provided that any member of the Authority (not being a member of, or a person employed by, the Commission) may at any time by notice in writing to the Commission resign his office.

4. Any remuneration payable under the last preceding paragraph shall be paid by the Commission.

5. A member of the Authority shall, on ceasing to be a member, be eligible for re-appointment.

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

7.—(1) Any member of the Authority who is in any way, whether directly or indirectly, interested in any contract made or proposed to be made by the Authority on behalf of the Commission shall disclose the nature of his interest at a meeting of the Authority and such disclosure shall be forthwith recorded in the minutes of the Authority and any such member shall not take part in any deliberation or decision of the Authority with respect to that contract.

(2) A general notice given to the Authority by a member of the Authority to the effect that he is a member of a specified company or firm and is to be regarded as interested in any contract which may, after the date of the notice, be made with that company or firm shall, for the purposes of the last preceding sub-paragraph, be deemed to be a sufficient disclosure of the nature of his interest in relation to any contract so made.

8. The Authority shall have power to act notwithstanding a vacancy among their members.

9. The quorum of the Authority shall be such as may from time to time be determined by the Commission, and the chairman of the Authority shall have a second or casting vote. Subject as aforesaid, the Authority may regulate their own procedure.

THIRD SCHEDULE

ARTICLE 9

STATISTICS TO BE COMPILED AND PUBLISHED, AS RESPECTS EACH AREA, IN PURSUANCE OF PARAGRAPH (2) OF ARTICLE 9 OF THIS SCHEME

1. Number of passenger journeys originating.
2. Tonnage of freight train traffic originating.
3. Train miles.
4. Train miles per engine hour.
5. Engine miles.
6. Engine hours in traffic.
7. Number of loaded wagons forwarded.
8. Wagon miles.
9. Loaded wagon miles : percentage of total.
10. Wagon miles per engine hour.
11. Average wagon load at starting point.
12. Average number of wagons per train.
13. Average freight train load : in tons (Net ton miles per train mile).
14. Consumption of locomotive coal per engine mile (in lbs.).
15. Consumption of electricity by electric motor vehicles : in units per car mile.
16. Net ton miles.
17. Net ton miles per engine hour.

EXPLANATORY NOTE

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

This Order approves the British Transport Commission (Organisation) Scheme prepared and submitted to the Minister by the British Transport Commission under section 16 of the Transport Act, 1953. The Scheme is approved subject to a modification made by the Minister consisting of the insertion in Article 9 (1) of the words "after consultation with and".
