

## STATUTORY RULES AND ORDERS

1947 No  $\frac{2271}{L. 30}$ **BRITISH TRANSPORT COMMISSION****Arbitration Tribunal**

THE TRANSPORT ARBITRATION TRIBUNAL RULES, 1947, DATED OCTOBER 13, 1947, MADE BY THE TRANSPORT ARBITRATION TRIBUNAL UNDER SECTION 106(5) OF THE TRANSPORT ACT, 1947 (10 & 11 GEO. 6. C. 49) AND APPROVED BY THE LORD CHANCELLOR.

Rules regulating the procedure in or in connection with any proceedings before the Tribunal.

Whereas we, the undersigned, Cyril Montgomery White, one of His Majesty's Counsel, Basil Gage Catterns and Sir Russell Kettle, are the three persons appointed by the Lord Chancellor in exercise of the power conferred on him by the Transport Act, 1947, to be members of the Transport Arbitration Tribunal;

And whereas by section 106(5) of the said Act it is provided that, subject to the provisions of that section, the procedure in or in connection with any proceedings before the Tribunal shall be such as may be determined by rules to be made by the Tribunal with the approval of the Lord Chancellor;

Now therefore we, subject to the approval thereof by the Lord Chancellor, do hereby make the following Rules:—

## PART I

*Introductory*

1. These Rules may be cited as the Transport Arbitration Tribunal Rules 1947.

2.—(1) In these Rules the following expressions shall (if not inconsistent with the context or subject matter) have the respective meanings hereinafter assigned to them, that is to say:—

“ The Act ” shall mean the Transport Act 1947:

Expressions used in the Act shall have the same meanings as in the Act:

“ The Tribunal ” shall mean the Transport Arbitration Tribunal established under section 105 of the Act:

“ The Clerk ” shall mean the person for the time being performing the functions of clerk to the Tribunal:

“ The Office ” shall mean the office at 39 Belgrave Square, London, S.W.1 of the Tribunal, or other the office for the time being of the Tribunal:

“ The securities ” shall mean the securities specified in Part II of the Fourth Schedule to the Act:

“ The Minister ” shall mean the Minister of Transport:

“ The Commission ” shall mean the Transport Commission established under the Act.

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

3. These Rules may from time to time be revoked, altered or added to by the Tribunal by Rules made with such approval as is required under section 105 of the Act.

4. These Rules shall not apply to proceedings which under Part VIII of the Act are to be treated as Scottish proceedings.

## PART II

### *Valuation of Securities*

5. Rules 6 to 12 (inclusive) of these Rules relate solely to proceedings for the determination of the value of the securities under section 17 of the Act.

6.—(1) As regards each of the securities, the Commission shall with all convenient speed apply to the Tribunal for the determination of the value thereof by filing at the Office a statement containing, or having attached thereto, the particulars hereinafter specified, and shall at the time of the filing of such statement leave at the Office (a) four additional copies thereof and of all attachments thereto and (b) a schedule of the names and registered addresses of each of the persons appearing from the books of the company or other body of persons to have been at a date specified in such schedule (not being earlier than 14 days before the date of the filing of the statement) to be the holders of each of the securities to which the statement relates, and of the amount of the holding of each such person: Provided that, where several securities of one company or other body of persons are specified in Part II of the Fourth Schedule to the Act, the statement to be filed under this Rule shall, unless the Tribunal on the application of the Commission or of the Minister or of any other interested person or of its own motion otherwise directs, be a combined statement relating to all the securities of such company or other body of persons so specified.

(2) Every such statement shall be headed in the matter of the Act and of the securities to which the same relates.

7. The particulars to be contained in or attached to the statement to be filed under Rule 6 shall include the following:—

- (1) The name of the company or other body of persons to the securities whereof the statement relates:
- (2) The description of the securities to which the statement relates:
- (3) The date of the issue of each of the securities to which the statement relates:
- (4) The amount or rate per cent. of any dividend or interest declared or paid on each of the securities to which the statement relates at any time during the period of ten years next preceding the passing of the Act, or, in the case of any securities on which no dividend or interest has been declared or paid within the period aforesaid, the date and amount or rate per cent. of the last payment of any dividend or interest on such securities:
- (5) Copies of the audited balance sheets and published accounts of the company or other body of persons for each of the last ten accounting periods of the company or other body of persons for which accounts shall have been prepared and audited before the date of the filing of the statement, together with a statement in columnar form of the revenue, net revenue and appropriation accounts or equivalent accounts (figures being given to the nearest pound) for each of such accounting periods:
- (6) Particulars of all dealings in or transfers for valuable consideration of the securities to which the statement relates appearing from the books of the company or other body of persons to have taken place since the 1st January, 1945, or, if there shall appear to have been no such dealings or transfers, then particulars of the last recorded dealing or transfer for valuable consideration:

(7) Such other facts or circumstances as may appear to the Commission to be relevant to the determination in accordance with the provisions of the Act of the value of the securities:

(8) The amount (expressed in terms of prices per £100 nominal value) suggested by the Commission as the value to be set upon each of the securities to which the statement relates in accordance with the provisions of the Act:

(9) The address at which any notice, answer, order or other document in the proceedings may be served upon the Commission.

8.—(1) Every such statement as aforesaid shall be endorsed by the Commission with a notice addressed in general terms to the holders of all securities to which the statement relates requiring such holders to put in an answer to the statement within 14 days from the service of the notice referred to in Rule 9, and stating that in default of such answer being put in within such period of 14 days, or any extension thereof duly granted, the Tribunal may proceed to determine the value of the securities to which the statement relates without further notice to any holder who shall fail to put in such answer.

(2) Every such endorsement shall be sealed with the seal of the Tribunal and the copy of the statement bearing such sealed endorsement shall be retained by the Clerk in the Office.

9.—(1) As soon as may be after the sealing of the endorsement aforesaid, the Commission shall serve upon the Minister a copy of the said statement having endorsed thereon a copy of the said endorsement, and shall also serve upon every holder of any of the securities to which such statement relates a notice having endorsed thereon a copy of the said endorsement. Every such notice shall be to the effect that the statement referred to in Rule 6 has been filed at the Office and has been endorsed as aforesaid and that a full copy of such statement will be supplied by the Commission on demand free of charge and such notice shall also set out the particulars specified in paragraphs (1) (2) (8) and (9) of Rule 7. A copy of every such notice shall forthwith be filed by the Commission at the Office.

(2) The Commission shall upon demand by any holder of any of the securities supply to such holder free of charge a full copy of the statement relating to such securities filed under Rule 6 with all attachments thereto, and, if any such demand shall be made within 10 days after service of the notice referred to in this Rule, the time for putting in an answer to such statement shall, without further application to the Tribunal, be extended until the expiration of 10 days from the service on such holder of such full copy of the said statement and of all attachments thereto.

10.—(1) Any such holder as aforesaid of any of the securities may put in an answer to the statement filed by the Commission as aforesaid at any time within the period limited by the said endorsement thereon or any extension thereof by serving upon the Commission an answer in writing to such statement and delivering at the Office six copies of such answer whereof one copy shall be served by the Clerk upon the Minister.

(2) In such answer such holder shall state whether it is the desire of such holder to be heard by the Tribunal on the hearing of the application of the Commission, and shall specify which (if any) of the allegations of fact contained in such statement are denied or not admitted, and shall also state any further or other facts or circumstances appearing to such holder to be relevant to the determination in accordance with the provisions of the Act of the value of the securities to which the statement relates and generally set out the contentions and claim of such holder.

(3) Every such answer shall specify an address at which any further proceedings or notices may be served upon such holder.

11. If the holder of any securities of any company or other body of persons appoints the directors thereof to act as his representatives pursuant to proviso (c) to section 17 (3) of the Act, such holder shall forthwith give to the Tribunal and to the Commission notice in writing of such appointment and shall specify therein an address at which any further proceedings or notices may be served upon such directors, and shall at the same time file at the Office the consent in writing of such directors to act as such representatives, and thereafter the proceedings shall be carried on by such directors as the representatives of and on behalf of such holder but otherwise in all respects as if they were themselves the holders of such securities.

12.—(1) If it shall appear to the Commission that, with regard to any of the particulars required to be contained in or attached to a statement to be filed or schedule to be left at the Office under Rule 6, it is impossible or impracticable without undue delay to furnish such particulars, the Commission may either (a) apply to the Tribunal for directions before filing any such statement, or (b) file a statement containing or having attached thereto such particulars as the Commission may be able to furnish and at the same time apply to the Tribunal for directions.

(2) Any such application for directions shall be served upon the Minister, but shall not be served upon any other person unless the Tribunal otherwise directs.

(3) Any such application for directions made before the filing of a statement shall be headed in the same manner as if the same were a statement filed under Rule 6.

(4) With every application for directions under this Rule there shall be filed a statement of the circumstances in which the application is made.

(5) Where any such application for directions is made after the filing of a statement under Rule 6, no notice shall be served under Rule 9 upon any holder of any of the securities to which such statement relates until the Tribunal so directs.

### PART III

#### *Other Proceedings before the Tribunal*

13. Rules 14 to 19 (inclusive) of these Rules relate solely to proceedings before the Tribunal other than proceedings for the determination of the value of the securities under section 17 of the Act.

14.—(1) All proceedings before the Tribunal for the determination of any question or dispute, or for obtaining the approval by the Tribunal of any agreement, shall be commenced by filing at the Office an originating application in writing to the Tribunal signed by the applicant or by the solicitors or (in the case of a company or corporation) the secretary or other proper officer of the applicant on behalf of the applicant.

(2) Every such application shall name as a respondent every party to the question, dispute or agreement, or other person appearing to be directly interested in the subject of the application and shall also contain a certificate that the application does not relate to proceedings which under Part VIII of the Act are to be treated as Scottish proceedings.

(3) If any such proceedings shall be for obtaining the approval by the Tribunal of any agreement, the applicant shall at the time of filing such

originating application also file at the Office the agreement together with four copies thereof, and shall also serve upon the Minister a copy of the said agreement.

(4) Every applicant shall state in his originating application an address at which any notice, order, or other document in the proceedings may be served upon him.

15. An originating application shall be in the form of Form No. 1 in the Appendix to these Rules or as near thereto as circumstances will admit.

16.—(1) The applicant shall at the time of filing such originating application leave at the Office five additional copies thereof, and shall as soon as may be thereafter serve upon each respondent named therein a copy of the originating application having endorsed thereon a notice in the following terms:—

“ To the respondent (*naming the respondent served*).

“ You will in due course be served with a statement setting out the facts alleged by and contentions of the applicant, and it is not necessary for you to take any step in these proceedings until after service of such statement upon you.”

(2) Every such endorsement shall be sealed with the seal of the Tribunal.

(3) One copy of the originating application shall forthwith be served by the Clerk upon the Minister.

17.—(1) The Tribunal may at any time upon the application of any person, whether an applicant or respondent or not, or of its own motion, direct that any person appearing to the Tribunal to be directly interested in the subject of the application be added as a respondent, and thereupon the applicant shall forthwith serve upon such person a copy of the originating application having endorsed thereon a notice in the terms set out in the preceding Rule and sealed with the seal of the Tribunal.

(2) The Tribunal may likewise, upon any such application as aforesaid, or of its own motion, order that any respondent named in the originating application or subsequently added, who shall appear to the Tribunal not to have been or to have ceased to be directly interested in the subject matter of the application, be dismissed from the proceedings upon such terms as the Tribunal may think fit.

18.—(1) Within 14 days from the filing of an originating application the applicant shall serve upon each respondent a statement in writing, signed by or on behalf of the applicant, of the facts alleged by the applicant and of such other matters as may appear to the applicant to be relevant to the application and of the contentions of the applicant, and the applicant shall at the same time deliver at the Office six copies of such statement, whereof one copy shall forthwith be served by the Clerk upon the Minister.

(2) Every such statement served upon a respondent shall have endorsed thereon a notice in the following terms:—

“ To the Respondent (*naming the respondent served*)

If you do not admit or wish to deny any of the facts alleged or do not agree with any of the contentions put forward in this statement, or if you wish to allege any additional or other facts or to put forward any other contentions, you should within 14 days after service of this statement upon you, or within such extended period as the Tribunal may allow, serve upon the applicant at the applicant's address for service an answer to