STATUTORY INSTRUMENTS

1977 No. 599 (N.I. 10)

Transport (Northern Ireland) Order 1977 [F1]

- - - - - - *[30th March 1977]*

Annotations:
F1 Functions transf. (except Art. 10) by SR 2001/229

Title, commencement and interpretation

1.—(1) This Order may be cited as the Transport (Northern Ireland) Order 1977.

(2) *Commencement*

(3) The Interpretation Act (Northern Ireland) 1954 shall apply to paragraphs (1) and (2) and the following provisions of this Order as it applies to a Measure of the Northern Ireland Assembly.

(4) In this Order—

"the Department" means the Department of the Environment;

"the Holding Company" means the Northern Ireland Transport Holding Company established by section 47(1) of the Transport Act (Northern Ireland) 1967 ;

and any expression used in this Order which is defined in that Act shall have the meaning as so defined.

Transfer of functions, staff, etc., from Holding Company to subsidiary company

2.—(1) The Holding Company may, with the consent of the Department, transfer to a subsidiary company formed by it under section 48(1)(i) of the Transport Act (Northern Ireland) 1967—

(a) all or any of the functions transferred to the Holding Company by the Local Government (Transfer of Belfast Corporation Transport Functions) Order (Northern Ireland) 1973 ;

(b) any officer or servant of the Holding Company employed wholly or mainly in the discharge of functions transferred under sub-paragraph (*a*);

(c) any vehicles, plant, machinery, fixtures, fittings and other equipment which the subsidiary company may reasonably require to carry out the functions transferred to it under sub-paragraph (*a*);

and may let to the subsidiary company, at such rent and on such terms and conditions as the Holding Company and the subsidiary company may agree, any immoveable property vested in the Holding Company which the subsidiary company may reasonably require to carry out the functions transferred to it under sub-paragraph (*a*).

(2) In the construction and for the purposes of any judgment, decree, order, award, deed, contract, bond, agreement, regulation, rule, bye-law, certificate or other document made before the date of

a transfer under paragraph (1) any reference to or which is to be construed as a reference to the Holding Company shall, so far only as may be necessary for the purpose or in consequence of the transfer, be construed as a reference to the subsidiary company.

(3) The transfer shall not affect any order, regulation, rule, direction, instruction, approval, requirement or authorisation made or given or other thing done by the Belfast Corporation before 2nd April 1973 or by the Holding Company before the date of a transfer under paragraph (1), but any such matter shall so far as it relates to functions transferred under paragraph (1) and if in force immediately before the date of the transfer continue in force to the like extent and subject to the like provisions as if it had been duly made, given or done by the subsidiary company.

(4) Anything commenced before 2nd April 1973 by or under the authority of the Belfast Corporation or before the date of a transfer under paragraph (1) by the Holding Company may so far as it relates to any functions transferred be carried on or completed by or under the authority of the subsidiary company.

(5) Any investigation, legal proceedings or remedy under any transferred provision in respect of any rights or liabilities transferred to the subsidiary company may be instituted, continued or enforced by or against the subsidiary company under the powers and provisions applicable thereto immediately before the date of the transfer.

(6) In the case of an officer or servant transferred under paragraph (1) to the employment of the subsidiary company—

(a) he shall, for so long as he continues in that employment and until he is served with a statement in writing specifying new terms and conditions of employment, enjoy terms and conditions of employment (including conditions as to superannuation benefits) not less favourable than those he enjoyed immediately before the date of the transfer; and

(b) the said new terms and conditions shall be such that, so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of the transfer, the scale of his remuneration and the other terms and conditions of his employment are, taken as a whole, not less favourable than those he enjoyed immediately before that date.

Para. (7) rep. by 1996 NI 16

(8) Any question whether assets or liabilities are held, enjoyed or incurred before the date of the transfer by the Holding Company in connection with the functions transferred to the subsidiary company under paragraph (1) shall be determined by the Department and a certificate of the Holding Company that any assets or liabilities so held, enjoyed or incurred have been so transferred shall be conclusive evidence of such transfer.

(9) Any question as to whether an officer or servant is or was employed wholly or mainly in the discharge of functions transferred under paragraph (1) or whether the duties of a transferred officer or servant are reasonably comparable or whether terms and conditions taken as a whole are less favourable shall be reported by the Holding Company or by such officer or servant to the Department of Manpower Services, and, if a dispute so reported is not otherwise disposed of, that Department shall refer it for determination by a tribunal appointed for the purpose. The statement of new terms and conditions of employment shall contain information that any question shall be so determined and as to the person and address to whom any question should be reported.

(10) The Department may, with the approval of the Department of the Civil Service make regulations, subject to negative resolution, providing for the payment by the Department, on such terms and subject to such conditions as may be specified in the regulations, of compensation to, or in respect of, any person who suffers subsequent to his transfer loss of employment or loss or diminution of emoluments (including superannuation rights) which is attributable to any provision of this Article or who on grounds which the Department considers reasonable is unable or unwilling to accept employment with a subsidiary company to which he has been transferred.

Para.(11) repeals s.13 of 1967 c.37 (NI)

Grants to Holding Company

3. The Department may, with the approval of the Department of Finance make grants to the Holding Company—

(a) in respect of any deficit in its revenue account or in the revenue account of a subsidiary company;

(b) towards any capital expenditure on the provision of any building or related works;

(c) towards the cost of the acquisition of any property authorised by any statutory provision and towards loan charges on money borrowed for the purposes of any such acquisition;

(d) for the purpose of enabling it to discharge obligations transferred to it by the Local Government (Transfer of Belfast Corporation Transport Functions) Order (Northern Ireland) 1973 in respect of pensions and compensation to former employees of the Belfast Corporation.

Art. 4 amends s. 14 of 1966 c. 21 (NI)

Concessionary fares and grants in respect thereof

5.—(1) The Department of the Environment may with the approval of the Department of Finance enter into an agreement with passenger transport undertakings whereby the undertakings charge such concessionary fares, or accept such tokens for the payment of fares, to such categories of passengers as are specified in the agreement.

(2) Where an agreement is entered into under sub-section (1), the Department may pay to the undertakings a grant of such amount as may be agreed between the Department and the undertakings and approved by the Department of Finance.

Grants towards capital expenditure incurred by subsidiary company of Holding Company providing road passenger transport services

F2 6. . . . . . .

Annotations:

F2 Art. 6 repealed (22.4.2013) by Transport Act (Northern Ireland) 2011 (c. 11), s. 48(2), **Sch. 2**; S.R. 2013/104, art. 2(o)

Art. 7 rep. by 1984 NI 12

Increase in borrowing power of Holding Company

8. The aggregate of the amounts of principal outstanding in respect of moneys borrowed by the Holding Company under paragraphs (*a*) and (*b*) of sub-section (2) of section 51 of the Transport Act (Northern Ireland) 1967 shall not exceed ten million pounds and accordingly … *residue amends s.51 of 1967 c.37 (NI)*

Functions of Department in relation to railway company under certain transport regulations

9.—(1) The Department shall be the competent authority for Northern Ireland in relation to the Northern Ireland Railways Co.Ltd., or any company by which it is replaced, for the purposes of the relevant transport regulations and, as that authority, may give directions to the company imposing on it obligations of a general nature with respect to the operation of the whole or any part of its railway passenger system.