CHAPTER 52.

An Act to make provision with respect to the term of office of persons holding the office of chairman of traffic commissioners, of traffic commissioner for the metropolitan traffic area, of chairman of the appeal tribunal established by section fifteen of the Road and Rail Traffic Act, 1933, or of President of the Railway Rates Tribunal, and with respect to the application to such persons of the Superannuation Acts. [20th July 1937.]

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BE it enacted by the King'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 :—

Chairman of traffic commissioners and of appeal tribunal to hold office during His Majesty's pleasure.

1.—(1) The chairman of the traffic commissioners established for each traffic area by section sixty-three of the Road Traffic Act, 1930, the traffic commissioner for the metropolitan traffic area appointed under section ninety-eight of that Act, and the chairman of the appeal tribunal established by section fifteen of the Road and Rail Traffic Act, 1933, shall, subject to the provisions of the said sections respectively as amended by this section and to the provisions of this section, hold office during His Majesty's pleasure.

20 & 21 Geo. 5. c. 43.
23 & 24 Geo. 5. c. 53.

(2) In accordance with the foregoing subsection—

(*a*) in subsection (5) of section sixty-three of the Road Traffic Act, 1930, for the words "shall

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" hold office for such term not exceeding " seven years as the Minister may determine " at the time of his appointment, and shall " be eligible for re-appointment from time " to time on the expiration of his term of " office " there shall be substituted the words " shall hold office during His Majesty's pleasure ";

(*b*) in subsection (5) of section ninety-eight of the Road Traffic Act, 1930, for the words " shall " hold office for such term not exceeding " seven years as the Minister may at the " time of his appointment determine, but " shall be eligible for re-appointment at the " expiration of any term of office " there shall be substituted the words " shall hold office during His Majesty's pleasure "; and

(*c*) in subsection (4) of section fifteen of the Road and Rail Traffic Act, 1933, for the words " A member of the tribunal shall hold office " there shall be substituted the words " The chairman of the tribunal shall hold " office during His Majesty's pleasure. A " member of the tribunal other than the " chairman shall hold office ".

(3) A person appointed after the commencement of this Act to hold the office of chairman of the traffic commissioners established as aforesaid for any traffic area, of traffic commissioner for the metropolitan traffic area, or of chairman of the said tribunal, shall vacate his office on attaining the age of seventy years.

Application of Superannuation Acts to chairman of traffic commissioners and of appeal tribunal.

22 Vict. c. 26.

2. The Superannuation Acts, 1834 to 1935, shall apply to persons holding the office of chairman of the traffic commissioners established as aforesaid for any traffic area, of traffic commissioner for the metropolitan traffic area, or of chairman of the said tribunal, subject to the following modifications, that is to say:—

(*a*) section ten of the Superannuation Act, 1859 (which prohibits the grant of superannuation allowances to persons under sixty years of age except in cases of infirmity), shall have effect

with the substitution, for the reference to sixty years, of a reference to sixty-five years; and

(*b*) the proviso to subsection (2) of section one of the Superannuation Act, 1909 (which relates to deductions from additional allowances in cases of retirement after the age of sixty-five years), and the proviso to subsection (1) of section two of that Act (which relates to reduction of gratuities on death in cases of death after the age of sixty-five years), shall not apply. 9 Edw. 7. c. 10.

Compulsory retirement and superannuation allowance of President of Railway Rates Tribunal. 11 & 12 Geo. 5. c. 55.

3.—(1) Subsection (2) of section twenty of the Railways Act, 1921, so far as it relates to the term of office and the retirement of permanent members of the Railway Rates Tribunal, shall cease to apply to the President and, in lieu of retiring as provided by the said section, he shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years, but subject to the provisions of this subsection, shall hold office during good behaviour:

Provided that—

(*a*) where the Lord Chancellor, the President of the Board of Trade and the Minister of Transport concur in considering it desirable in the public interest to retain the President in his office after he attains the age of seventy-two years, they may, with the approval of the Treasury, authorise his continuance in his office up to such later age not exceeding seventy-five years as they think fit; and

(*b*) the power of His Majesty to remove the President from his office on account of misbehaviour shall be exercisable on the joint recommendation of the three persons aforesaid, and His Majesty on a like recommendation shall have power to remove him from his office on account of inability to perform the duties thereof.

(2) There may be granted to the President such a superannuation allowance as may under subsections (1)

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and (2) of section one hundred and twenty-eight of the Supreme Court of Judicature (Consolidation) Act, 1925, be granted to a person holding one of the offices specified in Part I of the Third Schedule to that Act, and any superannuation allowance granted to the President by virtue of this provision shall be defrayed as part of the expenses of the Railway Rates Tribunal:

15 & 16 Geo. 5. c. 49.

Provided that this subsection shall not apply to the person holding the office of President at the date of the passing of this Act, unless within one month from the said date he gives notice in writing to the Lord Chancellor stating that he desires that it shall apply to him, and that he is willing to accept in substitution for the salary payable to him at the said date, a reduced salary of such amount as the Minister of Transport, with the approval of the Treasury, may fix as the salary proper to be paid to a person holding the said office with the benefit of this subsection.

In the event of the person holding the said office at the said date giving notice as aforesaid, the period of his service in the said office shall, for the purpose of the computation of the superannuation allowance to be granted to him, be deemed to have commenced on the first day of January, nineteen hundred and thirty-six.

(3) In this section the expression "the President" means the President of the Railway Rates Tribunal.

Short title.

4. This Act may be cited as the Chairmen of Traffic Commissioners, &c. (Tenure of Office) Act, 1937.

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