
STATUTORY INSTRUMENTS

1991 No. 510

TRANSPORT

The National Bus Company (Dissolution) Order 1991

<i>Made</i>	- - - -	<i>7th March 1991</i>
<i>Laid before Parliament</i>		<i>8th March 1991</i>
<i>Coming into force</i>	- -	<i>1st April 1991</i>

The Secretary of State for Transport in exercise of the powers conferred by section 54(1), (2) and (3) of the Transport Act 1985⁽¹⁾ and all other enabling powers, and it appearing to him that the National Bus Company have completed their disposal programme⁽²⁾, in accordance with Part III of that Act, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the National Bus Company (Dissolution) Order 1991 and shall come into force on 1 st April 1991.

Dissolution

2.—(1) On 1st April 1991 the National Bus Company (referred to in this Order as the Company) shall cease to exist.

(2) That date is in the following provisions of this Order referred to as the “abolition date”.

Transfer of property, rights and liabilities

3.—(1) On the abolition date there shall be transferred to the Secretary of State for Transport by virtue of this Order and without further assurance all such property, rights and liabilities (whether or not of such a nature that they could be assigned by the Company) as immediately before abolition date belonged to or were incumbent upon the Company.

(2) Where immediately before abolition date there is in force an agreement which confers or imposes on the Company any rights or liabilities which are transferred to the Secretary of State by virtue of paragraph (1) above, that agreement shall have effect on and after that date as if—

(a) the Secretary of State had been a party to the agreement; and

(1) 1985 c. 67.

(2) “The Company’s disposal programme” is defined in section 47(4) and “the Bus Company” in section 47(1) of the Transport Act 1985.

- (b) for any reference (in whatever terms and whether expressly or by implication) to the Company there were substituted, in relation to anything falling to be done on or after that date, a reference to the Secretary of State; and
- (c) for any reference (in whatever terms and whether expressly or by implication) to an officer or employee of the Company, not being a party to the agreement and beneficially interested in it, there were substituted, in relation to anything falling to be done on or after that date, a reference to such person as the Secretary of State may appoint.

(3) Paragraph (2) above shall, as far as applicable, apply in relation to any provision of an instrument or other document, not being an agreement to which the Company was a party, if and in so far as the provision in question relates to any of the transferred rights and liabilities, as it applies in relation to an agreement to which the company was a party.

(4) Where any right or liability is transferred to the Secretary of State by virtue of this Order, he and all other persons shall, on and after abolition date, have the same rights, powers and remedies (in particular, the same rights as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right or liability as he would have had if it had at all times been a right or liability of the Secretary of State; and any legal proceedings by or against the Company which relate to any property, right or liability transferred to the Secretary of State by virtue of this Order, and are pending immediately before the abolition date, may be continued on and after that date by or against the Secretary of State.

(5) In paragraph (4) above, any reference to legal proceedings shall be construed as including a reference to any application to an authority, and any reference to the taking or resisting of legal proceedings shall be construed accordingly.

(6) Nothing in paragraph (2) to (5) above, shall be taken as prejudicing the general effect of paragraph (1); and paragraphs (2) and (3) above shall have effect for the interpretation of agreements and other documents subject to context, and shall not apply where the context otherwise requires.

Final accounts

4.—(1) Brian William France F.C.A., M.B.E., of 8 Quennells Hill, Wrecesham, Farnham, Surrey GU10 4ND shall prepare a statement of the Company's accounts for the period ("the final period") from the end of that dealt with in the last annual statement of accounts sent by the Company to the Secretary of State under section 24(3) of the Transport Act 1962⁽³⁾ down to the abolition date.

(2) The statement shall be in such form and contain such particulars, and be compiled in such manner, as the Secretary of State may direct with the approval of the Treasury.

(3) The Secretary of State shall arrange for the accounts of the Company for the final period to be audited by auditors appointed by him; and a person shall not be qualified to be so appointed unless he is a member of one or more of the bodies of accountants established in the United Kingdom and for the time being recognised by the Secretary of State for the purposes of section 389(a) of the Companies Act 1985⁽⁴⁾.

(4) As soon as the accounts of the final period have been audited, the person mentioned in paragraph (1) above shall send to the Secretary of State a report of the exercise and performance by the Company of their functions during any period not dealt with in the reports made by the Company under section 27(8) of the Transport Act 1962.

Amendment and repeals

5.—(1) The following amendments and repeals are consequential on the dissolution of the Company.

(3) 1962 c. 46.

(4) 1985 c. 6.

(2) In paragraph 31(4) of Schedule 3 to the Transport Act 1981⁽⁵⁾ the word “and” shall be inserted after the word “Executive” and the words “and the National Bus Company” shall be omitted.

(3) In paragraph 5 of Schedule 5 to the Transport Act 1982⁽⁶⁾ for the words “National Bus Company” there shall be substituted the words “Scottish Transport Group”.

(4) The enactments mentioned in the Schedule to this Order are hereby repealed to the extent specified in the third column of that Schedule.

7th March 1991

Roger Freeman
Minister of State
Department of Transport

⁽⁵⁾ 1981 c. 56.

⁽⁶⁾ 1982 c. 49.

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SCHEDULE

Regulation 5

Repeals

1966 c. 34.	Industrial Development Act 1966.	In Schedule 2, the entry relating to the National Bus Company.
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1968 c. 73.	Transport Act 1968.
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In section 24—

- (a) subsection (1)(a);
- (b) in subsection (2), the words “of the Bus Company, or” and the words “or of both that Company and that Group (as the case may be appropriate having regard to where that area is situated)” and the words “Company or” in both places where they occur;
- (c) subsection (3)(b) and (d).

Section 25.

In section 27—

- (a) in subsection (1), the words “to the Bus Company and”;
- (b) in subsection (2), the words “The Bus Company and” and the word “each”;
- (c) in subsection (3), the words “the Bus Company or, as the case may be,” and the words “Company or, as the case may be,” and sub-paragraph (i);
- (d) subsections (4) and (5).

In section 28—

- (a) subsection (1);
- (b) in subsection (3), the words “(1) or” and the words “and paragraphs (c) and (d) of the said subsection (1) and”;
- (c) in subsection (4), the words from beginning to “subsection (1) of this section, and”;

- (d) in subsection (5), the words “between the Holding company and the Bus Company or, as the case may be,” the words “the Minister or, as the case may be,” and the words “the Bus company or, as the case may be,”;
- (e) in subsection (6), the words “(1) or”.

In section 29—

- (a) in subsection (2), the words “Bus Company and” and the word “respectively”;
- (b) in subsection (4), the words from “as from” to “Bus Company”.

Section 44(1)(a)(iii) and (b)(iii).

In section 47(2), the words “the Bus Company and”.

In section 50(3) and (4), the words “the Bus Company” wherever they occur.

In section 159, the definition of the “the Bus Company” and in the definition of “the new authorities” the words “the Bus Company and”.

In Schedule 1, paragraph 2.

Schedule 7.

In Schedule 16, in paragraph 10, the words “The National Bus Company”.

[1972 c. 15.](#)

Transport (Grants) Act 1972.

In section 1(1), paragraph (b) and word “and” preceding it.

[1975 c. 24.](#)

House of Commons
Disqualifications Act 1975.

In Schedule 1, Part II, the entry relating to the National Bus Company.

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1981 c. 56.	Transport Act 1981.	In Schedule 3, in paragraph 31(4), the words “and the National Bus Company”.
1982 c. 6.	Transport (Finance) Act 1982.	Section 4.
1982 c. 49.	Transport Act 1982.	In Schedule 5, paragraph 5(2).
1983 c. 29.	Miscellaneous Financial Provisions Act 1983.	In Schedule 2, in the entry relating to the Transport Act 1962, the words “the National Bus Company”.
1983 c. 44.	National Audit Act 1983.	In Schedule 4, the entry relating to the National Bus Company.
1984 c. 32.	London Regional Transport Act 1984.	In Schedule 4, paragraph 10 and paragraph 11(1) and (4)(b).
1985 c. 67.	Transport Act 1985.	Sections 47 to 53.

EXPLANATORY NOTE

(This note is not part of the Order)

This order provides for the dissolution of the National Bus Company on 1st April 1991. It also contains some consequential and supplementary provisions.