

Draft Order laid before the Scottish Parliament under section 85(8) of the Transport Act 1985, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2007 No.

TRANSPORT

The Transfer of Functions, Property, Rights and Liabilities
from the Strathclyde Passenger Transport Executive to the
Strathclyde Passenger Transport Authority Order 2007

Made - - - - 2007
Coming into force - - 1st June 2007

The Scottish Ministers, in exercise of the powers conferred by section 85(1), (2), (3) and (4) of the Transport Act 1985(1) and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has, in accordance with section 85(8) of that Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Transfer of Functions, Property, Rights and Liabilities from the Strathclyde Passenger Transport Executive to the Strathclyde Passenger Transport Authority Order 2007 and shall come into force on 1st June 2007.

Interpretation

2. In this Order—
“the Authority” means the Strathclyde Passenger Transport Authority; and
“the Executive” means the Strathclyde Passenger Transport Executive.

Transfer of functions, property, rights and liabilities to the Authority

3. All functions, property, rights and liabilities of the Executive shall be transferred to and vest in the Authority on 1st June 2007(2).

(1) 1985 c. 67. The functions of the Secretary of State were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 (c. 46).
(2) The majority of the Executive’s functions and associated property, rights and liabilities were transferred to West of Scotland Transport Partnership on 1st April 2006 by S.S.I. 2006/106 and S.S.I. 2006/111 respectively.

Dissolution of the Executive

4. The Executive shall be dissolved on 1st June 2007.

Supplementary, incidental and consequential provision

5.—(1) The transfer, by virtue of this Order, of any functions, property, rights or liabilities of the Executive to the Authority shall not affect the validity of anything done (or having effect as if done) by or in relation to the Executive before the date on which the transfer takes effect.

(2) Anything (including legal proceedings) which, at the time when the transfer takes effect, is in the process of being done by or in relation to the Executive may, so far as it relates to any functions, property, rights or liabilities transferred, be continued to be done by or in relation to the Authority.

(3) Anything done (or having effect as if done) by or in relation to the Executive for the purposes of or in connection with any functions, property, rights or liabilities transferred to the Authority by virtue of this Order shall, if in force at the time when that transfer takes effect, have effect as if done by the Authority in so far as that is required for continuing its effect after that time.

St Andrew's House,
Edinburgh
2007

A member of the Scottish Executive

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the transfer of all functions, property, rights and liabilities from the Strathclyde Passenger Transport Executive to the Strathclyde Passenger Transport Authority on 1st June 2007 (article 3).

Article 4 provides for the dissolution of the Executive with effect from the transfer date.

Article 5 makes general supplementary, incidental and consequential provision in relation to the transfer.

The effect of the Order is that the Strathclyde Passenger Transport Executive is incorporated into the Strathclyde Passenger Transport Authority. This follows the transfer of the majority of the functions of both the Executive and the Authority to the West of Scotland Transport Partnership provided for by the Transfer of Functions from the Strathclyde Passenger Transport Authority and the Strathclyde Passenger Transport Executive to the West of Scotland Transport Partnership Order 2006(3).