
STATUTORY INSTRUMENTS

1973 No. 1732

TRANSPORT

The Tyne and Wear Passenger Transport Area
(Adaptation of Enactments and Instruments) Order 1973

<i>Made</i>	- - - -	<i>17th October 1973</i>
<i>Laid before Parliament</i>		<i>29th October 1973</i>
<i>Coming into Operation</i>		<i>19th November 1973</i>

The Secretary of State for the Environment hereby makes this Order in exercise of his powers under section 202(4) and (5) of the Local Government Act 1972 and of all other enabling powers:—

Citation and commencement

1. This Order may be cited as the Tyne and Wear Passenger Transport Area (Adaptation of Enactments and Instruments) Order 1973, and shall come into operation on 19th November 1973.

Interpretation

2.—(1) In this Order, unless the context otherwise requires—

“the Act of 1968” means the Transport Act 1968;

“the Act of 1972” means the Local Government Act 1972;

“the Designation Order” means the Tyneside Passenger Transport Area (Designation) Order 1969(1), as varied and supplemented by the Tyneside Passenger Transport (Designation of Additional Area) Order 1973(2);

“the Executive” means the Passenger Transport Executive established under the Designation Order;

“the Railway Passenger Services Order” means the Tyneside Passenger Transport Area (Railway Passenger Services) Order 1971;

“the Transfer Order” means the Tyneside Passenger Transport Area (Transfer of Undertakings) Order 1969.

(2) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(1) (1969 I, p. 293).
(2) (1973 I, p. 622).

Existing Passenger Transport Executive to become Executive for Metropolitan County

3.—(1) The Passenger Transport Executive who were established under the Designation Order and who are known as the Tyneside Passenger Transport Executive shall on 1st April 1974 become the Passenger Transport Executive for the County of Tyne and Wear and be known as the Tyne and Wear Passenger Transport Executive, and their functions shall on and after that date apply as respects the area of that county as they applied before that date as respects the area designated by the Designation Order.

(2) The persons who immediately before 1st April 1974 are the Director General and other members of the Executive shall continue to hold office on and after that date in accordance with the terms of their appointments until such appointments are terminated or the terms thereof varied in accordance with the provisions applicable thereto.

(3) Nothing in this Order shall affect the validity of anything done by or to or in relation to the Executive before 1st April 1974.

Dissolution of Existing Passenger Transport Authority

4.—(1) On 1st April 1974 the Passenger Transport Authority established in accordance with the Designation Order shall be dissolved and all property, rights and liabilities of that Authority shall be transferred to and vest in the County Council of Tyne and Wear (who by virtue of section 202 of the Act of 1972 become on that date the Passenger Transport Authority for the area of the County of Tyne and Wear).

(2) The dissolution of the said Passenger Transport Authority as aforesaid shall not affect the validity of anything done by or to or in relation to that Authority before 1st April 1974, and insofar as any such thing has continuing effect on and after that date references to that Authority in any instruments or other document relating thereto shall be construed on and after that date as references to the County Council of Tyne and Wear in their capacity as Passenger Transport Authority.

Amendments to Existing Orders

5. The provisions of the Designation Order, the Transfer Order and the Railway Passenger Services Order shall on and after 1st April 1974 have effect subject to the amendments and revocations specified respectively in Parts I, II and III of the Schedule to this Order.

Signed by authority of the Secretary of State.

17th October 1973

John Peyton
Minister for Transport Industries
Department of the Environment

THE SCHEDULE

AMENDMENTS TO EXISTING ORDERS UNDER PART II OF THE TRANSPORT ACT 1968

Part I

The Designation Order

(A) *The Tyneside Passenger Transport Area (Designation) Order 1969*

Article 2(1). The definition of “the constituent councils” shall be deleted.

For the definitions of “the Act of 1933”, “the Authority” and “the designated area” the following definitions shall be substituted:—

“the Act of 1972” means the Local Government Act 1972;

“the Authority” means the County Council of Tyne and Wear;

“the designated area” means the County of Tyne and Wear;

Article 3 to 15 *inclusive* shall be revoked

Article 17(2). For the reference to paragraphs 1 to 5 of Part V of Schedule 3 to the Act of 1933 (meaning thereby the Local Government Act 1933) there shall be substituted a reference to Part VI of Schedule 12 to the Act of 1972.

Article 18. For Article 18 the following shall be substituted:—

“Application of certain enactments relating to local authorities etc

18.—(1) The provisions of sections 94 to 98 and 105 of the Act of 1972 (which relate to the disability of members of local authorities for taking part in the consideration or discussion of, or for voting on, any question with respect to contracts, proposed contracts or other matters in which they have a pecuniary interest) shall apply to members of the Executive or of any committee or sub-committee of the Executive as they apply to members of local authorities or of any committees or sub-committees of such authorities, but so that in such application the said provisions shall have effect as if—

- (a) they referred only to contracts and proposed contracts and did not extend to other matters,
- (b) subsection (3) was omitted from section 94 and subsections (1) to (3) were omitted from section 97 of the said Act of 1972, and
- (c) in section 96 of the Act of 1972 there were substituted for references to the proper officer of the authority references to the Secretary of the Executive.

(2) Section 117 of the Act of 1972 (which relates to the disclosure by officers of local authorities of their interest in contracts or proposed contracts) shall apply in relation to officers and servants of the Executive as it applies in relation to officers and servants of local authorities.

(3) Section 140 of the Act of 1972 (which relates to insurance by local authorities against accidents to members) shall apply to the Executive as it applies to a local authority.

(4) Section 223 of the Act of 1972 (which relates to the appearance of local authorities in legal proceedings) and paragraph 20 of Schedule 13 to that Act (which relieves lenders from making certain enquiries) shall apply in relation to the Executive as they apply in relation to a local authority.

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(5) Section 144(2)(a) of the Road Traffic Act 1972⁽³⁾ (which provides that the requirements of section 143 of that Act as to users of motor vehicles being insured or secured against third party risks are not to apply to a vehicle owned by any such local authority as is mentioned in the said subsection (2)(a)) shall apply to a vehicle owned by the Executive, or by any subsidiary of the Executive, as it applies to a vehicle owned by any local authority so mentioned.”

Article 19(1) and (2). The references to the Authority shall be deleted.

Article 20. The references to the Authority shall be deleted.

Article 22. The references to the Authority shall be deleted.

Article 23. The references to the Authority and to paragraph 11 of Schedule 3 shall be deleted.

Schedules 1 to 3 shall be revoked.

(B) *The Tyneside Passenger Transport (Designation of Additional Area) Order 1973.*

This Order shall be revoked.

Part II

The Transfer Order

Article 2(1). For the definition of “the Authority” the following shall be substituted:

“the Authority” means the County Council of Tyne and Wear.

Part III

The Railway Passenger Services Order

The reference to the Tyneside Passenger Transport Area shall be construed as a reference to the County of Tyne and Wear.

EXPLANATORY NOTE

This Order makes provision for the existing Tyneside Passenger Transport Executive to become on 1st April 1974 the Passenger Transport Executive for the metropolitan county of Tyne and Wear, for the dissolution on that date of the existing Tyneside Passenger Transport Authority and for the vesting of the property, rights and liabilities of that Authority on that date in the County Council of Tyne and Wear (Articles 3 and 4).

The existing Orders relating to the Tyneside Passenger Transport Area are amended (Article 5 and the Schedule).

(3) 1972 c. 20.