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STATUTORY INSTRUMENTS

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**1988 No. 167**

**ROAD TRAFFIC**

**The Merseyside Traffic Control System (Transfer) Order 1988**

<i>Made</i>	- - - -	<i>8th February 1988</i>
<i>Laid before Parliament</i>		<i>15th February 1988</i>
<i>Coming into force</i>		
<i>Article 3</i>		<i>7th March 1988</i>
<i>Remainder</i>		<i>1st April 1988</i>

The Secretary of State, in exercise of the powers conferred by section 101(1) of the Local Government Act 1985(1), and of all other enabling powers, hereby makes the following Order:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Merseyside Traffic Control System (Transfer) Order 1988 and shall come into force on 1st April 1988.

(2) Article 3 of this Order shall come into force on 7th March 1988 and all other articles thereof shall come into force on 1st April 1988.

**2. In this Order—**

“the 1985 Act” means the Local Government Act 1985;

“the 1986 Order” means the Merseyside Traffic Control System (Transfer) Order 1986(2)

“the Council” means Liverpool City Council;

“operative date” means 1st April 1988;

“residuary body” means the residuary body established for Merseyside pursuant to section 57 of the 1985 Act;

“Secretary of State” means the Secretary of State for Transport.

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(1) 1985 c. 51.  
(2) S.I.1986/316.

### **Authority of the Council to act as agent for the Secretary of State**

3. For the purpose of securing the control, management, development and extension of the Merseyside traffic signal and control system, the Council may act as the agent of the Secretary of State in the control, management, development and extension of that system.

### **Transfer of rights, liabilities and property**

4.—(1) This article applies to—

- (a) the rights and liabilities transferred to the residuary body by article 5(1) of the 1986 Order; and
- (b) subject to paragraph (2) all other rights and liabilities acquired or incurred by the residuary body relating to—
  - (i) the property transferred by article 4 of the 1986 Order, or
  - (ii) any other property of a description specified in Schedule 1 to the 1986 Order whether such property was in existence before the coming into force of that Order or otherwise,

so far, in each case, as subsisting immediately before the operative date.

(2) There are excluded from paragraph (1)(b), and thus from the application of this article—

- (a) all rights and liabilities under a contract of employment; and
  - (b) all rights and liabilities of the residuary body under an agreement dated the 27th day of March 1986 and made between that body and the Secretary of State.
- (3) All the rights and liabilities to which this article applies shall vest in the Secretary of State.

5.—(1) This article applies to any property of a description specified in Schedule 1 to the 1986 Order acquired by the residuary body after the 1986 Order came into force and which is held by the residuary body immediately before the operative date.

(2) All property to which this article applies shall vest in the Secretary of State.

### **Supplementary provisions**

6.—(1) Where any rights or liabilities transferred by article 4 of this Order are rights and liabilities under an agreement (other than a contract of employment) to which the residuary body was a party immediately before the operative date, whether in writing or not, and whether or not of such a nature that rights and liabilities thereunder could be assigned by that body, that agreement shall have effect on and after that date as if—

- (a) the Secretary of State had been a party to that agreement; and
- (b) for any reference (however worded, and whether express or implied) to the residuary body there were substituted, as respects anything falling to be done after the operative date, a reference to the Secretary of State.

(2) Paragraph (1) of this article (except sub-paragraph (a)) shall apply in relation to any provision of any document other than an agreement if and so far as the provision in question relates to any rights and liabilities transferred by article 4 of this Order as it applies in relation to an agreement to which the residuary body was a party.

7. Any action or proceeding, or any cause of action or proceeding, pending or existing immediately before the operative date by or against the residuary body and relating to any right or liability transferred by this Order shall not be prejudicially affected by this Order and may be continued, prosecuted or enforced by or (as the case may be) against the Secretary of State.

Signed by authority of the Secretary of State

8th February 1988

*Peter Bottomley*  
Parliamentary Under Secretary of State,  
Department of Transport

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

Article 3 of this Order comes into force on 7th March and the remainder comes into force on 1st April 1988.

Article 3 enables Liverpool City Council to act as the Secretary of State's agent in the control, management, development and extension of the Merseyside traffic signal and control system.

Article 4 transfers to the Secretary of State for Transport the rights and liabilities of the Merseyside Residuary Body relating to the system.

Article 5 transfers property acquired by the Merseyside Residuary Body relating to the system.

Articles 6 and 7 contain supplementary provisions.