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STATUTORY INSTRUMENTS

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1986 No. 297

LOCAL GOVERNMENT, ENGLAND AND WALES

**The Mersey Tunnels Order 1986**

*Made* - - - - - 21st February 1986  
*Laid before Parliament* 27th February 1986  
*Coming into Operation* 1st April 1986

The Secretary of State, in exercise of the powers conferred by sections 52, 100 and 101 of the Local Government Act 1985(a), and of all other enabling powers, hereby makes the following Order:—

*Citation, commencement and interpretation*

1. This Order may be cited as the Mersey Tunnels Order 1986 and shall come into operation on 1st April 1986.

2. In this Order—

“the Act” means the Local Government Act 1985;

“the Authority” means the Merseyside Passenger Transport Authority established by section 28 of the Act;

“the County Council” means the County Council of Merseyside;

“the operative date” means 1st April 1986;

“the tunnels” and “the approaches” have the same meanings respectively as in section 84 of the County of Merseyside Act 1980(b).

*Transfer of property and functions*

3.—(1) All property which immediately before the operative date comprises part of the tunnels or the approaches and is vested in the County Council is hereby transferred to and vested in the Authority.

(2) All property (other than any property falling within paragraph (1) above), rights and liabilities (other than rights and liabilities in respect of money borrowed by the County Council) which immediately before the operative date are vested in or attached to the County Council in respect of the tunnels are hereby transferred to and vested in or (as appropriate) attached to the Authority.

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(a) 1985 c.51.

(b) 1980 c.x.

4.— (1) All functions conferred by the Acts specified in Schedule 1 to this Order and immediately before the operative date exercisable by the County Council in relation to the property, rights and liabilities mentioned in article 3 of this Order (or, as the case may be, to any of such property, rights and liabilities) are hereby conferred on the Authority.

(2) The Acts specified in Schedule 1 to this Order are hereby amended as shown in Schedule 2 to this Order.

*Transfer of staff*

5.— (1) All those persons employed by the County Council immediately before the operative date exclusively on duties relating to the operation, maintenance or administration of the tunnels and the approaches are hereby designated for the purposes of section 52 of the Act.

(2) The Authority are hereby specified for the purposes of that section as the successor authority in relation to the persons mentioned in paragraph (1) of this article.

*Continuity*

6. Any action or proceeding, or any cause of action or proceeding, pending or existing immediately before the operative date by, or against, the County Council and relating to the tunnels or the approaches shall not be prejudicially affected by this Order and may be continued, prosecuted or enforced by, or against, the Authority.

*Disputes*

7.— (1) Any question as to the interpretation or application of any provision of this Order (other than article 5) may be determined by a person agreed on by the parties concerned or, in default of their agreement, by the Secretary of State or a person appointed by him.

(2) References in this article to determination by a person (other than such references to the Secretary of State) shall be construed as including references to three persons.

(3) Section 31 of the Arbitration Act 1950(a) shall have effect for the purposes of the determination of any question under this article as if such determination were an arbitration under any other Act within the meaning of that section.

*Nicholas Ridley,*  
Secretary of State for Transport.

21st February 1986.

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(a) 1950 c.27.

SCHEDULE 1

Regulation 4(1)

The Mersey Tunnel Act 1925(a).  
The Mersey Tunnel Act 1927(b).  
The Mersey Tunnel Act 1928(c).  
The Mersey Tunnel Act 1933(d).  
The Mersey Tunnel Act 1955(e).  
The Birkenhead Corporation (Mersey Tunnel Approaches) Act 1965(f).  
The Mersey Tunnel (Liverpool/Wallasey) etc. Act 1965(g).  
The Mersey Tunnel (Liverpool/Wallasey) Act 1968(h).  
The County of Merseyside Act 1980(i).

SCHEDULE 2

Article 4(2)

AMENDMENTS TO THE ACTS SPECIFIED IN SCHEDULE 1

1. The Mersey Tunnel Act 1925 (c.cx.).

For the word “Corporations” in each place where it occurs there shall be substituted the words “Merseyside Passenger Transport Authority”.

2. The Mersey Tunnel Act 1927 (c.xciii.).

For the word “Corporations” in place where it occurs there shall be substituted the words “Merseyside Passenger Transport Authority”.

3. The Mersey Tunnel Act 1928 (c.iii.).

For the word “Corporations” in each place where it occurs there shall be substituted the words “Merseyside Passenger Transport Authority”.

4. The Mersey Tunnel Act 1933 (c.xxxix.).

In sections 5 and 6, for the word “Corporations” in each place where it occurs there shall be substituted the words “Merseyside Passenger Transport Authority”.

5. The Birkenhead Corporation (Mersey Tunnel Approaches) Act 1965 (c.xxxviii.).

For the word “Corporation” in each place where it occurs there shall be substituted the words “Merseyside Passenger Transport Authority”.

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- (a) 1925 c.cx.
  - (b) 1927 c.xciii.
  - (c) 1928 c.iii.
  - (d) 1933 c.xxxix.
  - (e) 1955 c.vii.
  - (f) 1965 c.xxxviii.
  - (g) 1965. c.x1.
  - (h) 1968 c.xii.
  - (i) 1980 c.x.

6. The Mersey Tunnel (Liverpool/Wallasey) etc. Act 1965 (c.xl).

For the word "Corporations" in each place where it occurs there shall be substituted the words "Merseyside Passenger Transport Authority"

7. The County of Merseyside Act 1980 (c.x).

(a) In sections 84 to 109 inclusive, references to the county council shall be read as references to the Merseyside Passenger Transport Authority.

(b) In section 99—

(i) in paragraph (e) of subsection (1), for the words "county fund" their shall be substituted the words "general fund"; and

(ii) after subsection (2) their shall be substituted the following new subsection—

"(3) In subsection (2) of this section "general fund" means the fund which the Merseyside Passenger Transport Authority are required to keep by virtue of section 72 of the Local Government Act 1985."

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order makes provision for the transfer of the Mersey tunnels and their approaches from the County Council of Merseyside to the Merseyside Passenger Transport Authority established pursuant to the Local Government Act 1985. Article 3 transfers the property, rights and liabilities comprised in or associated with the tunnels and approaches; article 4 transfers the statutory functions; and article 5 transfers staff. Provision is also made for continuity (article 6) and for the resolution of disputes (article 7).