

## 1986 No. 316

## ROAD TRAFFIC

**The Merseyside Traffic Control System (Transfer) Order 1986**

Made - - - - 24th February 1986

Coming into Operation 1st April 1986

The Secretary of State, in exercise of the powers conferred by paragraph 10 of Schedule 5 to 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 Merseyside Traffic Control System (Transfer) Order 1986 and shall come into operation on 1st April 1986.

2. In this Order—

“the 1984 Act” means the Road Traffic Regulation Act 1984(b);

“Merseyside authorities” means the councils of the metropolitan districts of Knowsley, Liverpool, Sefton, St. Helens and Wirral;

“operative date” means 1st April 1986;

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

“traffic light signal” means—

(a) any traffic sign of the size, colour and type prescribed by regulation 31, 33, 35 or 36, of the Traffic Signs Regulations 1981(c); and

(b) any traffic sign of the size, colour and type prescribed by regulation 3(1) of, and Schedule 1 to, the “Pelican” Pedestrian Crossings Regulations 1969(d);

“traffic sign” has the same meaning as in section 64 of the 1984 Act.

*Transfer of functions*

3.— (1) The functions conferred on Merseyside authorities by section 65 of

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(a) 1985 c. 51.  
(b) 1984 c. 27.  
(c) S.I. 1981/859.  
(d) S.I. 1969/888.

the 1984 Act in respect of traffic signs to which this paragraph applies are hereby transferred to the Secretary of State.

(2) Paragraph (1) of this article applies to traffic signs which are traffic light signals controlling the movement of any class of road traffic (including pedestrians).

*Transfer of property*

4.— (1) This article applies to any property of a description specified in Schedule 1 to this Order which, immediately before the operative date, is held by the Merseyside County Council for the purpose of the functions conferred on that Council by the section of the 1984 Act mentioned in paragraph (1) of article 3 of this Order.

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

*Transfer of rights and liabilities*

5.— (1) All rights and liabilities (other than rights and liabilities under a contract of employment) of the Merseyside County Council relating to property transferred by this Order and subsisting immediately before the operative date shall vest in the residuary body.

(2) Where any rights or liabilities transferred by paragraph (1) of this article are rights or liabilities under an agreement (other than a contract of employment) to which the Merseyside County Council 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 Council, that agreement shall have effect on and after that date as if—

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

(3) Paragraph (2) 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 or liabilities transferred by paragraph (1) of this article as it applies in relation to an agreement to which that Council was a party.

*Transfer of staff*

6.— (1) This article applies to such of the persons whose names and pay numbers are specified in Schedule 2 to this Order as are in the service of the Merseyside County Council immediately before the operative date.

(2) The rights and liabilities of that Council under the contracts of employment of the persons to whom this article applies shall vest in the residuary body.

*Supplementary provisions*

7.— (1) Anything which immediately before the operative date is in the process of being done by or in relation to the Merseyside County Council in the exercise of or in connection with any functions which by virtue of this Order become functions of the Secretary of State may be continued by or in relation to him.

(2) Anything done before the operative date by or in relation to that Council in the exercise of or in connection with any functions mentioned in paragraph (1) of this article shall so far as is required for continuing its effect after that date have effect as if done by or in relation to the Secretary of State.

8. Any action or proceeding, or any cause of action or proceeding, pending or existing immediately before the operative date by or against the Merseyside County Council and relating to anything transferred by this Order shall not be prejudicially affected by this Order and—

- (a) in the case of any action or proceeding, or cause of action or proceeding, relating to functions transferred to the Secretary of State, may be continued, prosecuted or enforced by or (as the case may be) against the Secretary of State;
- (b) in the case of any action or proceeding, or cause of action or proceeding, relating to matters transferred to the Secretary of State for Transport, may be continued, prosecuted or enforced by or (as the case may be) against that Secretary of State; or
- (c) in the case of any action or proceeding, or cause of action or proceeding, relating to matters transferred to the residuary body, may be continued, prosecuted or enforced by or (as the case may be) against that body.

*Nicholas Ridley,*  
Secretary of State for Transport.

24th February 1986.

## SCHEDULE 1

## Article 4

## PROPERTY TRANSFERRED TO THE SECRETARY OF STATE FOR TRANSPORT

1. All traffic light signals, including any standards or brackets the primary purpose of which is the support of such signals.
2. All computers, traffic signal controllers and other devices needed or capable of being used for controlling or changing the information given to any class of road traffic (including pedestrians).
3. Any other thing which is connected to any property of a description specified in paragraph 1 or 2 of this Schedule by electrical, mechanical or other means, including (without prejudice to the generality of the foregoing) the cable and duct system and associated inspection chambers, detection or surveillance equipment, television cameras, and machinery and apparatus forming part of a central or local system for monitoring or controlling traffic flow and movements.
4. All computer software and related manuals, records and other documents used in association with any property of a description specified in this Schedule, and also all copyrights and other rights of user in or related to any such property.
5. All vehicles and other equipment located within or on the premises appropriated for the accommodation and use of property of any description specified in this Schedule and used in association with or by staff using or operating, any such property.
6. Any property of a description not specified in the preceding paragraphs of this Schedule and forming part of or used or acquired for use in association with what is commonly known as the Merseyside traffic signal and control system.

## Article 6

## SCHEDULE 2

## PERSONS TO WHOM ARTICLE 6 APPLIES

Name	Initials	Pay Number	County Council Reference No.
HOLDEN	E	7341290	ENG/9/1
WILDING	GE	7395437	ENG/9/2
FAIRCLOUGH	DE	7329378	ENG/9/3
SCOTT	PG	7379100	ENG/9/4
SARTAIN	D	7378201	ENG/9/5
ROBINSON	JA	7376320	ENG/9/6
GAVAN	FJ	7332315	ENG/9/7
SMITH	E	7382351	ENG/9/9
FIELD	B	7329386	ENG/9/10
TURNER	AJ	7389299	ENG/9/11
HOWARD	I	7342363	ENG/9/12
CHUCKUEMEKA	A	7316250	ENG/9/13
GEDDES	WG	7332323	ENG/9/14
McGUIRE	GA	7357197	ENG/9/16
CUMMINGS	BF	7321318	ENG/9/17
COLE	BG	7318280	ENG/9/19
WINDLE	EG	7397292	ENG/9/20
LANCASTER	IF	7351240	ENG/9A/1
POWELL	WT	7369218	ENG/9A/2
JONES	RA	7348352	ENG/10/1
REES	JC	7373186	ENG/10/2
BUTLER	GA	7313349	ENG/10/4
READY	G	7372790	ENG/10/5
TOYN	ME	7389281	ENG/10/7
THOMAS	RH	7387350	ENG/10/8
JONES	P	7348444	ENG/10/9
BUCKLEY	K	7313422	ENG/10/10
BRENNAN	A	7310113	ENG/10/11
WHITE	MJ	7394182	ENG/11/11
SMALLWOOD	D	7382443	ENG/11A/20
SAPIRO	P	7378227	ENG/4/6
GRIMES	R	7300916	ENG/M/34/5
LYTHGOE	S	7313083	ENG/M/34/10
EARLS	J	7327398	ENG/12/19

## EXPLANATORY NOTE

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

This Order, which comes into operation on 1st April 1986, transfers the functions with respect to traffic light signals conferred on Merseyside authorities (as defined in article 2) with effect from that date by section 65 of the Road Traffic Regulation Act 1984 to the Secretary of State (article 3). To enable him to discharge those functions, article 4 transfers to him the property described in Schedule 1 to the Order. Article 5 transfers the rights and liabilities relating to that property to the Merseyside Residuary Body. Article 6 transfers to the Residuary Body the contracts of employment of the staff identified in Schedule 2 to the Order, being staff who operate the property transferred to the Secretary of State. Articles 7 and 8 contain supplementary provisions for the purpose of continuity.

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