

**2013 No. 2986**

**CONTROL OF FUEL AND ELECTRICITY**  
**LOCAL GOVERNMENT, ENGLAND AND WALES**  
**LONDON GOVERNMENT**  
**PUBLIC PASSENGER TRANSPORT**  
**TRANSPORT, ENGLAND AND WALES**

**The Control of Fuel and Electricity, Local Government and  
Transport (Revocations and Savings) Order 2013**

<i>Made</i>	- - - -	<i>26th November 2013</i>
<i>Laid before Parliament</i>		<i>2nd December 2013</i>
<i>Coming into force</i>	- -	<i>31st December 2013</i>

The Secretary of State, in whom the powers conferred by the provisions set out in Schedule 1 to this Order now vest(a), makes the following Order.

The Secretary of State has consulted organisations representative of manufacturers, importers, distributors and retailers of cars for the United Kingdom market so far as is required by section 15(5) of the Energy Act 1976(b) for the purposes of this Order.

**Citation and commencement**

**1.** This Order may be cited as the Control of Fuel and Electricity, Local Government and Transport (Revocations and Savings) Order 2013 and comes into force on 31st December 2013.

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(a) S.I. 1970/1681 transferred functions from the Minister of Transport to the Secretary of State and the Secretary of State for the Environment. S.I. 1976/1775 transferred transport functions exercised by the Secretary of State for the Environment to the Secretary of State for Transport. S.I. 1979/571 transferred functions of the Secretary of State for Transport to the Minister of Transport. S.I. 1981/238 transferred functions of the Minister of Transport to the Secretary of State for Transport. S.I. 1997/2971 transferred the functions of the Secretary of State for Transport to the Secretary of State for the Environment, Transport and the Regions. S.I. 2001/2568 transferred the functions of the Secretary of State for the Environment, Transport and the Regions to the Secretary of State for Transport, Local Government and the Regions. S.I. 2002/2626 transferred functions of the Secretary of State for Transport, Local Government and the Regions to the First Secretary of State. S.I. 2008/1034 transferred the functions of the First Secretary of State that were the functions of the Secretary of State for Transport immediately before the coming into force of S.I. 1997/2971, to the Secretary of State. It also transferred any function of the First Secretary of State not transferred by any other provision of the Order to the Secretary of State.

(b) 1976 c. 76.

## Revocations

2.—(1) The Orders listed in the table in Schedule 2 are revoked.

(2) The Orders listed in column 1 of the table in Schedule 3 are revoked to the extent specified in the corresponding entry in column 3 of that table.

## Saving provisions

3. The revocation by this Order of the Transport Holding Company (Dissolution) Order 1973(a) (“the 1973 Order”) does not affect—

- (a) any property, rights or liabilities to which the National Freight Corporation and its successors remain entitled or subject by virtue of the transfer of such property, rights or liabilities made by article 2(1) of the 1973 Order;
- (b) such powers as may vest in the National Freight Corporation and its successors to deal with or discharge such property, rights and liabilities by virtue of article 2(2) of the 1973 Order;
- (c) the modifications made to section 2 of the Transport Holding Company Act 1972(b) by article 3(2) of and Schedule 1 to the 1973 Order.

4. The revocation by this Order of the National Bus Company (Dissolution) Order 1991(c) (“the 1991 Order”) does not—

- (a) affect any property, rights or liabilities to which the Secretary of State is entitled or subject by virtue of the transfer of such property, rights or liabilities made by article 3 of the 1991 Order;
- (b) revive the amendment made by article 5(1) and (2)(d) of the 1991 Order.

Signed by authority of the Secretary of State for Transport

26th November 2013

*Stephen Hammond*  
Parliamentary Under Secretary of State  
Department for Transport

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(a) S.I. 1973/338.

(b) 1972 c. 14. The effect of the amendments is to provide that references to “the company” in section 2(1) to (4) of the Act are to be construed as references to the National Freight Corporation.

(c) S.I. 1991/510.

(d) Article 5(2) of the 1991 Order amended paragraph 31(4) of Schedule 3 to the Transport Act 1981 (c. 56).

# SCHEDULE 1

Preamble

## Provisions conferring powers exercised in the making of this Order

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### *Enactment conferring power*

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Transport Act 1968 <b>(a)</b>	Sections 53(1) and 157
Transport Holding Company Act 1972 <b>(b)</b>	Sections 1(6) and 2(3)(e) and (6)
Energy Act 1976 <b>(c)</b>	Sections 15(1), (2), (3), (6) and (7), and 17(2) and (4)(b)
Local Government Act 1985 <b>(d)</b>	Section 101(1) and (2)
Transport Act 1985 <b>(e)</b>	Sections 54(1) to (3), 66(2) to (4), 73(6) and 129(5)
Local Government Finance Act 1988 <b>(f)</b>	Section 147(1) and (2)
Greater London Authority Act 1999 <b>(g)</b>	Sections 405(2) and 406

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- (a) 1968 c. 73. Functions of the Secretary of State are, so far as exercisable in relation to Scotland, transferred to the Scottish Ministers by the Scotland Act 1998 (c. 46), section 53. Functions of the Secretary of State in respect of sections 53 and 157 are, so far as exercisable in relation to Northern Ireland, transferred to any Northern Ireland Minister or Department by the Northern Ireland Act 1998 (c. 47), section 23(2). Section 53(1) is amended by the Transport Holding Company Act 1972, section 1(3). Section 157 is amended by the Statute Law (Repeals) Act 2004 (c. 14), section 1 and Schedule 1, Part 14.
  - (b) Functions of the Secretary of State are, so far as exercisable in relation to Scotland, transferred to the Scottish Ministers by the Scotland Act 1998, section 53. Functions of the Secretary of State are, so far as exercisable in relation to Northern Ireland, transferred to any Northern Ireland Minister or Department by the Northern Ireland Act 1998, section 23(2).
  - (c) The Transfer of Functions (Passenger Car Fuel Consumption Tests) Order 1980 (S.I. 1980/1719) transferred the functions of the Secretary of State under section 15 of the Energy Act 1976 to the Minister of Transport. For further information on the subsequent transfer of functions see footnote (a) on page 1. Functions of the Secretary of State are, so far as exercisable in relation to Northern Ireland, transferred to any Northern Ireland Minister or Department by the Northern Ireland Act 1998, section 23(2).
  - (d) 1985 c. 51. Section 101(1) is amended by the Housing Act 1988 (c. 50), section 140 and Schedule 17, Part 1, paragraph 37.
  - (e) 1985 c. 67. Functions of the Secretary of State in respect of sections 54, 66, 73 and 129 are, so far as exercisable in relation to Scotland, transferred to the Scottish Ministers by the Scotland Act 1998, section 53. Functions of the Secretary of State in respect of sections 66 and 73 are, so far as exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c. 38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) article 2; see the entry in Schedule 1 for the Transport Act 1985. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c. 32) they were transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act. Section 54(3) is amended by the Statute Law (Repeals) Act 2004, section 1 and Schedule 1, Part 5, Group 15.
  - (f) 1988 c. 41. Functions of the Secretary of State in respect of section 147 are, so far as exercisable in relation to Scotland, transferred to the Scottish Ministers by the Scotland Act 1998, section 53. Functions of the Secretary of State in respect of section 147 are, so far as exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 by the National Assembly for Wales (Transfer of Functions) Order 1999 article 2; see the entry in Schedule 1 for the Local Government Finance Act 1988. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 they were transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act.
  - (g) 1999 c. 29.

## SCHEDULE 2

Article 2(1)

### Revocations

<i>Order revoked</i>	<i>Reference</i>
The Public Passenger Transport Policies (Anticipatory Exercise of Powers) Order 1986	S.I. 1986/81
The London Traffic Control System (Transfer) Order 1988	S.I. 1988/166
The London Traffic Control System (Transfer) (Amendment) Order 1998	S.I. 1998/654
The Regulation of Bus Services in Greater London (Transitional Provisions) Order 2000	S.I. 2000/1462

## SCHEDULE 3

Article 2(2)

### Revocations

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Order revoked</i>	<i>Reference</i>	<i>Extent of revocation</i>
The Transport Holding Company (Transfer of Assets) Order 1971	S.I. 1971/1254	The whole Order in England and Wales
The Transport Holding Company (Dissolution) Order 1973	S.I. 1973/338	The whole Order in England and Wales
The Passenger Car Fuel Consumption Order 1983	S.I. 1983/1486	The whole Order in England, Wales and Scotland
The Public Transport Companies (Permitted Maximum and Required Minimum Numbers of Directors) Order 1985	S.I. 1985/1901	The whole Order in England
The Transport Act 1985 (Exclusion of Bus Operating Powers and Exemption for Councils Running Small Bus Undertakings) Order 1985	S.I. 1985/1902	Articles 2 to 4 and the Schedule in England
The Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) Order 1985	S.I. 1985/1903	The whole Order in England and Wales
The Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) (Amendment) Order 1987	S.I. 1987/337	The whole Order in England and Wales
The London Regional Transport Levy (General Rate Act 1967) (Modification) Order 1988	S.I. 1988/2153	The whole Order in England
The National Bus Company (Dissolution) Order 1991	S.I. 1991/510	The whole Order in England and Wales
The Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) (Further Modification) Order 1993	S.I. 1993/2797	The whole Order in England and Wales
The Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) (Further Modification) (Amendment) Order 1993	S.I. 1993/2909	The whole Order in England and Wales
The Passenger Car Fuel Consumption (Amendment) Order 1996	S.I. 1996/1132	The whole Order in England, Wales and Scotland

## EXPLANATORY NOTE

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

This Order revokes, either in whole or in part, 16 Orders relating to transport and makes two saving provisions.

*The Public Passenger Transport Policies (Anticipatory Exercise of Powers) Order 1986* (S.I. 1986/81) established metropolitan county passenger transport authorities so as to enable them to take certain preliminary steps prior to the establishment of Passenger Transport Authorities and Executives. These bodies came into being in April 1986 and this Order is now spent.

*The London Traffic Control System (Transfer) Order 1988* (S.I. 1988/166) and one amending instrument (S.I. 1998/654) make provision for the exercise of the Secretary of State's powers in respect of the London Traffic Control System. The system has now been transferred to Transport for London and the Orders are no longer required.

*The Regulation of Bus Services in Greater London (Transitional Provisions) Order 2000* (S.I. 2000/1462) made transitional provisions following changes to the regulation of some local bus services in London introduced by the Greater London Authority Act 1999. The transitional period has now passed.

*The Transport Holding Company (Transfer of Assets) Order 1971* (S.I. 1971/1254) transferred certain assets from the Transport Holding Company (which was created by the Transport Act 1962 to administer certain state-owned transport, travel and engineering companies previously managed by the British Transport Commission). The Company was subsequently dissolved by the *Transport Holding Company (Dissolution) Order 1973* (S.I. 1973/338) with property, rights and liabilities transferred to the National Freight Corporation. These provisions are spent. A saving provision has been included in article 3 of this Order in respect of S.I. 1973/338 to ensure that the revocation does not affect any such property, rights or liabilities which now vest in the National Freight Corporation or its successors.

*The Passenger Car Fuel Consumption Order 1983* (S.I. 1983/1486) and one amending instrument (S.I. 1996/1132) implemented requirements relating to the determination of the fuel consumption of certain motor vehicles, including the testing requirements and procedures. The necessary requirements now form part of the Europe-wide type approval process and these provisions have been superseded.

*The Public Transport Companies (Permitted Maximum and Required Minimum Numbers of Directors) Order 1985* (S.I. 1985/1901) prescribes the maximum and minimum numbers of directors of public transport companies. A public transport company is a company formed under provisions in the Transport Act 1985 to take over the operation of local authority bus undertakings. The revocation of this Order removes those restrictions.

Articles 2 to 4 of the *Transport Act 1985 (Exclusion of Bus Operating Powers and Exemption for Councils Running Small Bus Undertakings) Order 1985* (S.I. 1985/1902) specify the primary and preparatory periods for the cessation of powers of certain local authorities to operate bus undertakings. These provisions are now spent. Article 5, which exempts local authorities with small bus undertakings (no more than ten vehicles) from these provisions, is retained.

*The Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) Order 1985* (S.I. 1985/1903) and three related Orders (S.I. 1987/337, 1993/2797 and 1993/2909) modify Schedule 4 to the Transport Act 1968 (supplementary provisions as to certain transfers of property, rights and liabilities) in its application to the transfer of local authority bus undertakings to other companies. The Secretary of State is satisfied that there are no remaining undertakings in England and Wales to which these provisions are relevant.

*The London Regional Transport Levy (General Rate Act 1967) (Modification) Order 1988* (S.I. 1988/2153) modified provisions in the General Rate Act 1967 as they applied to levies imposed by the Secretary of State on rating authorities in Greater London. The purpose of such levies was to recover expenditure on London Regional Transport. The provisions are now spent.

*The National Bus Company (Dissolution) Order 1991* (S.I. 1991/510) dissolved the National Bus Company and transferred all property, rights and liabilities to the Secretary of State. Article 4 of this Order contains a saving provision to ensure that the revocation does not affect any such property, rights or liabilities.

A full impact assessment has not been produced for this instrument as no impact on business or the public or voluntary sectors is foreseen. The Explanatory Memorandum is published alongside the instrument on [www.legislation.gov.uk](http://www.legislation.gov.uk).

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