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STATUTORY INSTRUMENTS

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**2016 No. 653**

**The West Midlands Combined Authority Order 2016**

**PART 3**

**Transport**

**Passenger Transport Executive**

**6.—(1)** In this Order “the Executive” means the West Midlands Passenger Transport Executive established by the West Midlands Passenger Transport Area (Designation) Order 1969(1).

(2) The Executive shall be dissolved and all the functions, property, rights and liabilities of the Executive shall be transferred to the ITA.

(3) Subject to article 8(4) and Schedule 2 and to the following provisions of this article, any reference in any enactment (whenever passed or made) to a passenger transport executive is to be treated, in its application to the combined area, as if it were to the Combined Authority.

(4) Paragraph (3) does not apply to the following enactments—

- (a) paragraph 28 of Schedule 1 to the Freedom of Information Act 2000(2);
- (b) Schedule 2 to the Local Government Act 1988(3);
- (c) section 33 of the Railways Act 2005(4);
- (d) sections 95, 96, 97, 104(2) and (3) and 137(5) of the Transport Act 1985; and
- (e) section 162(4) of the Transport Act 2000(5).

(5) The West Midlands Passenger Transport Area (Designation) Order 1969 is revoked.

**Abolition and transfer of functions**

**7.—(1)** The West Midlands integrated transport area is dissolved and the ITA is abolished.

(2) On the abolition of the ITA—

- (a) its functions, and
- (b) its property, rights and liabilities,

are transferred to the Combined Authority.

**Adaptation of enactments**

**8.—(1)** This article has effect in consequence of article 7.

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(1) S.I. 1969/97.

(2) 2000 c. 36. Paragraph 8 was substituted by paragraph 64 of Schedule 4 to the Local Transport Act 2008.

(3) 1988 c. 9.

(4) 2005 c. 14.

(5) 2000 c. 38. Section 162 was amended by sections 15(6), 26(9), 27(2), 40(2), 77(5) and 131 of, and paragraphs 41, 46(1), (2) (a) and (2)(c) of Part 3 of Schedule 4 to, and Part 2 of Schedule 7 to, the Local Transport Act 2008.

- (2) In any enactment (whenever passed or made)—
- (a) any reference to an integrated transport area, or
  - (b) any reference which falls to be read as a reference to such an area,

is to be treated as including a reference to the combined area.

- (3) In any enactment (whenever passed or made)—
- (a) any reference to an integrated transport authority, or
  - (b) any reference which falls to be read as a reference to such an authority,

is to be treated as including a reference to the Combined Authority.

(4) Paragraphs (2) and (3) do not apply to Part 2 of the Transport Act 1968(6) which is amended in accordance with Schedule 2.

### Continuity

9.—(1) Nothing in article 6, 7 or 8 affects the validity of anything done by or in relation to the ITA or the Executive before the commencement date.

(2) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred to the Combined Authority; and
- (b) is in process of being done by or in relation to the ITA or the Executive immediately before the commencement date.

(3) Anything which—

- (a) was made or done by or in relation to the ITA or the Executive for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred, and
- (b) is in effect immediately before the transfer takes effect,

has effect as if made or done by or in relation to the Combined Authority.

(4) The Combined Authority shall be substituted for the ITA or, where appropriate, the Executive, in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred, and
- (b) are made or commenced before the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the ITA or the Executive includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the ITA or the Executive.

(6) Without prejudice to the generality of this article a levy issued by the ITA under section 74 of the Local Government Finance Act 1988(7) and in accordance with the Transport Levying Bodies

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(6) 1968 c. 73.

(7) Section 74 was amended by paragraph 72 of Schedule 13 to the Local Government Finance Act 1992 (c. 14); paragraph 21 of Schedule 60 to the Local Government (Wales) Act 1994 (c. 19); Schedule 24 to the Environment Act 1995 (c. 25); section 105 of the Greater London Authority Act 1999 (c. 29); paragraph 305(a) of Schedule 8 to the Courts Act 2003 (c. 39); paragraph 68 of Schedule 1 to the Fire and Rescue Services Act 2004 (c. 21); paragraph 16 of Schedule 1 to the Local Government and Involvement in Public Health Act 2007 (c. 28); paragraphs 74 and 75 of Schedule 6 and Part 4 of Schedule 7 to the Local Democracy, Economic Development and Construction Act 2009 (c. 20); paragraphs 1 and 2 of Schedule 7 to the Police Reform and Social Responsibility Act 2011 (c. 13); paragraph 182(a) of Schedule 16 to the Localism Act 2011 (c. 20); section 9(1) (a), (b) and (2) of, and paragraphs 9 and 10 of Schedule 5 to the Cities and Local Government Devolution Act 2016 (c. 1); and by S.I. 1994/2825.

Regulations 1992(8) to the constituent councils in respect of the financial year beginning 1st April 2016 is to have effect for that year as if it had been so issued by the Combined Authority.