

2023 No. 176

LOCAL GOVERNMENT, ENGLAND

TRANSPORT, ENGLAND

The South Yorkshire Passenger Transport Executive (Transfer of Functions) Order 2023

Made - - - - 20th February 2023

Coming into force - - 1st April 2023

The Secretary of State, in exercise of the powers conferred by section 85 of the Transport Act 1985(a), makes the following Order.

In accordance with section 85(8) of that Act, a draft of this instrument has been laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the South Yorkshire Passenger Transport Executive (Transfer of Functions) Order 2023 and comes into force on 1st April 2023.

Extent and application

- 2.—(1) This Order extends to England and Wales.
(2) This Order applies to England only.

Interpretation

3. In this Order—

“combined area” has the meaning given by article 2 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014(b);

“Combined Authority” means the South Yorkshire Mayoral Combined Authority(c) established under article 3 of the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority Order 2014;

(a) 1985 c. 67. Section 85 was amended by paragraph 30 of Schedule 4 to the Local Transport Act 2008 (c. 26) and references to integrated transport area and Integrated Transport Authority are to be treated as including, respectively, a reference to the combined area and the Combined Authority in accordance with article 7 of S.I. 2014/863.
(b) S.I. 2014/863.
(c) The authority was previously known as the Barnsley, Doncaster, Rotherham and Sheffield Combined Authority but changed its name by resolution of 7th June 2021 with effect from 17th September 2021 in accordance with section 104(4) of the Local Democracy, Economic Development and Construction Act 2009 (c. 20) which applies section 97 of the Local Transport Act 2008 (change of name of ITA) to a combined authority as it applies to an Integrated Transport Authority.

“commencement date” means the date on which this Order comes into force;

“Executive” means the South Yorkshire Passenger Transport Executive established by the South Yorkshire Passenger Transport Area (Establishment of Executive) Order 1973(a).

Dissolution and transfer of functions

4. The Executive is dissolved and all the functions, property, rights and liabilities of the Executive are transferred to the Combined Authority.

Adaptation of enactments

5.—(1) Subject to paragraphs (2) and (3), 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.

(2) Paragraph (1) does not apply to the following provisions—

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

(3) The Transport Act 1968(g) is to be treated, in its application to the combined area, as if—

- (a) in section 9 (areas, authorities and executives)(h)—
 - (i) subsections (2) to (4) were omitted; and
 - (ii) in subsection (5), the words “each of the following bodies namely,” and “the Executive and any subsidiary of the Executive,” were omitted;
- (b) in section 9A (general functions of Authorities and Executives)(i)—
 - (i) the duty under subsection (3) were a duty for the Combined Authority to secure the provision of such public passenger transport services as it considers appropriate for meeting any public transport requirements within its area which in the view of the Combined Authority would not be met apart from any action taken by it for that purpose;
 - (ii) subsection (3A) were omitted;
 - (iii) in subsection (5)—
 - (aa) the words “for the Executive for that area” were omitted, and
 - (bb) for the words “by the Executive for that area, and the Executive” there were substituted “and”;
 - (iv) subsection (6)(b) were omitted; and
 - (v) in subsection (7) the words “both” and “and of the Executive” were omitted;

(a) S.I. 1973/1728.

(b) 2000 c. 36. Paragraph 28 was substituted by paragraph 64 of Schedule 4 to the Local Transport Act 2008 (c. 26).

(c) 1988 c. 9.

(d) 2005 c. 14.

(e) Sections 95, 96, 97, 104 and 137 were amended, respectively, by paragraphs 33, 34, 35, 36 and 40 of Schedule 4 to the Local Transport Act 2008 (c. 26).

(f) 2000 c. 38. Section 162(4) was amended by sections 15(6) of, and paragraph 46(2) of Schedule 4 to, the Local Transport Act 2008 (c. 26).

(g) 1968 c. 73.

(h) Section 9 was amended by the Transport Act 1985 (c. 67), the Local Government etc. (Scotland) Act 1994 (c. 39), the Local Transport Act 2008 (c. 26), the Deregulation Act 2015 (c. 20) and S.I. 2011/908, 2014/864 and 866, 2016/653 and 2018/1133.

(i) Section 9A was inserted by the Transport Act 1985 (c. 67) and was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), the Transport Act 2000 (c. 38), the Local Transport Act 2008 (c. 26), and S.I. 2014/866 and 2016/653.

- (c) in section 10 (general powers of Executive)(a)—
 - (i) in subsection (1)—
 - (aa) in paragraph (xxiii), the words “subject, in the case of a disposal of land, to the approval of the Authority,” were omitted, and
 - (bb) any other reference to the approval of the Authority were omitted; and
 - (ii) in subsection (7), the words “the approval of the Authority or” were omitted;
- (d) in section 11 (financial duty of Executive), in subsection (3A)(b), the words from “and the Authority” to “the application thereof;” were omitted;
- (e) sections 12 to 15A were omitted; and
- (f) in section 16 (publication of annual report by Authority and Executive and prevention of improper conduct of subsidiary activities), in subsection (1)(c)—
 - (i) the words “jointly by the Authority and the Executive,” were omitted;
 - (ii) “and the Executive” (in the second place) were omitted;
 - (iii) for “their respective” there were substituted “its”; and
 - (iv) the words from “including in particular” to the end of the subsection were omitted.

Continuity

6.—(1) Nothing in articles 3 or 4 affects the validity of anything done by or in relation to 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 the process of being done by or in relation to the Executive immediately before the commencement date.

(3) Anything which—

- (a) was made or done by or in relation to 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 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 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 Executive.

(a) Section 10 was amended by the Local Government Act 1974 (c. 7), the Acquisition of Land Act 1981 (c. 67), the Transport Act 1985 (c. 67), the Railways Act 1993 (c. 43), the Railways Act 2005 (c. 14), the Local Transport Act 2008 (c. 26), the Localism Act 2011 (c. 20), the Deregulation Act 2015 (c. 20) and S.I. 2014/864 and 866 and 2016/653.

(b) Subsection (3A) was inserted by paragraph 2 of Schedule 24 to the Local Government Act 1972 (c. 70).

(c) Subsection (1) was amended by the Local Government Act 1972 (c. 70), the Transport Act 1985 (c. 67), the Local Transport Act 2008 (c. 26) and S.I. 2014/866.

Signed by authority of the Secretary of State for Transport

20th February 2023

Richard Holden
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Order)

This Order provides for the merger of the South Yorkshire Passenger Transport Executive into the South Yorkshire Mayoral Combined Authority.

Article 4 dissolves the South Yorkshire Passenger Transport Executive and transfers all of its functions, property, rights and liabilities to the South Yorkshire Mayoral Combined Authority.

Article 5 provides for enactments referring to passenger transport executives to have effect, in their application to the combined area, subject to certain modifications.

Article 6 provides for continuity in the exercise of functions as between the abolished Passenger Transport Executive and the Combined Authority.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk

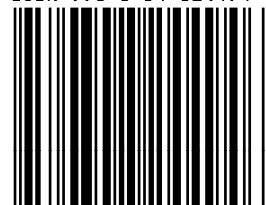
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