STATUTORY INSTRUMENTS

1986 No. 211

LOCAL GOVERNMENT, ENGLAND AND WALES

The Birdwell Highway Maintenance Depot (Transfer) Order 1986

Made - - -	12*th February* 1986
Laid before Parliament	14*th February* 1986
Coming into Operation	1*st April* 1986

The Secretary of State, in exercise of the powers conferred by section 100 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 Birdwell Highway Maintenance Depot (Transfer) Order 1986 and shall come into operation on 1st April 1986.

2. In this Order —

"the Birdwell Depot" means the land and buildings (excluding temporary buildings) situated at Wood View, Sheffield Road, Birdwell in the metropolitan district of Barnsley;

"the Secretary of State" means the Secretary of State for Transport;

"the Barnsley council" means the council of the metropolitan district of Barnsley;

"motor vehicle" has the same meaning as in section 190(1) of the Road Traffic Act 1972(**b**);

"operative date" means 1st April 1986;

"residuary body" means the residuary body established for the metropolitan county of South Yorkshire.

Transfer of the Depot, etc

3.—(1) The Birdwell Depot is hereby transferred to and vested in the Secretary of State.

(2) In so far as they are not transferred by paragraph (1) of this article, the fuel pumps and associated fuel tanks in or on the Depot are also hereby transferred to and vested in the Secretary of State.

(**a**) 1985 c.51. (**b**) 1972 c.20.

4.—(1) This article applies to all (if any) machinery and equipment (including temporary buildings and motor vehicles) in or on the Depot in which, immediately before the operative date, the Metropolitan County Council of South Yorkshire have an interest whether as owner or otherwise, but does not apply to anything transferred by article 3 of this Order or to any property of the Secretary of State.

(2) The interest of that County Council in any property to which this article applies is hereby transferred to and vested in the Barnsley Council.

(3) Any interest of the County Council in any property of the Secretary of State to which this article would apply but for the provision to the contrary in paragraph (1) is hereby transferred to and vested in the Secretary of State.

Consideration for the transfer

5.—(1) As consideration for the transfer to him of the Birdwell Depot, and any other property transferred to him by this Order, the Secretary of State shall pay to the residuary body a sum calculated or ascertained in accordance with this article.

(2) The sum payable pursuant to this article shall reflect the value of the Depot (on the basis of its use as at the operative date) and the value of any other property transferred by article 3 or 4(3) of this Order to the Secretary of State, each value being taken as at the operative date.

(3) The value of the Depot (as aforesaid) shall be reduced by an amount reflecting the value as at the operative date of any contributions made prior to that date by the Secretary of State (or any of his predecessors in function) to the cost of acquiring, constructing or improving the Depot or any other property transferred by article 3 or 4(3) of this Order.

(4) The amount of the sum payable pursuant to this article may be agreed between the Secretary of State and the residuary body.

(5) If the Secretary of State and the residuary body are unable to agree the amount of that sum, that amount shall be determined by the Commissioners of Inland Revenue.

(6) Any determination of the Commissioners pursuant to paragraph (5) of this article shall be final and binding on the Secretary of State and the residuary body.

(7) The sum payable pursuant to this article shall be paid within one month of the date when the amount of that sum is agreed or (as the case may be) determined.

(8) If that sum has not been agreed or (as the case may be) determined before the end of the period of six months commencing on the operative date, the Secretary of State shall within twenty-one days of the expiry of that period pay to the residuary body an amount of not less than 90% of his estimate of what that sum should be.

(9) The amount of the sum payable in accordance with paragraph (7) of this article shall be reduced by the amount of any sum paid in accordance with paragraph (8) of this article.

Nicholas Ridley,
Secretary of State for Transport.

12th February 1986.

EXPLANATORY NOTE

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

This Order provides for the transfer of the Birdwell highway maintenance depot in Barnsley from the Metropolitan County Council of South Yorkshire. The land and buildings constituting the depot are transferred to the Secretary of State for Transport, and certain other property in or on the depot is transferred to Barnsley Metropolitan District Council (articles 3 and 4). The Secretary of State is to pay consideration to the South Yorkshire Residuary Body (article 5).