STATUTORY INSTRUMENTS

1986 No. 1677

TRANSPORT

The Merseyside Passenger Transport Executive (Exclusion of Co-operation Requirements) Order 1986

Made - - - -	*26th September* 1986
Laid before Parliament	*3rd October* 1986
Coming into Operation	*25th October* 1986

Whereas on the 6th day of January 1986 the Secretary of State gave to the Merseyside Passenger Transport Executive a direction under subsection (3) of section 59 of the Transport Act 1985 (**a**):

Now, therefore, the Secretary of State, in exercise of the powers conferred by section 60(2) and (4) of that Act and of all other enabling powers, hereby makes the following Order:—

Citation, commencement and interpretation

1. This Order may be cited as the Merseyside Passenger Transport Executive (Exclusion of Co-operation Requirements) Order 1986 and shall come into operation on 25th October 1986.

2.—(1) In this Order–

"the 1968 Act" means the Transport Act 1968 (**b**);

"the Executive" means the Merseyside Passenger Transport Executive;

"the relevant agreement" means the agreement brief particulars of which are set out in the First Schedule to this Order.

(2) Any reference to the relevant agreement shall be construed as a reference to that agreement in the form in which it is on the day on which this Order comes into operation.

Exclusion of co-operation requirements

3. On 26th October 1986 the Executive shall cease to be under the duty imposed by section 24(2) of the 1968 Act (duty to co-operate with the National Bus Company and the Scottish Transport Group and to enter into agreements for that purpose).

Termination of agreement

4.—(1) The relevant agreement (which is an agreement under section 24(2) of the 1968 Act to which the Executive are a party) shall, subject to the provisions of this Order, be determined at the end of 25th October 1986.

(**a**) 1985 c.67. (**b**) 1968 c.73.

(2) The provisions of the Second Schedule to this Order shall have effect as the terms on which the relevant agreement shall be determined.

John Moore,
Secretary of State for Transport.

26th September 1986.

Article 2 THE FIRST SCHEDULE

The relevant agreement

Agreement dated the 20th June 1984 and made between the Executive (1) Crosville Motor Services Limited (2) and Ribble Motor Services Limited (3).

Article 4(2) THE SECOND SCHEDULE

Terms on which the relevant agreement shall be determined

1.—(1) In this Schedule–

"company" means a party other than the Executive;

"determination day" means the day on which the relevant agreement is determined in accordance with article 4(1) of this Order;

"party" means a person who is a party to the relevant agreement;

"settlement period" means the period of six months commencing on the day immediately following the determination day;

"backlog depreciation" and "contingency fund" have the same meanings respectively as in the relevant agreement.

(2) In this Schedule, any reference to a clause followed by a number is a reference to the clause bearing that number in the relevant agreement.

2. The relevant agreement shall be determined pursuant to this Order as if, subject to the provisions of this Order, it was being determined pursuant to notice given in accordance with clause 8.1.

3. After the determination day clauses 8.2, 8.3 and 9 shall be of no further force and effect.

4. The amount of the sum due from the Executive to each company in respect of backlog depreciation shall not exceed the aggregate of—

(a) the credit balance of that company on the determination day in the contingency fund; and

(b) the appropriate sum due to that company in accordance with clause 6.5.

5.—(1) Clause 5.13 shall have effect only until the end of the settlement period.

(2) Until the end of that period each of the companies shall grant to the Executive facilities similar to those mentioned in clause 5.13 to enable the Executive to verify the amount due to the companies in consequence of the determination of the relevant agreement pursuant to this Order.

6. Any dispute which has, prior to the determination day, been referred to arbitration under clause 10 shall be resolved in accordance with that clause notwithstanding the determination of the relevant agreement by this Order.

7.—(1) This paragraph applies to any dispute between the parties touching or concerning the relevant agreement or its construction or effect or the rights, duties or liabilities of the parties or any of them which has not, prior to the determination day, been referred to arbitration under clause 10.

(2)*(a)* Any dispute to which this paragraph applies may be resolved by agreement between the parties (or between such of the parties as are concerned in the particular dispute) before the expiry of the settlement period.

(b) Any such dispute not so resolved shall forthwith after the expiry of the settlement period be referred to arbitration as if it was a dispute to which clause 10 had applied.

(c) Paragraph 6 of this Schedule shall have effect in relation to any such dispute as it has effect in relation to any dispute referred to arbitration prior to the determination day.

8. Subject to the preceding provisions of this Schedule—

(a) the determination of the relevant agreement by this Order shall not affect any right or liability of a party to the agreement which was vested in or attached to that party prior to the determination day; and

(b) any provision of the relevant agreement which may have effect on or after the determination of the agreement shall have effect in accordance with its terms and as if the relevant agreement had been determined in accordance with its provisions and not by this Order.

EXPLANATORY NOTE

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

This Order provides (article 3) that on 26th October 1986 the Merseyside Passenger Transport Executive ("the Executive") are to cease to be under the duty imposed by section 24(2) of the Transport Act 1968, to co-operate as to the provision of bus services in their area with the National Bus Company and the Scottish Transport Group and to enter into agreements for that purpose. The Order further provides (article 4) for the agreement made under section 24(2) of the 1968 Act to which the Executive are a party (called "relevant agreement" in the Order, and described in the First Schedule) to be terminated at the end of 25th October 1986. The terms on which the agreement is terminated are set out in the Second Schedule.

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