EXPLANATORY MEMORANDUM TO

THE PASSENGER TRANSPORT EXECUTIVES (EXCLUSION OF BUS OPERATING POWERS) (REVOCATIONS) (ENGLAND) ORDER 2014

2014 No. 1364

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

This instrument revokes six Orders. The provisions are being revoked because they are now spent.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Context

4.1 This instrument revokes the following orders (listed in chronological order):

- The Tyne and Wear Passenger Transport Executive (Exclusion of Bus Operating Powers) Order 1986 (S.I. 1986/1648);
- The Greater Manchester Passenger Transport Executive (Exclusion of Bus Operating Powers) Order 1986 (S.I. 1986/1649);
- The Merseyside Passenger Transport Executive (Exclusion of Bus Operating Powers) Order 1986 (S.I. 1986/1650);
- The South Yorkshire Passenger Transport Executive (Exclusion of Bus Operating Powers) Order 1986 (S.I. 1986/1651);
- The West Midlands Passenger Transport Executive (Exclusion of Bus Operating Powers) Order 1986 (S.I. 1986/1652); and
- The West Yorkshire Passenger Transport Executive (Exclusion of Bus Operating Powers) Order 1986 (S.I. 1986/1653).

4.2 This instrument forms part of the implementation of the Government's *Red Tape Challenge* initiative. More information about this programme of work is provided below.

5. Territorial Extent and Application

This instrument applies to England only.

6. European Convention on Human Rights

As this instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- **What is being done and why**

7.1 In November 2011, the Department for Transport published on-line (see www.redtapechallenge.cabinetoffice.gov.uk/2012/07/30-07-12-rail-transport-announcement) details of statutory instruments applying to the rail transport sector as part of the Government's *Red Tape Challenge* initiative and invited comments on whether these should be revoked, retained or improved. The Department also led a workshop, chaired by Ministers and attended by stakeholders from the rail sector, to discuss cutting red tape and methods of reducing regulatory burdens. The objective was to re-examine all of the provisions and gather views on how the aims of existing regulations can be fulfilled in the least burdensome way possible. Although these particular instruments relate to the provision of bus services, they were nevertheless considered under the rail theme of the *Red Tape Challenge* since they were identified after the roads theme had already been published.

7.2 Following detailed policy and legal scrutiny, it was concluded that around half of these instruments were suitable for either revocation or improvement.

7.3 The *Merseyside Passenger Transport Executive (Exclusion of Bus Operating Powers) Order 1986* was the only Order amongst those revoked by this instrument included in the original review of legislation and was identified as suitable for revocation. The other five Orders revoked by this instrument were identified subsequently but, since they regulate identical issues for different authorities, were also considered suitable for revocation.

7.4 The six Orders revoked by this instrument formed part of the implementation of the deregulation of bus services in Great Britain (outside London). Their effect was to remove the powers of Passenger Transport Executives under the Transport Act 1968 ("the 1968 Act") to operate bus services and to hire out passenger carrying vehicles.

7.5 The power in the 1968 Act for Passenger Transport Executives to operate bus services was repealed by the Local Transport Act 2008 ("the 2008 Act") which means that these Orders are no longer required to disapply that power. The 2008 Act also revived the powers of Passenger Transport Executives to purchase vehicles and hire them to the operators of bus services in particular circumstances, and revoked these six Orders to the extent that they disapplied those powers. The provisions in these Orders have therefore been superseded and they can be revoked.

- **Consolidation**

7.6 This instrument revokes six orders and no consolidation is required.

8. Consultation outcome

8.1 The process described in paragraph 7.1 produced no specific comments about the proposed revocation of these Orders.

8.2 The Department for Transport consulted the Passenger Transport Executive Group ("PTEG") which represents the interests of the six passenger transport executives on its revocation proposals. PTEG has indicated that it is content for all six of these Orders to be revoked.

9. Guidance

Specific guidance on this instrument is unnecessary because it revokes legislation which is spent and is no longer required.

10. Impact

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

11. Regulating small business

The legislation does not apply to small business.

12. Monitoring & review

This instrument revokes six Orders so no monitoring or review is necessary.

13. Contact

Chris Angell at the Department for Transport Tel: 020 7944 0082 or e-mail: christopher.angell@dft.gsi.gov.ukcan answer any queries regarding this instrument.