STATUTORY INSTRUMENTS

1986 No. 1675

TRANSPORT

The South Yorkshire 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 South Yorkshire 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 South Yorkshire 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 South Yorkshire 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

(**a**) 1985 c. 67.

(**b**) 1968 c. 73.

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.

(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.

THE FIRST SCHEDULE Article 2

The relevant agreement

Memorandum of Agreement on financial arrangements dated 2nd May 1979 and made between the Executive (1) and The Yorkshire Traction Company Limited, East Midland Motor Services Limited and West Riding Automobile Company Limited (2).

THE SECOND SCHEDULE Article 4(2)

The terms on which the relevant agreement shall be determined

1.— (1) In this Schedule—

"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.

(2) In this Schedule, any reference to a paragraph followed by a number is a reference to the paragraph 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 paragraph (10) and as if that paragraph allowed such notice to take effect on the determination day.

3. The rights of the Executive under paragraph (9) shall, on the expiry of the settlement period, cease and be of no further effect.

4. Any question of interpretation of the terms of the relevant agreement which has, prior to the determination day, been referred for decision in accordance with paragraph (11) shall be resolved in accordance with that paragraph notwithstanding the determination of the relevant agreement by this Order.

5.— (1) This paragraph applies to questions or differences between the parties concerning the relevant agreement which have not, prior to the determination day, been referred for decision in accordance with paragraph (11).

(2) Any question or difference to which this paragraph applies may be resolved by agreement between the parties (or between such of the parties as have an interest in the particular question or difference) before the expiry of the settlement period.

(3) Any such question or difference not so resolved shall, forthwith after the expiry of the settlement period, be referred to the decision of a single arbitrator to be agreed by the parties (or by such of the parties as have an interest in the particular question or difference) or, in default of agreement, to be appointed by the President for the time being of the Chartered Institute of Public Finance and Accountancy, and any such reference shall be treated as a submission to arbitration pursuant to an agreement which is an arbitration agreement for the purposes of the Arbitration Act 1950(**a**).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order provides (article 3) that on 26th October 1986 the South Yorkshire 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.

(**a**) 1950 c. 27.

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