EXPLANATORY MEMORANDUM TO

THE TRANSPORT HOLDING COMPANY (CAPITAL DEBTS) (REVOCATIONS) (ENGLAND AND WALES) ORDER 2013

2013 No. 2844

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

2. Purpose of the instrument

The Order revokes three instruments. They are being revoked because they are spent.

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

None

4. Legislative Context

4.1 This Order revokes the following instruments (listed in chronological order):

- The Transport Holding Company (Capital Debts) Order 1972 (S.I. 1972/1024)
- The Transport Holding Company (Capital Debts) Order 1973 (S.I. 1973/290)
- The Transport Holding Company (Commencing Capital Debt) (Extinguishment) Order 1973 (S.I. 1973/366).

4.2 This Order forms part of the implementation of the Government's 'Red Tape Challenge' initiative. More information about this programme of work, and the instruments revoked by this Order, is provided below.

5. Territorial Extent and Application

This instrument extends to England and Wales.

6. European Convention on Human Rights

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

7. Policy background

- ***What is being done and why***

7.1 In May 2011 the Government published on-line hundreds of statutory instruments across the road transport sector as part of its Red Tape Challenge initiative, inviting comments on whether each instrument should be revoked,

improved or retained. The Department for Transport also led a workshop involving the Minister and over fifty representatives from industry groups and motoring organisations. The objective was to re-examine all the instruments and gather views on how the aims of existing regulation can be fulfilled in the least burdensome way possible.

7.2 Following detailed examinations, it was concluded that around a third of the instruments were suitable for either revocation or improvement. These three instruments were amongst those identified as suitable for revocation.

7.3 The Transport Holding Company (Capital Debt) Order 1972 and the Transport Holding Company (Capital Debt) Order 1973 reduced the commencing capital debt of the Transport Holding Company. The Transport Holding Company (Commencing Capital Debt) (Extinguishment) Order 1973 extinguished that debt.

7.4 The Transport Holding Company was dissolved in 1973. The Orders are therefore spent and can be revoked.

- ***Consolidation***

7.5 This Order revokes three stand-alone related instruments and no consolidation is required.

8. Consultation outcome

8.1 The process described in paragraph 7.1 produced no specific comments about these instruments. As the Transport Holding Company was dissolved in 1973, no further consultation (other than that described below) was deemed necessary.

8.2 We consulted the Treasury on the proposed revocations, as required by section 53(8) of the Transport Act 1968. The Treasury approved the revocation proposals.

9. Guidance

Specific guidance on these statutory instruments is unnecessary because it is revoking legislation which is spent.

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 three spent Orders so no monitoring or review is necessary.

13. Contact

Renata Williams-White at the Department for Transport, Tel: 020 7944 6483 or email: Renata.williams-white@dft.gsi.gov.uk can answer any queries regarding the instrument.