STATUTORY INSTRUMENTS

1986 No. 1672

TRANSPORT

The West Midlands 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 West Midlands 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 West Midlands 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 West Midlands 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.

THE FIRST SCHEDULE Article 2

The relevant agreement

Agreement dated the 3rd December 1973 and made between the Executive (1) and The Birmingham and Midland Motor Omnibus Company Limited (2) and called or known as the "Cross Boundary Agreement".

THE SECOND SCHEDULE Article 4(2)

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 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 by the joint action of the parties in accordance with clause 18.

3. The rights of the Executive under clause 14 shall, on the expiry of the settlement period, cease and be of no further effect.

4. Any question or difference which has, prior to the determination day, been referred to arbitration in accordance with clause 19 shall be resolved in accordance with that clause notwithstanding the determination of the relevant agreement by this Order.

5.—(1) This paragraph applies to any question or difference between the parties concerning the meaning of the relevant agreement or its conditions or the rights, duties or liabilities of the parties thereunder which has not, prior to the determination day, been referred to arbitration under clause 19.

(2)(*a*) Any question or difference to which this paragraph applies may be resolved by agreement between the parties before the expiry of the settlement period.

(*b*) Any such question or difference not so resolved shall forthwith after the expiry of the settlement period be referred to arbitration as if it were a question or difference to which clause 19 had applied.

(*c*) Paragraph 4 of this Schedule shall have effect in relation to any such question or difference as it has effect in relation to any question or difference referred to arbitration prior to the determination day.

6. Subject to the preceding provisions of this Schedule:—

(*a*) the determination of the relevant agreement shall not affect any right or liability of a party 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 West Midlands 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.

SI 1986/1672
ISBN 0-11-067672-6

