STATUTORY INSTRUMENTS

1986 No. 1674

TRANSPORT

The Tyne and Wear 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 Tyne and Wear 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 Tyne and Wear 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 Tyne and Wear Passenger Transport Executive;

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

(2) Any reference to a 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 agreements

4.—(1) The relevant agreements (which are agreements 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 agreements shall be determined.

John Moore,
Secretary of State for Transport.

26th September 1986.

Article 2 THE FIRST SCHEDULE

The relevant agreements

1. Agreement dated 5th May 1981 made between the Executive (1) and The Northern General Transport Company Limited and United Automobile Services Limited (2) and called or known as "the section 24 agreement".

2. Agreement dated 5th May 1981 made between Tyne and Wear County Council (1) the Executive (2) and The Northern General Transport Company Limited and United Automobile Services Limited (3) and called or known as "the county agreement".

3. Agreement constituted by an exchange of letters, one dated 5th May 1981 from Tyne and Wear County Council and the Executive to The Northern General Transport Company Limited and United Automobile Services Limited, and the other dated similarly from those companies to the Council and the Executive and expressed to form, and forming, part of the section 24 agreement and the county agreement.

Article 4(2) THE SECOND SCHEDULE

Terms on which the relevant agreements shall be determined

1. In this Schedule —

"county agreement" means the agreement brief particulars of which are set out in paragraph 2 of the First Schedule to this Order, and includes the agreement constituted by exchange of letters described in paragraph 3 of that Schedule;

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

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

"section 24 agreement" means the agreement brief particulars of which are set out in paragraph 1 of the First Schedule to this Order, and includes the agreement constituted by exchange of letters described in paragraph 3 of that Schedule;

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

2. The relevant agreements shall be determined pursuant to this Order as if, subject to the provisions of this Schedule, they were being determined pursuant to notices given in accordance with clause 6.1. of the section 24 agreement and clause 10 of the county agreement and as if those clauses provided for notices to be given to determine those agreements on the determination day.

3.—(1) After the determination day clauses 4.14, 5.6, 5.7, 6.5, 6.6 and 7 of the section 24 agreement shall be of no further force and effect.

(2) For the purposes of the application of clause 6.4 of the section 24 agreement, the parties shall be deemed not to have become entitled to any rights nor subject to any liabilities of any kind under clause 4.14 of that agreement.

4. The rights of the Executive under clause 4.13 of the section 24 agreement shall, on the expiry of the settlement period, cease and be of no further effect.

5. Any dispute which has, prior to the determination day, been referred —

(*a*) to arbitration under clause 8.1 of the section 24 agreement or under clause 11(*b*) of the county agreement;

(*b*) to the Bus Committee (as described in clause 7.1 of the section 24 agreement) under clause 4.11 of that agreement; or

(*c*) to the committee mentioned in clause 11(*a*) of the county agreement,

shall be resolved in accordance with the relevant clause notwithstanding the determination of the relevant agreement by this Order.

6.—(1) This paragraph applies to any dispute between the parties touching or concerning a relevant agreement or its construction or effect or the rights, duties or liabilities of the parties thereunder which has not, prior to the determination day, been referred to arbitration under clause 8.1 of the section 24 agreement or clause 11(*b*) of the county agreement.

(2) (*a*) Any dispute 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 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 were a dispute to which clause 8.1 of the section 24 agreement or (as the case may be) clause 11(*b*) of the county agreement 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.

7. Subject to the preceding provisions of this Schedule —

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

(*b*) any provision of a 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 Tyne and Wear 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 agreements made under section 24(2) of the 1968 Act to which the Executive are a party (called "relevant agreements" in the Order, and enumerated in the First Schedule) to be terminated at the end of 25th October 1986. The terms on which the agreements are terminated are set out in the Second Schedule.

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