

SCHEDULES

SCHEDULE 18

AMENDMENT OF CERTAIN ENACTMENTS RELATING TO TRANSPORT

PART I

AMENDMENTS OF THE TRANSPORT ACT 1968

- 1 In section 9 (Passenger Transport Areas, Authorities and Executives), the following amendments shall be made—
- (a) in subsection (1), for the words from " shall by that order " to " Transport Executive " there shall be substituted the words " thereupon the regional council for that area shall become the Passenger Transport Authority for that area (hereafter in this Part of this Act referred to in relation to that area as " the Authority") and the Minister shall by that order provide for the establishment for that area of a Passenger Transport Executive " and for the words " the said Schedule 5" there shall be substituted the words " Schedule 5 to this Act ";
 - (b) in subsection (2), for the words from " every such " to " so designated" there shall be substituted the words " the regional council within whose region the area designated by the order is situated and with each of the district councils in that region " and sub-paragraph (i) shall be omitted ;
 - (c) in subsection (3), for the words " constituent areas " there shall be substituted the words " regions or districts whose area falls wholly or partly within the designated area ";
 - (d) in subsection (4), for the words " Parts I and " there shall be substituted the word " Part ";
 - (e) in subsection (5), for the words "constituent areas" there shall be substituted the words " each of the districts comprised in the region in which the designated area is situated ";
 - (f) at the end there shall be added the following subsection—
 - “(7) Any reference in this Part of this Act to the councils of constituent areas shall be construed as a reference to the regional council concerned.”
- 2 In section 10 (powers of Executive), the following amendments shall be made—
- (a) in subsection (1)(xvi), the words " and the consent of the Minister " shall cease to have effect;
 - (b) for the word " county ", in both places where it occurs, there shall be substituted the word " region ".
- 3 In section 11 (financial duty of Passenger Transport Executives) in subsection (1), for the words " section 13(3)" there shall be substituted the words " section 13(2) " and after subsection (3) there shall be inserted the following subsection:—

Status: This is the original version (as it was originally enacted).

“(3A) Without prejudice to any power of the Executive to establish specific reserves, the Executive may establish and maintain a general reserve, and the Authority may give to the Executive directions as to any matter relating to the establishment or management of any such general reserve and the carrying of sums to the credit thereof, or the application thereof; but no part of the moneys comprised in such a general reserve shall be applied otherwise than for purposes of the Executive or a subsidiary of theirs.”

4 Section 11(4) shall cease to have effect.

5 For section 13 there shall be substituted the following section—

“13 Power of regional councils to make grants.

(1) Without prejudice to any other power of a regional council to make grants for transport purposes, a regional council who are the Authority shall have power to make grants to the Executive for any purpose.

(2) The regional council shall from time to time by notice in writing to the Executive specify the amount of the grants which the council propose to make to the Executive in respect of expenditure incurred during any accounting period.”.

6 In section 14 (accounts of Executive), the following amendments shall be made—

- (a) in subsection (1)(b), for the word " Minister " there shall be substituted the word " Authority ";
- (b) in subsection (3), after the word " Minister " there shall be inserted the word " and " and the words " and to each of the councils of constituent areas " shall be omitted.

7 In section 15 (further functions of Authority), the following amendments shall be made—

- (a) in subsection (1), for paragraphs (b) and (c) there shall be substituted the following paragraphs:—
 - “(b) such annual or other estimates of income or expenditure of the Executive and any subsidiaries of theirs as the Authority may require to be submitted to the Authority, and any major change proposed to be made in any of those estimates after their approval by the Authority ;
 - (c) any proposal for expenditure by the Executive or any subsidiary of theirs, or by any other person in pursuance of arrangements with the Executive, which involves a substantial outlay on capital account”.
- (b) in subsection (2), for the words from " to be raised " to " of this Act" there shall be substituted the words " of the grants which will be needed to enable the Executive to comply with their obligation under section 11(1) of this Act ".
- (c) in subsection (3), for the words " to issue a precept" there shall be substituted the words " to make a grant ".

8 After section 15 there shall be inserted the following section:—

Status: This is the original version (as it was originally enacted).

“15A Additional provisions as to control of executive by Authority.

- (1) In addition to any power of the Authority under any other provision of this Part of this Act to give directions to the Executive as respects any matter, the Authority may give to the Executive directions as to the exercise and performance by the Executive of their functions (including the exercise of rights conferred by the holding of interests in companies) in relation to matters appearing to the Authority to affect the carrying out by the Authority or the Executive of their respective duties under section 9(3) of this Act.
- (2) The Executive shall provide the Authority at such time or intervals and in such form and manner as the Authority may require with information with respect to the operations and the expenditure on capital and revenue account respectively which are planned or under consideration by the Executive and shall furnish the Authority with such returns, accounts and other information with respect to the property and activities of the Executive or any subsidiary of theirs as the Authority may from time to time require.
- (3) The Authority may from time to time cause a review to be made of the organisation of the Executive's undertaking and may give to the Executive such directions as appear to the Authority from any such review to be requisite to secure that the Executive's undertaking is organised in the most efficient manner ; and the Executive shall not make, or permit to be made, any substantial change in the manner in which their undertaking is organised except in pursuance of a direction given by the Authority under this subsection, or with the approval of the Authority.”.

- 9 In section 16(1) (annual report prepared jointly by Authority and Executive to be published in such manner as the Secretary of State directs) for the words " as the Minister may direct" there shall be substituted the words " as the Authority consider appropriate " and in the said section 16, in subsection (2), the words from " and (d)" onwards, and subsections (3), (4) and (5) shall cease to have effect.
- 10 In section 18 (planning of passenger transport services in designated areas), the following amendments shall be made—
 - (a) in subsection (1), the words "to the Minister and" shall cease to have effect;
 - (b) in subsection (2), the words " to the Minister and " shall cease to have effect.
- 11 In section 21 (functions of traffic commissioners in designated areas), subsection (5)(a) shall cease to have effect.
- 12 In section 23 (directions given by the Secretary of State) in subsections (2) and (3) after the word " Minister " there shall be inserted the words " or an Authority for a designated area ".
- 13 In section 26(1)(b) (powers of Scottish Group), for the words from " counties " onwards there shall be substituted the words " Highland region, the islands areas of Orkney, Shetland and the Western Isles, the Argyll district and in the Cunninghame district the former burgh of Millport and the former districts of Arran and Cumbrae. " '.
- 14 For section 34 there shall be substituted the following section—

Status: This is the original version (as it was originally enacted).

“34 Assistance for rural bus or ferry service.

- (1) A regional, islands or district council or any two or more of those councils acting jointly, may, on such conditions, if any, as they think fit, afford assistance to any other person, by way of grant, loan or both, for the purpose of securing the provision, improvement or continuance of any bus service if in the opinion of the council or councils in question that service is or will be for the benefit of persons residing in rural areas.
- (2) A regional or islands council or any two or more of those councils acting jointly, may, on such conditions, if any, as they think fit, afford assistance to any other person, by way of grant, loan or both, for the purpose of securing the provision, improvement or continuance of any ferry service if in the opinion of the council or councils in question that service is or will be for the benefit of persons residing in rural areas.
- (3) The Secretary of State may, with the approval of the Treasury, make grants in such cases and subject to such conditions as he thinks fit to any of the councils aforesaid in respect of expenditure incurred by that council in making grants under subsection (1) or (2) above, and any grant under this subsection in respect of expenditure in connection with a bus service shall be of an amount equal to half the expenditure in respect of which the grant is made.
- (4) The Secretary of State may, with the approval of the Treasury make grants in such cases and subject to such conditions as he thinks fit to regional or islands councils in respect of expenditure incurred by such a council in providing a ferry service which in the opinion of the council is or will be for the benefit of persons residing in rural areas.”.

15 In section 35(1)(b)(iv), for the word's "county or town" there shall be substituted the words " regional, islands or district ".

16 In section 56(6)(d), for the words "county, town or district" there shall be substituted the words " regional or islands ".

17 Section 58 shall be omitted.

18 In section 63(6), for the words " county council and a town " there shall be substituted the words " regional, islands or district ".

19 For section 115(3) there shall be substituted the following subsection—

“(3) In sections 109, 112 and 113 of this Act "local authority " means a regional or islands council and in section 114 of this Act means a regional, islands or district council.”.

20 In section 138(9)(b), for the words " county, town or district" there shall be substituted the words " regional or islands ".

21 (1) In Schedule 5, Part I shall be omitted.

(2) In Part II of that Schedule, in paragraph 1, for the words "establishment of that Authority" there shall be substituted the words " area has been designated ", and in paragraph 2, for the words " any of the councils of constituent areas ", in each place where they occur, there shall be substituted the words " the regional council for the designated area ".

Status: This is the original version (as it was originally enacted).

- (3) In Part III of that Schedule, in paragraph 1, for the words " dates on which the Authority and Executive respectively are ", there shall be substituted the words " date on which the Executive is " ; and there shall be omitted from the remainder of that Part of that Schedule—
- (a) paragraphs 2, 3(a), 4, 5, 10, 12, 14, 16 and 17 ;
 - (b) in paragraphs 6, 7 and 9 the words "the Authority and" and " respectively ", in each place where they occur ;
 - (c) in paragraph 8 the words "the Authority or" and "the Chairman of the Authority, or as the case may be " ;
 - (d) in paragraph 11, the words "the Authority or" in sub-paragraph (a) and " the Authority " in sub-paragraph (b); and
 - (e) in paragraph 13, the words " the Authority or", in both places where they occur, and " the Authority " where those words last occur.