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STATUTORY INSTRUMENTS

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**1969 No. 97**

**TRANSPORT**

**The West Midlands Passenger Transport  
Area (Designation) Order 1969**

<i>Made</i>	- - - -	<i>27th January 1969</i>
<i>Laid before Parliament</i>		<i>7th February 1969</i>
<i>Coming into Operation</i>		<i>10th February 1969</i>

The Minister of Transport, after consultation with such local authorities as are mentioned in section 9(2) of the Transport Act 1968, after being satisfied that a reasonable opportunity to make representations with respect to the area to be designated by this Order has been afforded to all persons providing road passenger transport services by stage carriages within or to and from that area and after considering all representations made by such persons, hereby makes this Order in exercise of his powers under section 9 of, and Schedule 5 to, the said Act and of all other enabling powers:—

**Commencement and citation**

1. This Order shall come into operation on the 10th February 1969 and may be cited as the West Midlands Passenger Transport Area (Designation) Order 1969.

**Interpretation**

2.—(1) In this Order—

“the Act of 1933” means the Local Government Act 1933;

“the Act of 1968” means the Transport Act 1968;

“the appointed day” means the 1st April 1969;

“the Authority” means the Authority for the designated area established in accordance with this Order;

“the constituent councils” means all the county councils, county borough councils and county district councils whose areas fall wholly or partly within the designated area;

“the designated area” means the West Midlands Passenger Transport Area designated by Article 3;

“the Executive” means the Passenger Transport Executive for the designated area established in accordance with this Order;

“the Minister” means the Minister of Transport.

- (2) Except where the context otherwise requires, in this Order—
- (a) references to Articles and Schedules are references to the relevant Articles and Schedules of this Order, and
  - (b) references to any enactment shall be construed as references to that enactment as amended by or under any subsequent enactment.
- (3) Any provision in this Order requiring or authorising any town clerk or clerk of a constituent council to do any act or thing shall be construed as a provision authorising that act or thing to be done by any deputy of his or by any officer or servant of his council duly authorised in that behalf by him or by his deputy.
- (4) The Interpretation Act 1889 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

### **Designation of the West Midlands Passenger Transport Area**

3. The area described in Schedule 1 is hereby designated for the purposes of Part II of the Act of 1968 by the name of the West Midlands Passenger Transport Area.

### **Establishment of the Authority**

- 4.—(1) As from the appointed day, there shall be established in accordance with the following provisions of this Order a Passenger Transport Authority for the designated area which, subject to the provisions of the Act of 1968 and of this Order, shall consist of—
- (a) 24 members to be appointed by the constituent councils in accordance with the following provisions of this Order, and
  - (b) such number of members as may be appointed by the Minister in accordance with paragraph 1 of Part I of Schedule 5 to the Act of 1968.
- (2) The Authority shall be a body corporate by the name of the West Midlands Passenger Transport Authority and shall have perpetual succession and a common seal.

### **Appointment and tenure of office of members of the Authority**

- 5.—(1) Subject to the provisions of this Order—
- (a) each constituent council named in column 1 of part I of Schedule 2 shall on or before the appointed day appoint such number of persons to be a member or members of the Authority as is specified in relation to that council in column 2 of the said Part I, and
  - (b) the constituent councils in each of the groups of such councils which are specified in column 1 of Part II of Schedule 2 shall on or before the appointed day jointly appoint such number of persons to be a member or members of the Authority as is specified in relation to that group in column 2 of the said Part II.
- (2) Subject to the provisions of this Order, each member of the Authority appointed under paragraph (1) of this Article or by the Minister on or before the appointed day shall come into office on the appointed day, and a member appointed by the Minister after that day but before the meeting mentioned in paragraph (3) of this Article shall come into office on such day as may be fixed by his appointment, and of the members appointed under paragraph (1) of this Article or by the Minister and holding office at the date of the said meeting—
- (a) 8 shall retire on the 31st May 1970,
  - (b) 9 shall retire on the 31st May 1971, and
  - (c) the remainder shall retire on 31st May 1972.

(3) For the purposes of paragraph (2) of this Article, the members who are to hold office until the dates respectively specified in that paragraph shall be determined in default of agreement by lot at a meeting of the Authority within four months after the appointed day, the lots being drawn under the direction of the person presiding at the meeting.

(4) The five constituent councils named in column 2 of the Table in Part III of Schedule 2 shall also be entitled to appoint two members of the Authority by rotation in the manner specified in the said Part III over periods comprising five consecutive terms of office as member of the Authority.

(5) Subject to the provisions of this Order, every vacancy, other than a casual vacancy, arising in the office of a member of the Authority, whether appointed under any of the foregoing provisions of this Article (other than paragraph (4)) or under this paragraph or under any of the following provisions of this Article, shall be filled by the appointment, on or before the date on which that vacancy will occur, of a person to fill the vacancy and that appointment shall be made by the council or councils by whom the person vacating office was appointed or by the Minister if that person was appointed by him, and every person appointed under this paragraph shall come into office on the said date and shall continue in office for a period of three years from that date.

(6) Where for any reason the office of any member of the authority becomes vacant before the end of his term of office, the casual vacancy so arising—

- (a) shall, if the unexpired portion of his term of office is four months or more, be filled by the appointment under this paragraph of a new member, and
- (b) may be so filled in any other case,

and every appointment under this paragraph in respect of any such vacancy shall, subject to paragraph 5 of Part I of Schedule 5 to the Act of 1968, be made by the constituent council or councils by whom the member vacating office was appointed or, if he was appointed by the Minister, by the Minister.

(7) Subject to the provisions of the Act of 1968 and of this Order, a person appointed under paragraph (6) of this Article to fill a casual vacancy shall hold office so long only as the vacating member would have held office.

(8) Any member of the Authority shall, subject to the provisions of the Act of 1968 and of this Order, be eligible to be re-appointed as such a member for a further term of office beginning on or after the expiration of his current term.

(9) Notwithstanding anything contained in the foregoing provisions of this Article or in the provisions of Part III of Schedule 2, if a constituent council or group of councils have not been able to appoint a member or members of the Authority by the date on or before which they are required under those provisions to make that appointment, they may make that appointment as soon as practicable thereafter unless the Minister has previously made the appointment on behalf of that council or those councils under paragraph 5 of Part I of Schedule 5 to the Act of 1968. A person appointed to be a member by an appointment made under this paragraph shall come into office forthwith and shall hold office until the date on which he would have held office if he had been appointed by an appointment made on or before the date by which the appointment was required to be made as aforesaid.

(10) Where the Minister has under paragraph 5 of Part I of Schedule 5 to the Act of 1968 appointed a member or members of the Authority on behalf of any constituent council or councils, the member or members so appointed shall come into office on such date as may be fixed by that appointment and shall hold office until the date on which he or they would under the foregoing provisions of this Article or the provisions of Part III of Schedule 2 have held office if he or they had been appointed by the council or councils on whose behalf the Minister has made the appointment, and for the purposes of the application of the foregoing provisions of this Article and of the provisions of Part III of Schedule 2 with respect to the filling of vacancies in the membership of the Authority the member or members so appointed shall be treated as if he or they had been appointed by that council or those councils.

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(11) Subject to the following provisions of this Article, a person appointed as a member of the Authority by any one of the appointing authorities, that is to say, the Minister, a constituent council or a group of constituent councils, may not be appointed as such a member by any other of the appointing authorities for any term of office which coincides with, or falls partly within, his term of office under the first mentioned appointment.

(12) If it happens that a person is appointed as a member of the Authority by more than one of the said appointing authorities for a term which coincides or overlaps as mentioned in paragraph (11) above, that person shall within one month of the making of the last of those appointments choose under which appointment he will serve as a member and give notice in writing of his choice to the Secretary of the Authority, or, if no such Secretary has been appointed, to the town clerk mentioned in paragraph 1(1) of Schedule 3, and thereupon the other appointment or appointments shall be deemed void.

(13) If a person who should have given notice of his choice under paragraph (12) above fails to do so within the period specified in that paragraph, he shall be deemed to have chosen to serve under the appointment first made and to have given notice of his choice under that paragraph immediately before the end of that period.

(14) Where an appointment is deemed void under the provisions of paragraph (12) above, a further appointment shall be made as if a casual vacancy in the Authority had arisen.

#### **Notices to be given of appointments of members of the Authority**

**6.—**(1) As soon as practicable after each appointment of a member or members of the Authority has been made by a constituent council or a group of constituent councils, notice in writing of that appointment, specifying the name, address and description of each person appointed, shall be given in accordance with the following provisions of this paragraph, that is to say—

- (a) in the case of an appointment made before the date of the first annual meeting of the Authority by a constituent council named in column 1 of Part I of Schedule 2 (other than the Birmingham City Council) or by a constituent council under Part III of Schedule 2 the notice shall be given by the town clerk or clerk of the council making the appointment to the town clerk of the City of Birmingham,
- (b) in the case of an appointment made on or after the date of the said first annual meeting by a constituent council named in column 1 of Part I of Schedule 2 or by a constituent council under Part III of Schedule 2 the notice shall be given by the town clerk or clerk of the council making the appointment to the Secretary of the Authority,
- (c) in the case of a joint appointment by a group of councils specified in column 1 of Part II of Schedule 2 the notice shall be given by the town clerk or clerk of the council in that group first named in the said column 1 to the town clerk of the City of Birmingham where the joint appointment is made before the date of the said first annual meeting and to the Secretary of the Authority in any other case.

(2) The town clerk of the City of Birmingham shall as soon as practicable after his council have, before the date of the said first annual meeting, appointed a member of the Authority give notice in writing to the Minister and to all other constituent councils of that appointment, specifying the name, address and description of the person so appointed, and shall also give notice in writing—

- (a) to the Minister (except where the appointment in question was made by the Minister) and all the constituent councils (other than the particular council making the appointment in question) of all appointments of members of the Authority of which he receives notice under the provisions of this Article, and
- (b) to the Secretary of the Authority, of any appointment made by his council at any time and also of all appointments of such members of of which he has received notice under the provisions of this Article,

specifying in each case the constituent council, group of constituent councils, or the Minister (as the case may be) by whom the appointments have been made and the names, addresses and descriptions of the persons so appointed.

(3) The Minister shall give notice in writing of all appointments of members from time to time made by him—

- (a) to the town clerk of the City of Birmingham, in the case of appointments made before the date of the said first annual meeting, and
- (b) to the Secretary of the Authority, in all other cases,

and such notice shall specify in each case the names, addresses and descriptions of the persons so appointed.

(4) The Secretary of the Authority shall give notice in writing to the Minister of all of members of the Authority from time to time made under this Order by any constituent council or group of constituent councils, specifying the names, addresses and descriptions of the persons so appointed, and shall keep all constituent councils notified of all appointments of members of the Authority from time to time made under this Order, whether by a constituent council or a group of constituent councils or by the Minister.

#### **Notification of establishment of the Authority**

7. The Authority shall as soon as practicable after the appointed day cause notice of their establishment to be published in such local newspapers circulating in the designated area as they may think appropriate for informing persons appearing to them to be likely to be concerned.

#### **Vacation of office by members of the Authority**

8.—(1) A member of the Authority may resign his office at any time by notice in writing under his hand given to the Secretary of the Authority, and his resignation shall take effect upon the receipt of such notice by the said Secretary.

(2) A member of the Authority who becomes disqualified for being such a member shall vacate his office immediately upon becoming so disqualified.

(3) A member of the Authority shall also vacate his office if he has throughout a period of six consecutive months failed to attend any meeting of the Authority, unless the failure was due to illness or some other reason approved before or during that period by the Authority, but for the purposes of this paragraph attendance as a member at a meeting of any committee or sub-committee of the Authority shall be regarded as attendance at a meeting of the Authority.

(4) Whenever a casual vacancy arises in the office of a member of the Authority (whether by reason of any of the foregoing provisions of this Article or by reason of paragraph 3 or 4 of Part I of Schedule 5 to the Act of 1968 or otherwise howsoever), the Secretary of the Authority shall forthwith notify the vacancy so arising to the constituent council or group of constituent councils responsible for appointing a member to fill that vacancy or, where the member was appointed by the Minister otherwise than under paragraph 5 of Part I of Schedule 5 to the Act of 1968, to the Minister.

#### **Disqualification for membership of the Authority**

9. A person shall be disqualified for being a member of the Authority at any time if at that time—

- (a) he holds any paid office (other than that of the Chairman of the Authority) of or under the Authority, or
- (b) he is precluded by virtue of the provisions of paragraph 3 of Part I of Schedule 5 to the Act of 1968 from being appointed to be such a member, or

- (c) he is disqualified for being a member of a local authority by virtue of the provisions contained in section 59(1)(b), (d), (e) or (f) of the Act of 1933.

### **Appointment of deputies**

**10.**—(1) Each constituent council or group of constituent councils appointing a member of the Authority may, at the same time or at any time while any member so appointed holds office, appoint a person to act as a deputy for that member by attending and voting at any meeting of the Authority from which that member is absent.

(2) A person who is appointed to be a deputy for a member may not, so long as his appointment continues, be appointed to act as a deputy for any other member.

(3) A person appointed to be a deputy may, subject to the provisions of this Order, be so appointed for such period and on such terms and conditions as may be specified in the appointment, but any person so appointed may at any time resign his office by notice in writing given to the town clerk or clerk of the council by whom he was appointed or in the case of a member appointed by a group of councils given to the town clerk or clerk of the first named council in that group, and the town clerk or clerk of the council in question shall, upon receipt of such notice, forthwith notify the Secretary of the Authority of the resignation.

(4) A person shall cease to be entitled to act as a deputy for a member if that member vacates his office, unless that member is forthwith re-appointed as a member.

(5) A person appointed to be a deputy for a member may also attend and vote at any meeting of any committee of the Authority, being a meeting of the committee at which the member for whom he is deputy was entitled to attend and vote and from which that member was absent.

(6) The provisions of this Order relating to the giving of notices of the appointment of members of the Authority and to the disqualification of a person for being such a member shall apply in relation to any deputy as they apply in relation to the member for whom he is appointed to act as a deputy.

### **Meetings and proceedings of the Authority**

**11.** The provisions contained in Schedule 3 shall have effect with respect to the meetings and proceedings of the Authority.

### **Remuneration of the Chairman of the Authority**

**12.** There may be paid to the Chairman of the Authority such sum by way of remuneration as the Authority think reasonable.

### **Allowances to the Chairman and members of the Authority**

**13.**—(1) Sections 112 to 115 and 117 of the Local Government Act 1948 and any regulations for the time being having effect under the said section 117 shall apply, with the necessary modifications, to the Authority and their members as if the Authority were a body to which Part VI of that Act applies, for the purpose of regulating the allowances which members of the Authority are to be entitled to be paid or which they may be paid in respect of loss suffered or expenditure incurred for the purpose of enabling them to perform approved duty as defined in the said section 115 as applied to the Authority as aforesaid.

(2) The following expenses of members of the Authority, or of any committee or sub-committee thereof, that is to say—

- (a) any reasonable expenses incurred in attending a conference or meeting convened for the purpose of discussing any matter connected with the discharge of the functions of the Authority or the Executive,

- (b) subject to paragraph (3) of this Article, any travelling or other expenses properly incurred in making official or courtesy visits (whether inside or outside the United Kingdom) on behalf of the Authority,
- (c) any expenses incurred in the reception or entertainment by way of official courtesy of—
  - (i) distinguished persons residing in the designated area or visiting that area, or
  - (ii) persons representative of, or connected with, associations or organisations concerned with public passenger transport, whether inside or outside the United Kingdom,

shall be defrayed by the Executive.

(3) The amount to be defrayed by the Executive under paragraph (2)(b) of this Article in respect of expenses incurred by a member of the Authority in connection with a visit within the United Kingdom shall not exceed the payments which the member would have been entitled to receive by way of travelling allowance or subsistence allowance under section 113 of the Local Government Act 1948, if the making of the visit had been an approved duty of the member within the meaning of that section as applied by paragraph (1) of this Article.

(4) Section 114(3) of the Local Government Act 1948 shall have effect in relation to the power to defray expenses conferred by paragraph (2)(a) of this Article as if any such conference or meeting as is mentioned in the said paragraph (2)(a) were included in paragraph (c) of the definition of “approved duty” in section 115 of the said Act of 1948.

(5) The provisions of this Article shall apply in relation to deputies for members of the Authority, when acting as deputies, as they apply in relation to the members themselves.

#### **Appointment and remuneration of officers and servants of the Authority**

14. The Authority shall appoint a Secretary and may appoint such other officers and servants as they may think fit and there may be paid to the officers and servants of the Authority such remuneration as the Authority may think fit.

#### **The Executive to pay the expenses of and provide accommodation for the Authority**

15.—(1) Without prejudice to section 15(5) of the Act of 1968, the Executive shall defray the remuneration and allowances payable to the Chairman and any other member of the Authority or to any officer or servant of the Authority and also all expenses incurred by any officer or servant of the Authority and also all expenses incurred by any officer or servant of the City of Birmingham in performing any functions conferred or imposed on him by this Order.

(2) The Executive shall provide all such accommodation and other facilities as the Authority may require to enable them and any officer or servant of theirs to exercise their functions under the Act of 1968 or this Order.

#### **Establishment of the Executive**

16.—(1) The Authority shall establish a Passenger Transport Executive for the designated area which shall consist of—

- (a) a Director General to be appointed (subject to the provisions of Part II of Schedule 5 to the Act of 1968) by the Authority, and
- (b) not less than two nor more than eight other members to be appointed (subject as aforesaid) by the Authority after consultation with the Director General.

(2) The Executive shall be established on such date as may be fixed by the Authority, being the earliest practicable date after the Director General and not less than two other members of the Executive have been appointed as aforesaid, and the Authority shall cause notice of the establishment of the Executive on that date to be published in such local newspapers circulating in the designated

area as they may think appropriate for informing persons appearing to them to be likely to be concerned.

(3) As soon as may be after their establishment as aforesaid the Executive shall appoint a Secretary.

### **Proceedings of the Executive**

**17.—**(1) The application of the seal of the Executive shall be authenticated by the signature of the Secretary of the Executive or by some other person authorised by the Executive, either generally or specially, to act for that purpose.

(2) The provisions of paragraphs 1 to 5 of Part V of Schedule 3 to the Act of 1933 (which provide as to the conduct of business at meetings) shall apply to the Executive as if the Executive were a local authority and as if for the references therein to that Act there were substituted references to this Order, but nothing in those paragraphs shall derogate from the power of the Executive to delegate to their Director General under Article 21.

(3) The Executive may fix their quorum and may, subject to the foregoing provisions of this Article, regulate their own procedure.

### **Application of certain enactments relating to local authorities etc**

**18.—**(1) The provisions of the following enactments which relate to the disability of members of local authorities for taking part in the consideration or discussion of, or for voting on, any question with respect to contracts, proposed contracts or other matters in which they have a pecuniary interest, that is to say—

section 76 of the Act of 1933 (as amended by section 131 of the Local Government Act 1948 and section 15 of the Local Government (Miscellaneous Provisions) Act 1953,

section 95 of the Act of 1933, and

section 1 of the Local Government (Pecuniary Interests) Act 1964,

shall apply, as they apply to members of local authorities or of any committees or sub-committees of such authorities—

(a) to members of the Authority and their deputies and to members of any committee or sub-committee of the Authority, but so that in such application the said provisions shall have effect as if in the said sections 76 and 95 of the Act of 1933 there were substituted for the references therein to the clerk of the authority references to the Secretary of the Authority, and

(b) to members of the Executive or of any committee or sub-committee of the Executive, but so that in such application the said provisions shall have effect as if—

(i) they referred only to contracts and proposed contracts and did not extend to other matters,

(ii) subsections (7) and (8) were omitted from section 76 of the Act of 1933,

(iii) subsections (5) and (6) were omitted from section 1 of the Local Government (Pecuniary Interests) Act 1964, and

(iv) in sections 76 and 95 of the Act of 1933 there were substituted for the references to the clerk of the authority references to the Secretary of the Executive.

(2) The provisions of section 123 of the Act of 1933 and of section 2 of the Local Government (Pecuniary Interests) Act 1964 (which relate to the disclosure by officers of local authorities of their interest in contracts or proposed contracts) shall apply in relation to officers and servants of the Authority or the Executive as they apply in relation to officers and servants of local authorities.



(3) Section 122 of the Act of 1933 (which disqualifies a person who is a member of a local authority for being appointed by that authority to any paid office while his membership continues and for twelve months thereafter) shall apply in relation to members of the Authority as it applies in relation to members of local authorities, but as if the reference therein to any paid office included a reference to any paid office of or under the Authority (except the office of Chairman of the Authority), to the office of Director General or other member of the Executive and to any office, appointment or employment under or with the Executive or any subsidiary thereof and as if the reference therein to being appointed by the local authority included a reference (in the case of any office, appointment or employment under or with the Executive or any subsidiary thereof) to appointment by the Executive or subsidiary as the case may be.

(4) Subsections (4) to (9) of section 12 of the General Rate Act 1967 (which contains provisions as to precepts) shall apply to the Authority as they apply to a precepting authority named in subsection (1) of that section, but as if in subsection (8) for the second reference to the precepting authority there were substituted a reference to the Executive.

(5) Sections 287(1), 288 and 289 of the Act of 1933 (which relate to public notices or other documents required to be given or displayed by local authorities) shall apply in relation to the Authority as they apply in relation to a local authority, but as if any reference therein to the area of a local authority were a reference to the designated area.

(6) Section 130 of the Local Government Act 1948 (which relates to insurance by local authorities against accidents to members) shall apply to the Authority and the Executive as it applies to a local authority.

(7) Section 202(2)(a) of the Road Traffic Act 1960 (which provides that the requirements of section 201 of that Act as to users of motor vehicles being insured or secured against third party risks are not to apply to a vehicle owned by any such local authority as is mentioned in the said subsection (2)(a)) shall apply to a vehicle owned by the Executive, or by any subsidiary of the Executive, as it applies to a vehicle owned by the Executive, or by any subsidiary of the Executive, as it applies to a vehicle owned by any local authority so mentioned.

(8) Section 212 of the Act of 1933 (which relates to the repayment of sums borrowed by a local authority by way of mortgage) and section 277 of the said Act (which relates to the appearance of local authorities in legal proceedings) shall respectively apply in relation to the Executive as they apply in relation to a local authority.

### **Designation of superannuation fund and application of the Local Government Superannuation Acts**

**19.**—(1) The superannuation fund maintained under the Local Government Superannuation Acts 1937 to 1953 by the Birmingham City Council shall be the fund in the benefits of which persons who are or have been employed by the Authority, the Executive or a subsidiary of the Executive are entitled to participate, but such entitlement shall be subject to the provisions of those Acts as applied by this Article.

(2) Without prejudice to paragraph 5 of Part II of Schedule 5 to the Act of 1968, the provisions of the Local Government Superannuation Acts 1937 to 1953 and of any instruments for the time being in force under any of those Acts (which provisions are hereafter in this Article referred to as “the said provisions”) shall, subject as hereafter provided in this and the succeeding paragraphs of this Article, apply to persons who are or have been members of the Executive, or officers or servants of the Authority or the Executive, or directors, officers or servants of a subsidiary of the Executive as they apply to persons who are or have been officers or servants of a local authority not being either a local authority specified in Part I of Schedule 1 to the Local Government Superannuation Act 1937 or a local Act authority, but—

(a) in their application to persons who are or have been officers or servants of the Authority or directors, officers or servants of a subsidiary of the Executive, the said provisions shall

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have effect as if the Authority or the subsidiary (as the case may be) were the Executive, so that for the purposes of the said provisions the Executive shall be the employing authority in relation to those persons, and

- (b) in their application to persons who are officers or servants of the Authority or of the Executive or of a subsidiary of the Executive, the said provisions shall have effect as if at the end of paragraph (c) of section 3(2) of the Local Government Superannuation Act 1937 there were added the words “or who is an officer or servant belonging to a class or description which the authority have by a statutory resolution specified as a class or description the members of, or persons falling within, which are to be contributory employees”, and
- (c) in their application to persons who are or have been members of the Executive or directors of a subsidiary of the Executive, the said provisions shall have effect as if service as such a member or director were service in the employment of the Executive.

(3) The Executive shall not, without the consent of the Authority—

- (a) resolve that a member of the Executive shall be a contributory employee for the purposes of the said provisions, or
- (b) exercise as respects a person who is or has been a member of the Executive any power given to them by the said provisions as the employing authority which would have the effect of sanctioning the conferment, on or in respect of that person in connection with his service as such a member, of any superannuation privilege or benefit (including any increase in such privilege or benefit and any extension of his service for superannuation purposes) to which he would not be entitled under the said provisions if that power were not exercised.

(4) The Executive shall not resolve that a member of the Executive or a director of a subsidiary of the Executive shall be a contributory employee for the purpose of the said provisions unless his service as such a member or director is whole time service, that is to say, service to which he is required by the terms of his appointment to devote substantially the whole of his time.

(5) Any expression used in this Article which is also used in the Local Government Superannuation Act 1937 has the same meaning in this Article as it has in that Act.

(6) This Article shall be without prejudice to section 10(1)(xxx) of, and paragraph 4 of Part II of Schedule 5 to, the Act of 1968.

### **Appointment of committees by the Authority and the Executive**

**20.**—(1) The Authority and the Executive may each appoint committees for any such purposes as in the opinion of the Authority or the Executive would be better regulated and managed by means of a committee and, except as provided in paragraph (2) of this Article, any such committee shall consist wholly of members of the Authority or the Executive, as the case may be.

(2) Where a committee is appointed by the Authority or the Executive for the exercise of functions which are advisory only, the committee may consist wholly or partly of persons who are not members of the Authority or the Executive, as the case may be, but so however that a member of the Executive shall not be appointed to a committee of the Authority.

(3) The Authority and the Executive may delegate to any committee appointed by them, with or without restrictions or conditions as they think fit, the exercise of any of their functions except—

- (a) in the case of a delegation by the Authority, their power to issue precepts or to give any such approval as is mentioned in section 15(2) of the Act of 1968, and
- (b) in the case of a delegation by the Executive—
  - (i) their power to borrow money, and

(ii) their power to pass a statutory resolution under section 3(2) of the Local Government Superannuation Act 1937 as applied by Article 19.

(4) The Authority and the Executive may make rules with respect to the meetings and proceedings of any committee appointed by them (including quorum, place of meeting, notices to be given at meetings and the appointment of a Chairman or Vice Chairman), but subject to any rules so made any such committee may regulate their own procedure.

#### **Delegation of functions to the Director General of the Executive**

21. The Executive may delegate to their Director General, subject to such restrictions or conditions as they may think fit, the exercise of any functions of the Executive which under Article 20 may be delegated by them to a committee.

#### **Validity of acts of the Authority and the Executive**

22. The validity of anything done by the Authority or the Executive or any committee thereof shall not be affected by any vacancy in their membership or by any defect in the appointment, or the qualification for appointment, of the Chairman of the Authority or of the Director General of the Executive or of any other member of the Authority or the Executive, or of any member of any such committee.

#### **Authentication of documents**

23. Every document purporting to be an instrument issued by the Authority or the Executive and to be sealed with the seal of the Authority or the Executive and authenticated in accordance with the provisions of paragraph 11 of Schedule 3 or of Article 17(1) or to be signed on behalf of the Authority or the Executive by their Secretary or by some other person authorised by the Authority or the Executive, either generally or specially, to act for that purpose shall be received in evidence and be deemed to be such a document without further proof unless the contrary is proved

Sealed with the Official Seal of the Minister of Transport the 27th January 1969.

L.S.

*Richard Marsh*  
Minister of Transport

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## SCHEDULE 1

### DESCRIPTION OF THE DESIGNATED AREA

The designated area is the area which consists of all the following local authority areas or parts of such areas, that is to say—

- (a) the county boroughs of the City of Birmingham, Dudley, Solihull, Walsall, Warley, West Bromwich and Wolverhampton;
- (b) so much of the administrative county of Stafford as is comprised in the following county districts or parts of such districts, that is to say—
  - (i) the urban districts of Aldridge-Brownhills and Cannock;
  - (ii) so much of the rural district of Cannock as is comprised in the following parishes—  
Brewood, Cheslyn Hay, Essington, Featherstone, Great Wyrley, Hilton, Saredon and Shareshill;
  - (iii) so much of the rural district of Lichfield as is comprised in the following parishes—  
Burntwood, Hammerwich and Shenstone;
  - (iv) so much of the rural district of Seisdon as is comprised in the following parishes—  
Codsall, Himley, Kinver, Lower Penn, Pattingham, Wombourne and Wrottesley;
- (c) so much of the administrative county of Warwick as is comprised in the following county districts or parts of such districts, that is to say—
  - (i) the borough of Sutton Coldfield;
  - (ii) so much of the rural district of Meriden as is comprised in the following parishes—  
Bickenhill, Castle Bromwich, Coleshill, Curdworth, Hampton in Arden, Kingshurst, Lea Marston, Nether Whitacre, Shustoke, Water Orton and Wishaw;
  - (iii) so much of the rural district of Stratford-on-Avon as is comprised in the following parishes—  
Hockley Heath and Tanworth-in-Arden;
- (d) so much of the administrative county of Worcester as is comprised in the following county districts or parts of such districts, that is to say—
  - (i) the boroughs of Halesowen and Stourbridge;
  - (ii) the urban districts of Bromsgrove and Redditch;
  - (iii) the rural district of Bromsgrove.

## SCHEDULE 2

### CONSTITUENT COUNCILS ENTITLED TO APPOINT MEMBERS OF THE AUTHORITY

#### PART I

Councils each entitled to appoint a member  
and the number of members they are to appoint

<i>(1)</i> <i>Name of Council</i>	<i>(2)</i> <i>Number of Members</i>
Stafford County Council	1
Warwick County Council	1
Worcester County Council	1
Birmingham City Council	9
Dudley County Borough Council	1
Solihull County Borough Council	1
Walsall County Borough Council	1
Warley County Borough Council	1
West Bromwich County Borough Council	1
Wolverhampton County Borough Council	2

#### PART II

The groups of councils entitled jointly to appoint a member  
and the number of members to be appointed by each group

<i>(1)</i> <i>Groups</i>	<i>(2)</i> <i>Number of Members to be appointed by each group</i>
Aldridge-Brownhills Urban District Council	1
Cannock Urban District Council	
Cannock Rural District Council	
Lichfield Rural District Council	
Seisdon Rural District Council	
Sutton Coldfield Borough Council	1
Meriden Rural District Council	
Stratford-on-Avon Rural District Council	

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<i>(1)</i> <i>Groups</i>	<i>(2)</i> <i>Number of Members to be appointed by each group</i>
Halesowen Borough Council	1
Stourbridge Borough Council	
Bromsgrove Urban District Council	
Redditch Urban District Council	
Bromsgrove Rural District Council	

### PART III

#### Provisions for the appointment of two additional members of certain councils in rotation over periods comprising five consecutive terms of office as member of the Authority

1. For each of the terms listed in column 1 of the Table below in any period of five consecutive terms of office as member of the Authority each council specified in column 2 of that Table in relation to that term, or where two councils are specified in the said column 2 in relation to that term as alternatives, each chosen alternative council, shall appoint one member of the Authority.

2. Where in relation to a particular appointment two councils are specified in the alternative in column 2 of the said Table, then the choice of the council to make the appointment shall be determined by agreement between the councils concerned or, in default of such agreement before the meeting hereinafter mentioned, shall be determined by lot at the last annual meeting of the Authority to be held before the beginning of the term for which the appointment is to be made, the lots being drawn under the direction of the person presiding at that meeting.

3. For the first term in the first of the periods mentioned above the said members shall be appointed on or before the appointed day and shall hold office until the 31st May 1972, and for each remaining term in that period and for every term in all the succeeding periods the said members shall be appointed on or before the 31st May in the year in which the appointments are to be made and shall hold office for 3 years from that date.

4. If for any reason the office of a member appointed under the provisions of this Part of this Schedule becomes vacant before the end of his term of office, the provisions of paragraph (6) of Article 5 shall apply for filling that vacancy.

*TABLE*

<i>(1)</i> <i>Number of term in any period of five terms</i>	<i>(2)</i> <i>Name of appointing Council</i>
1st	Walsall County Borough Council and West Bromwich County Borough Council
2nd	Dudley County Borough Council and Warley County Borough Council

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<i>(1)</i> <i>Number of term in any period of five terms</i>	<i>(2)</i> <i>Name of appointing Council</i>
3rd	Wolverhampton County Borough Council and Either Walsall or West Bromwich County Borough Council
4th	Either Walsall or West Bromwich County Borough Council and Either Dudley or Warley County Borough Council
5th	Wolverhampton County Borough Council and Either Dudley or Warley County Borough Council

### SCHEDULE 3

#### PROVISIONS AS TO MEETINGS AND PROCEEDINGS OF THE AUTHORITY

1.—(1) The first meeting of the Authority shall be convened by the town clerk of the City of Birmingham for such day (not later than one month after the appointed day) and at such time and place as may be fixed by the said town clerk who shall, not less than 14 days before the day fixed for that meeting, send notice of that meeting by post to each member of the Authority of whose appointment the said town clerk has been notified.

(2) The said town clerk shall, until such time as the Authority have appointed their Secretary, exercise all such functions on behalf of the Authority as are imposed by this Order on the said Secretary or as might be expected to be exercised by a person appointed to be the Secretary of such a body as the Authority, and as respects anything occurring or falling to be done under or in relation to this Order before such appointment has been made the references in this Order to the Secretary of the Authority shall be construed as references to the said town clerk.

(3) The first business to be transacted at the first meeting of the Authority shall be the appointment in accordance with the provisions of this Schedule of a person to act as Chairman of the Authority, and for the purposes of the transaction of this business the chair at that meeting shall be taken by the Lord Mayor of the City of Birmingham or, if he is unable to be present at that meeting, by such person (not being a member of the Authority) as has been nominated to do so by the said Lord Mayor, but no person taking the chair at that meeting by virtue of this sub-paragraph shall be entitled to cast any vote in connection with the transaction of the business aforesaid.

(4) A certificate purporting to be signed by the town clerk of the City of Birmingham that any person has been nominated by the Lord Mayor of that City as mentioned in sub-paragraph (3).above shall be conclusive evidence of the inability of the said Lord Mayor to be present at the said first meeting of the Authority and of the fact of the nomination of that person.

2.—(1) The first meeting of the Authority after their establishment shall be the annual meeting of the Authority for the year 1969 and the first meeting of the Authority after the 31st May in any subsequent year shall be the annual meeting for that year.

(2) In every year after 1969 the Authority shall hold their annual meeting as soon as possible after the 31st May and in any event before the 31st July in that year.

(3) The Authority shall between each annual meeting hold at least three other meetings for the transaction of general business and such other meetings shall be held as nearly as may be at regular intervals.

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**3.—(1)** Subject to paragraph 5 of this Schedule, the Authority shall at their annual meeting in each year appoint one of their members to be Chairman of the Authority and the person so appointed shall come into office forthwith and continue in office until his successor becomes entitled to act as Chairman:

provided that subject to the provisions of this Schedule any Chairman shall be eligible for re-appointment at the expiration of the term for which he is to hold office and if so re-appointed shall continue in office accordingly.

(2) The Authority may at each annual meeting appoint one of their number to be Vice Chairman and the provisions of the last foregoing sub-paragraph shall apply in relation to a Vice Chairman as they apply in relation to a Chairman.

(3) The appointment of a Chairman of the Authority shall be the first business to be transacted at each annual meeting of the Authority.

**4.—(1)** Subject to paragraph 5 of this Schedule, on a casual vacancy occurring in the office of Chairman or Vice Chairman the vacancy shall be filled by the appointment by the Authority of one of their members at a meeting to be held as soon as practicable after the vacancy occurs. Where the office so becoming vacant is that of Chairman, such a meeting may be convened by the Secretary of the Authority.

(2) A person appointed under this paragraph to fill a vacancy shall hold office for the period for which the person in whose place he is appointed would have held office and shall then vacate his office but shall be eligible for re-appointment.

**5.—(1)** A person appointed to be Chairman of the Authority may act as such only for the purpose of presiding at the meeting at which he is appointed unless his appointment is approved by the Minister.

(2) If in the case of a person appointed to be Chairman of the Authority the Minister decides not to approve the appointment, then as from the date on which the Minister notifies his decision to the Authority there shall for the purposes of paragraph 4 of this Schedule be deemed to be a casual vacancy in the office of Chairman, but this provision shall be without prejudice to the right of a previous Chairman to continue in office under paragraph 3 of this Schedule until his successor becomes entitled to act as Chairman.

**6.—(1)** The Chairman of the Authority may call a meeting of the Authority at any time.

(2) If the Chairman refuses to call a meeting of the Authority after a requisition for that purpose signed by 5 members of the Authority has been presented to him or if, without so refusing, the Chairman does not call a meeting within 14 days after such requisition has been presented to him, any 5 members of the Authority may forthwith call a meeting of the Authority.

(3) At least 7 clear days before a meeting of the Authority—

(a) notice of the time and place of the intended meeting shall be published at the offices of the Executive or at such other place as is fixed for the meeting of the Authority, and

(b) a summons to attend the meeting specifying the business proposed to be transacted thereat shall be left at or sent by post to the usual place of residence of every member of the Authority.

(4) In a case where the meeting is called by members of the Authority under sub-paragraph (2) above the notice referred to in sub-paragraph (3)(a) above shall be signed by those members and shall specify the business proposed to be transacted thereat, and no business other than that specified in the said notice shall be transacted at a meeting so called.

(5) Want of service on a member of the Authority of the summons referred to in sub-paragraph (3) (b) above shall not affect the validity of the meeting.



7. The provisions of paragraphs 1 to 5 of Part V of Schedule 3 to the Act of 1933 (which provide as to the conduct of business at meetings) shall apply to the Authority as if the Authority were a local authority and as if for the references therein to that Act there were substituted references to this Order.

8. Copies of the minutes kept of the proceedings of each meeting of the Authority shall be sent by the Secretary of the Authority to the town clerk or the clerk of every constituent council and to the Director General and each other member of the Executive not later than 21 days after the meeting.

9. There shall be sent to every deputy of a member of the Authority copies of all notices of meetings and other papers which are sent to that member in connection with any such meeting.

10. Subject to the foregoing provisions of this Schedule, the Authority may make rules with respect to the meetings and proceedings of the Authority (including quorum, place of meeting and notices to be given of meetings) and subject as aforesaid and to any rules so made the Authority may regulate their own procedure.

11. The application of the seal of the Authority shall be authenticated by the signature of the Secretary of the Authority or some other person authorised by the Authority, either generally or specially, to act for the purpose

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## EXPLANATORY NOTE

This Order designates the passenger transport area for the West Midlands and provides for the establishment of the Passenger Transport Authority and the Passenger Transport Executive for that area under Part II of the Transport Act 1968.

The area designated is specified in Schedule 1 to the Order and Article 4 and Schedule 2 provide for the constitution of the Passenger Transport Authority and specify the constituent councils by whom members of the Authority are to be appointed.

By Articles 5, 6, 8, 9 and 10 provision is made for the appointment and tenure of office of members of the Authority, for their vacation of office and their disqualification for office in certain circumstances and for the appointment of deputies for members of the Authority.

Article 11 and Schedule 3 make provision as to meetings and proceedings of the Authority.

In Articles 12 to 15 provision is made for the remuneration of the Chairman of the Authority, for the payment of allowances to the Chairman and members of the Authority, for the appointment and remuneration of officers and servants of the Authority and for requiring the Executive to pay the expenses of, and to provide accommodation for, the Authority.

Articles 16 and 17 provide for the establishment of the Passenger Transport Executive and for the proceedings of the Executive.

Certain enactments relating to local authorities are applied to the Authority and the Executive by Article 18.

Provision is made in Article 19 for enabling persons employed by the Authority, the Executive or subsidiaries of the Executive to participate in a local government superannuation fund.

Articles 20 to 23 deal with the appointment of committees, the delegation of functions to the Director General of the Executive, the validity of acts of the Authority and the Executive and the authentication of documents.