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STATUTORY INSTRUMENTS

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**2014 No. 865**

The Halton, Knowsley, Liverpool, St Helens,  
Sefton and Wirral Combined Authority Order 2014

PART 3

Transport

**Abolition and transfer of functions etc.**

- 6.—(1) The Merseyside integrated transport area is dissolved and the ITA is abolished.
- (2) Subject to paragraph (3), on the abolition of the ITA—
- (a) its functions; and
  - (b) its property, rights and liabilities,
- are transferred to the Combined Authority.
- (3) On the abolition of the ITA all rights and liabilities (including rights and liabilities in respect of superannuation) arising under contracts of employment with the ITA are transferred to the Executive.

**Adaptation of enactments — integrated transport authority**

- 7.—(1) This article has effect in consequence of article 6.
- (2) In any enactment (whenever passed or made)—
- (a) any reference to an integrated transport area; or
  - (b) any reference which falls to be read as a reference to such an area,
- is to be treated as including a reference to the combined area.
- (3) In any enactment (whenever passed or made)—
- (a) any reference to an integrated transport authority; or
  - (b) any reference which falls to be read as a reference to such an authority,
- is to be treated as including a reference to the Combined Authority.

**Transfer of functions — Halton Council**

- 8.—(1) There are transferred to the Combined Authority the functions of Halton Council under the following enactments—
- (a) Parts 4 and 5 of the Transport Act 1985(1); and
  - (b) Part 2 of the Transport Act 2000(2).
- (2) Halton Council shall—

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(1) 1985 c.67.  
(2) 2000 c.38.

- (a) after consulting the other constituent councils; and
- (b) not later than 1st April 2018,

submit to the Secretary of State proposals for the making of a scheme by the Secretary of State for the transfer to the Combined Authority of specified property, rights and liabilities held, acquired or incurred by the Council for the purposes of any of the functions transferred under paragraph (1).

(3) After considering the proposals and any representations made on them by the other constituent councils, the Secretary of State may, by way of a scheme made under section 115 of the 2009 Act, make such provision for the transfer of such property, rights and liabilities (whether or not specified in the proposals) as he thinks fit.

(4) Nothing in this Order has effect to transfer to the Combined Authority—

- (a) any function of Halton Council relating to—
  - (i) the levying of tolls or the imposition of road user charging; or
  - (ii) the application of the proceeds of tolls or road user charges; or
- (b) any functions, property, rights and liabilities of Halton Council relating to the Mersey Gateway and Silver Jubilee Bridges, including their financing, delivery, operation and maintenance, and the highway network associated with them.

#### **Adaptation of enactments in consequence of article 8**

9.—(1) This article has effect in consequence of article 8.

(2) In relation to any function transferred under article 8, any reference in any enactment (whenever passed or made) to a county, or to any class of area which includes a county, is to be treated as including a reference to the combined area.

(3) In any enactment (whenever passed or made) any reference, in relation to any function transferred under article 8, to a county council, or to any class of body which includes a county council, is to be treated as including a reference to the Combined Authority.

#### **Passenger Transport Executive**

10.—(1) The Executive is to be an executive body of the Combined Authority for the purposes of Part 5 of the Local Transport Act 2008 and Part 6 of the 2009 Act and shall be known as Merseytravel.

(2) In the application of section 101 of the Local Government Act 1972(3) (arrangements for the discharge of functions) to the Combined Authority the Executive is to be treated as if it were an officer of the Combined Authority.

#### **Other transport functions**

11.—(1) There are delegated to the Combined Authority the functions of the constituent councils under section 2 of the Road Traffic Reduction Act 1997 (duty of principal councils to make reports).

(2) Sections 237A to 237E of the Local Government Act 1972(4) (fixed penalty notices) shall apply in relation to the Combined Authority so far as those provisions relate to the Mersey Tunnel Byelaws 2003(5).

(3) The Combined Authority has power to enter into agreements as if it were a highway authority under section 8 of the Highways Act 1980(6) and also a traffic authority under the Road Traffic

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(3) 1972 c.70.

(4) Section 237A was inserted by the Local Government and Public Health Involvement Act 2007 (c. 28) section 130.

(5) The Mersey Tunnel Byelaws were made by the Merseyside Passenger Transport Authority under section 102 of the County of Merseyside Act 1980 (1980 c. x) as amended by the Mersey Tunnels Order 1986 (S.I. 1986/297).

(6) 1980 c. 66.

Regulation Act 1984(7) and a street authority under section 49 of the New Roads and Street Works Act 1991.

(4) The costs incurred by the Combined Authority in discharging the functions exercisable by it by virtue of this article shall, except so far as the constituent councils agree otherwise, be defrayed by the Combined Authority.

(5) The costs so defrayed shall, for the purposes of section 74(10) of the Local Government Finance Act 1988, fall to be treated as expenses attributable to the exercise of the Combined Authority's functions relating to transport.

(6) The functions delegated by paragraph (1) are not exercisable by the constituent councils either concurrently or instead of the Combined Authority, except so far as the Combined Authority sub-delegates any such functions back to a constituent council.

(7) In the application of section 101 of the Local Government Act 1972 (arrangements for the discharge of functions) to the Combined Authority the functions delegated to the Combined Authority by paragraph (1) are to be treated as if they were functions of the Combined Authority.

### **Continuity**

**12.**—(1) Nothing in this Part of the Order affects the validity of anything done by or in relation to the ITA or Halton Council in relation to the functions transferred under this Part before the commencement date.

(2) There may be continued by or in relation to the Combined Authority anything (including legal proceedings) which—

- (a) relates to any of the functions, property, rights or liabilities transferred to the Combined Authority; and
- (b) is in the process of being done by or in relation to the ITA, or Halton Council in relation to the functions transferred under this Part, immediately before the commencement date.

(3) Anything which—

- (a) was made or done by or in relation to the ITA or to Halton Council for the purposes of or otherwise in connection with any of the functions, property, rights or liabilities transferred; and
- (b) is in effect immediately before the transfer takes effect,

has effect as if made or done by or in relation to the Combined Authority.

(4) The Combined Authority shall be substituted for the ITA in any instruments, contracts or legal proceedings which—

- (a) relate to any of the functions, property, rights or liabilities transferred; and
- (b) are made or commenced before the transfer takes effect.

(5) A reference in this article to anything made or done by or in relation to the ITA includes a reference to anything which by virtue of any enactment is to be treated as having been made or done by or in relation to the ITA.

(6) In relation to the rights and liabilities transferred under article 6(3), references in the foregoing provisions of this article to the Combined Authority are to be treated as references to the Executive.

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(7) 1984 c. 27; the definition of "traffic authority" is in section 121A which was inserted by the New Roads and Street Works Act 1991 (c. 22) Schedule 8, paragraph 70 and amended by the Greater London Authority Act 1999 (c. 29) section 271(1), (2).