

Draft Order laid before the Scottish Parliament under section 52(3) of the Transport (Scotland) Act 2005, for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

TRANSPORT

The Transfer of Functions from the Strathclyde
Passenger Transport Authority and the Strathclyde
Passenger Transport Executive to the West of
Scotland Transport Partnership Order 2006

Made - - - - 2006
Coming into force - - 1st April 2006

The Scottish Ministers, in exercise of the powers conferred by sections 10(1) and 52(4) of the Transport (Scotland) Act 2005(1) and of all other powers enabling them in that behalf, following consultation in terms of section 10(8) of the Act, hereby make the following Order a draft of which has, in accordance with section 52(3) of the Act, been laid before and approved by resolution of the Scottish Parliament:

Citation and commencement

1. This Order may be cited as the Transfer of Functions from the Strathclyde Passenger Transport Authority and the Strathclyde Passenger Transport Executive to the West of Scotland Transport Partnership Order 2006 and shall come into force on 1st April 2006.

Interpretation

2. In this Order—

“the Strathclyde Passenger Transport Area” means the passenger transport area of the Strathclyde Passenger Transport Authority designated by order under section 40(4) of the Local Government etc. (Scotland) Act 1994(2); and

(1) 2005 asp 12.

(2) 1994 c. 39, the area is currently designated by the Strathclyde Passenger Transport Area (Designation) Order 1995 (S.I. 1995/1971).

“the West of Scotland Transport Partnership” means the Transport Partnership established by the Regional Transport Partnerships (Establishment, Constitution and Membership) (Scotland) Order 2005(3).

Functions transferring to the West of Scotland Transport Partnership

3.—(1) All statutory functions relating to transport which are carried out by the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive with the exception of the functions specified in paragraph (2) shall be exercisable by the West of Scotland Transport Partnership instead of by whichever of the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive was responsible for carrying it out.

(2) The exercise of the following functions shall remain with whichever of the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive is responsible for carrying it out—

- (a) section 40(7) of the Local Government etc. (Scotland) Act 1994; and
- (b) section 14 of the Transport Act 1968(4).

(3) So far as may be necessary for the purpose of or as a consequence of the exercise of any statutory function relating to transport transferred by virtue of paragraph (1) any reference in any enactment to a passenger transport authority or a passenger transport executive for the Strathclyde Passenger Transport Area shall be read as a reference to the West of Scotland Transport Partnership.

Incidental, consequential, transitional and saving provision

4.—(1) The transfer, by virtue of this Order, of any function exercisable by the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive to the West of Scotland Transport Partnership shall not affect the validity of anything done (or having effect as if done) by or in relation to the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive before the date on which the transfer takes effect.

(2) Anything (including legal proceedings) which, at the time when that transfer takes effect, is in the process of being done by or in relation to the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive may, so far as it relates to any function transferred, be continued to be done by or in relation to the West of Scotland Transport Partnership.

(3) Anything done (or having effect as if done) by or in relation to the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive for the purposes of or in connection with any function transferred to the West of Scotland Transport Partnership by virtue of this Order shall, if in force at the time when that transfer takes effect, have effect as if done by the West of Scotland Regional Transport Partnership in so far as that is required for continuing its effect after that time.

(4) For the purpose of the discharge of its remaining functions the Strathclyde Passenger Transport Authority or the Strathclyde Passenger Transport Executive may enter into arrangements with the West of Scotland Transport Partnership or any of the constituent councils of that Partnership for the provision by that Partnership or council of such facilities, services and staff as may be necessary.

(3) S.S.I. 2005/622.

(4) 1968 c. 73.

St Andrew's House,
Edinburgh
2006

A member of the Scottish Executive

Draft Legislation: This is a draft item of legislation. This draft has since been made as a Scottish Statutory Instrument: *The Transfer of Functions from the Strathclyde Passenger Transport Authority and the Strathclyde Passenger Transport Executive to the West of Scotland Transport Partnership Order 2006 No. 106*

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under sections 10(1) and 52(4)(b) of the [Transport \(Scotland\) Act 2005 \(asp 12\)](#) provides for the transfer of all statutory functions relating to transport of the Strathclyde Passenger Transport Authority and the Strathclyde Passenger Transport Executive to the West of Scotland Transport Partnership. The West of Scotland Transport Partnership was established by [S.S.I. 2005/622](#).

The rail functions of the Strathclyde Passenger Transport Authority and the Strathclyde Passenger Transport Executive transferred to the Scottish Ministers by virtue of [S.S.I. 2005/598](#). This Order transfers all remaining transport functions to the West of Scotland Transport Partnership and makes consequential provision that for the purposes of the transfer of functions references in enactments to a passenger transport authority or a passenger transport executive for the Strathclyde Passenger Transport Area (as designated in [S.I.1995/1971](#)) shall be read as though they were references to the West of Scotland Transport Partnership (article 3). Article 4 makes general incidental, transitional, consequential and savings provisions to facilitate the general transfer of functions.