

*Status: Point in time view as at 26/03/2015.*

*Changes to legislation: There are currently no known outstanding effects for the Transport Act 1968, SCHEDULE 5. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

Section 9.

#### [<sup>F1</sup> PASSENGER TRANSPORT AUTHORITIES AND EXECUTIVES][<sup>F1</sup> PASSENGER TRANSPORT EXECUTIVES]

##### Textual Amendments

- F1** Sch. 5 heading substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 17\(4\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

#### [<sup>F2</sup> [<sup>F3</sup> PART I

##### Textual Amendments

- F2** Sch. 5 Pt. I repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(1\)](#), [Sch. 8](#)
- F3** Sch. 5 Pt. I repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#)

#### *The Authority*

##### Extent Information

- E1** This version of this provision extends to S+N.I. only. A new version of this provision has been created for E+W
- E2** This version of this provision extends to E+W only. The original version of this provision exists for S+N.I.

- 1 The Authority established for a designated area under an order made under section 9(1) of this Act shall consist of—
- (a) such number of members appointed respectively by such of the councils of constituent areas, or by such two or more of those councils acting jointly, as may be specified in the order;
- [<sup>F4</sup>(b) such number of members not exceeding one-sixth of the aggregate number of the members appointed under sub-paragraph (a) of this paragraph as the Minister may see fit to appoint from among persons appearing to him to have special knowledge or experience which would be of value to the Authority in the exercise of their functions;]
- and the chairman of the Authority shall be such one of their number as the members of the Authority may [<sup>F5</sup>with the approval of the Minister] appoint.

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#### Textual Amendments

- F4** Para 1(b) repealed (E.W.) by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)  
**F5** Words repealed (E.W.) by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

- 2 If and to such extent as it appears to him appropriate so to do, the Minister may, in determining the council or councils by whom members of the Authority are to be appointed under paragraph 1(a) of this Part of this Schedule, take into account the product of a rate of [<sup>F6</sup>one new penny] in the pound for so much of the respective areas of the councils of constituent areas as falls within the designated area.

#### Textual Amendments

- F6** Words substituted by [Decimal Currency Act 1969 \(c. 19\)](#), [Sch. 2 para. 31](#) in relation to anything falling to be done after 31.3.1971

- 3 A person may be appointed as a member of the Authority for a designated area under the said paragraph 1(a) whether or not he is a member of the council or one of the councils by whom he is so appointed; but no person who is for the time being a member, officer or servant of the Executive for that designated area or who is for the time being a servant of a subsidiary of that Executive shall be appointed as a member of the Authority, and any person appointed to be a member of the Authority who subsequently becomes a member, officer or servant of that Executive or a servant of such a subsidiary shall forthwith vacate his membership of the Authority.
- 4 A person who at the date of his appointment as a member of the Authority under the said paragraph 1(a) was a member of the council or one of the councils by whom he was so appointed but who subsequently ceases to be a member of that council shall upon so ceasing also vacate office as a member of the Authority but shall be eligible for re-appointment.
- 5 If at any time not less than three months after the coming into force of the order under section 9(1) of this Act providing for the establishment of the Authority, or after a vacancy has arisen among the members of the Authority which falls to be filled by an appointment made under the said paragraph 1(a), the initial appointment of any member of the Authority falling to be made as aforesaid, or, as the case may be, an appointment to fill that vacancy, has not been made, the Minister, after consultation with the council or councils by whom the appointment falls to be made, may himself make the appointment on their behalf.]]

## PART II

### *The Executive*

- [<sup>F7</sup>1 The first persons to be appointed as the Director General or other members of the Executive for a designated area shall be appointed by the Authority for that area as soon as practicable after the [<sup>F8</sup>establishment of that Authority.][<sup>F8</sup>area has been designated].]

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#### Textual Amendments

- F7** Sch. 5 Pt. II para. 1 repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(2\)\(a\)](#), Sch. 8
- F8** Words “area” to “designated” substituted (S.) for words “establishment of that Authority” by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 18 para. 21\(2\)](#)

- 2 No person who is for the time being a member of the Authority for [<sup>F9</sup>the integrated transport area or, as the case may be, <sup>F10</sup>the combined authority area or] the passenger transport area shall be appointed as a member of the Executive, and any person appointed to be a member of the Executive who subsequently becomes a member of the Authority for [<sup>F9</sup>the integrated transport area or, as the case may be, <sup>F10</sup>the combined authority area or] the passenger transport area shall forthwith vacate his membership of the Executive.
- 3 (1) Subject to paragraph 2 of this Part of this Schedule a member of the Executive shall hold and vacate his office in accordance with the terms of his appointment by the Authority and shall, on ceasing to be a member, be eligible for reappointment.
- (2) Any member of the Executive may at any time by notice in writing to the Authority resign his office.
- 4 The Executive shall pay to or in respect of the members thereof such remuneration, allowances and pensions as the Authority may determine.
- 5 ..... <sup>F11</sup>

#### Textual Amendments

- F11** Sch. 5 Pt. II para. 5 repealed by [Superannuation Act 1972 \(c. 11, SIF 101A:1\)](#), s. 29(4), [Sch. 8](#)

### PART III

*Matters which may be dealt with by order under s. 9(1)*

- [<sup>F12</sup> The fixing and notification of the [<sup>F13</sup>dates on which the Authority and Executive respectively are][<sup>F13</sup>date on which the Executive is] to be established.]<sup>F14</sup>

#### Textual Amendments

- F12** Sch. 5 Pt. III para. 1 repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(3\)\(a\)](#), Sch. 8
- F13** Words “date” to “is” substituted (S.) for words “dates” to “are” by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 18 para. 21\(3\)](#)
- F14** Para 2 repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#) and repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(3\)\(a\)](#), Sch. 8

- 2 The incorporation of the Authority.
- 3 The appointment—

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- <sup>F15</sup> in accordance with Part I of this Schedule of members of the Authority;  
<sup>F16</sup>(a) and]]
- (b) by the Authority in accordance with <sup>F17</sup>section 9(1)(b)]<sup>F17</sup>section 9(2)] of this Act and Part II of this Schedule of members of the Executive.

#### Textual Amendments

- F15** Para. 3(a) repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#) and repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(3\)\(a\)](#), Sch. 8
- F16** Sch. 5 Pt. III para. 1 repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(3\)\(a\)](#), Sch. 8
- F17** “9(2)” substituted (E.W.S.) for “9(1)(b)” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 21\(3\)](#)

- <sup>F184</sup> The terms on which and period for which the members of the Authority are to hold office, and the vacation of office by those members.]

#### Textual Amendments

- F18** Sch. 5 paras. 4, 5 repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#) and repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(3\)\(a\)](#), Sch. 8

- <sup>F195</sup> The payment of allowances to, or to any class of, members of the Authority, and the payment of remuneration to the chairman of the Authority.]

#### Textual Amendments

- F19** Sch. 5 paras. 4, 5 repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#) and repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(3\)\(a\)](#), Sch. 8

- 6 The proceedings of <sup>F20</sup>the Authority and] the Executive <sup>F20</sup>respectively].

#### Textual Amendments

- F20** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#) and repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 21\(3\)\(b\)](#)

- 7 The establishment by <sup>F21</sup>the Authority and] the Executive <sup>F21</sup>respectively] of committees and the composition of those committees, including the establishment of advisory committees consisting wholly or partly of persons who are not members of the Authority or Executive.

#### Textual Amendments

- F21** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#) and repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 21\(3\)\(b\)](#)

- 8 The delegation of functions by <sup>F22</sup>the Authority or] the Executive to a committee or to <sup>F22</sup>the chairman of the Authority or, as the case may be,] the Director General of the Executive.

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#### Textual Amendments

**F22** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#) and repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(3\)\(c\)](#), Sch. 8

- 9 The authentication of documents of [<sup>F23</sup>the Authority and] the Executive [<sup>F23</sup>respectively] and provision for the treatment of such documents as evidence, and in Scotland sufficient evidence, of such facts as may be specified by the order.

#### Textual Amendments

**F23** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#) and repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 21\(3\)\(b\)](#)

- [<sup>F24</sup>10 The appointment by, or provision by the Executive for, the Authority of officers and servants, and the payment of remuneration and allowances to any officers and servants appointed by the Authority.]

#### Textual Amendments

**F24** Para. 10 repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), [Sch. 29](#) and repealed (E.W.S.) by [Transport Act 1985 \(c.67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(3\)\(a\)](#), Sch. 8

- 11 Provision—
- (a) for treating [<sup>F25</sup>the Authority or] any subsidiary of the Executive for the purposes of pensions to or in respect of persons who are or have been employed by them as if they were the Executive for [<sup>F26</sup>an integrated transport area][<sup>F27</sup>, a combined authority area] or a [<sup>F28</sup>designated][<sup>F28</sup>passenger transport] area;
  - (b) as to the fund in the benefits of which any persons who are or have been employed by [<sup>F25</sup>the Authority] the Executive or a subsidiary of the Executive are to be entitled to participate;
  - [<sup>F29</sup>(c) for the transfer to the authority administering that fund in relation to any such persons, instead of to the Executive, of any other fund in the benefits of which those persons are entitled to participate which would otherwise fall to be transferred to the Executive by an order under section 17 of this Act.]

#### Textual Amendments

**F25** Words repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), [Sch. 3 para. 21\(3\)\(d\)](#), Sch. 8

**F26** Words in Sch. 5 para. 11 inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 17\(3\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

**F27** Words in Sch. 5 para. 11(a) inserted (26.3.2015 for specified purposes, 1.10.2015 in so far as not already in force) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(2)(e), [Sch. 8 para. 9\(4\)\(b\)](#); S.I. 2015/994, art. 11(o)

**F28** Words “passenger transport” substituted (E.W.S.) for “designated” by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 57(6), [Sch. 3 para. 2\(b\)](#)

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**F29** Sch. 5 para. 11(c) repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), **Sch. 3 para. 21(3)(a)**, Sch. 8

[<sup>F30</sup>12 The provision of accommodation for the Authority by the Authority or by the Executive.]

#### Textual Amendments

**F30** Para. 12 repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29** and repealed (E.W.S.) by [Transport Act 1985 \(c.67, SIF 126\)](#), ss. 57(6), 139(3), **Sch. 3 para. 21(3)(a)**, Sch. 8

13 Provision applying, with or without modifications, to [<sup>F31</sup>the Authority or] the Executive, or to persons who are or have been members of [<sup>F31</sup>the Authority or] the Executive, or officers or servants of [<sup>F31</sup>the Authority], the Executive or any subsidiary of the Executive, any enactment or instrument made under an enactment relating, as the case may be, to, or to persons who are or have been members of, or officers or servants of, local authorities or local authorities of a particular description.

#### Textual Amendments

**F31** Words repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29** and repealed (E.W.S.) by [Transport Act 1985 \(c.67, SIF 126\)](#), ss. 57(6), 139(3), **Sch. 3 para. 21(3)(e)**, Sch. 8

[<sup>F32</sup>14 The making of reports and the furnishing of information by the Authority and Executive to the Minister.]

#### Textual Amendments

**F32** Para. 14 repealed (E.W.) (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29** and [Local Government Act 1974 \(c. 7\)](#), **Sch. 8**

15 Any particular matters to be dealt with in the annual report of the Authority and the Executive under section 16 of this Act.

[<sup>F33</sup>16 Provision for the person or persons by whom a member of the Authority is appointed to appoint also a deputy to act in that member's place at any meeting of the Authority from which that member is absent, and for applying in relation to any such deputy, with or without modifications, any provision with respect to members of the Authority made by this Act or by the order.]

#### Textual Amendments

**F33** Sch. 5 paras. 16, 17 repealed (S.) by [Local Government \(Scotland\) Act 1973 \(c. 65\)](#), **Sch. 29** and repealed (E.W.S.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 57(6), 139(3), **Sch. 3 para. 21(3)(a)**, Sch. 8

17 Provision, as respects any period before the Authority appoint or are provided with their own officers and servants, for the discharge of functions of officers or servants of the Authority (including the convening of the first meeting of the Authority) by such officers or servants of such of the councils of constituent areas as may be determined in accordance with the order.

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