
STATUTORY INSTRUMENTS

1991 No. 516

ROAD TRAFFIC

**The Merseyside Traffic Control
System (Revocation) Order 1991**

Made - - - - *7th March 1991*
Coming into force - - *1st April 1991*

Whereas—

(1) The Merseyside Traffic Control System (Transfer) Order 1986(1) (“1986 Order”), amongst other things, transferred to the Secretary of State for Transport (“the Secretary of State”) the functions conferred on the local authorities in the metropolitan county of Merseyside in relation to a system of traffic control in operation in that metropolitan county:

(2) The Secretary of State is satisfied that all those local authorities have made joint arrangements for the exercise of such of their functions under Part V of the Road Traffic Regulation Act 1984(2) as are necessary to secure the control, management, development and extension of that system:

(3) The Secretary of State has consulted the local authorities appearing to him to be likely to be affected by this Order:

(4) The property specified in Schedule 1 to this Order was transferred to the Secretary of State by the 1986 Order, being property of a description specified in the Schedule to that Order:

The Secretary of State, in exercise of the powers conferred by paragraph 10(7) and (8) of Schedule 5 to the Local Government Act 1985 (3) and all other enabling powers, hereby makes the following Order:—

Citation and commencement

1. This order may be cited as the Merseyside Traffic Control System (Revocation) Order 1991 and shall come into force on the 1st of April 1991.

(1) S.I.1986/316.
(2) 1984 c. 27; the definition of “highway authority” was amended by paragraph 38 of Schedule 5 to the Local Government Act 1985 (c. 51).
(3) 1985 c. 51.

Revocations and interpretation

2.—(1) The Merseyside Traffic Control System (Transfer) Order 1986 and the Merseyside Traffic Control System (Transfer) Order 1988⁽⁴⁾ are hereby revoked.

(2) In this Order—

“revocation date” means the date on which this Order comes into force;

“Secretary of State” means the Secretary of State for Transport;

“traffic sign” has the meaning given by section 64 of the Road Traffic Regulation Act 1984.

Transfer of property, rights and liabilities

3.—(1) On revocation date, the interest of the Secretary of State in the land specified in Schedule 1 to this Order shall be transferred as follows—

- (a) his interest in the land specified in Part I of that Schedule shall be transferred to Liverpool City Council,
- (b) his interest in the land specified in Part II of that Schedule shall be transferred to the Metropolitan Borough Council of St Helens,
- (c) his interest in the land specified in Part III of that Schedule shall be transferred to the Metropolitan Borough Council of Sefton.

(2) On revocation date, there shall be transferred to Liverpool City Council, the Metropolitan Borough Council of St Helens, the Metropolitan Borough Council of Sefton, the Metropolitan Borough Council of Wirral and the Metropolitan Borough Council of Knowsley respectively, the relevant property in so far as it is situated in their respective areas.

(3) Where any property is transferred to a local authority by virtue of this article, there shall also be transferred to the authority all rights and liabilities relating to that property which belonged to or are incumbent upon the Secretary of State immediately before revocation date.

(4) There shall not be transferred to any local authority by virtue of this article any right or liability in respect of—

- (a) work done, services rendered, goods delivered, or money due for payment, before the operative date, or
- (b) damages or compensation for any act or omission before that date, or
- (c) the price of, or compensation for, any land purchased, or for which a contract to purchase has been concluded, before that date.

(5) In this article, “relevant property” means all property which is, immediately before revocation date, of a description specified in Part I of Schedule 2, but excluding—

- (a) any property specified in Schedule 1 to this Order, and
- (b) any traffic sign on a trunk road or any equipment which is ancillary to such a sign,

and Part II of Schedule 2 to this Order shall have effect for the purpose of interpreting Part I of that Schedule.

(6) In this article, a reference to the interest of the Secretary of State, in relation to any property, is a reference to the interest of the Secretary of State immediately before revocation date.

(7) Where any rights or liabilities transferred by the foregoing provisions of this article are rights or liabilities under an agreement to which the Secretary of State was a party immediately before revocation date, whether in writing or not, and whether or not of such a nature that rights and

(4) S.I. 1988/167.

liabilities thereunder could be assigned by the Secretary of State, that agreement shall have effect on and after that date, so far as is required for giving effect to those provisions, as if—

- (a) the local authority to which the rights or liabilities had been transferred had been a party to the agreement; and
- (b) for any reference (however worded and whether expressed or implied and including a reference which is treated by any enactment as being a reference to the Secretary of State) to the Secretary of State there were substituted, in relation to anything to be done after the transfer, a reference to that local authority.

(8) Paragraph (6) above shall apply to a provision of any document other than an agreement, if and in so far as the provision in question relates to any rights or liabilities transferred by the foregoing provisions of this article as it applies in relation to an agreement to which the Secretary of State was a party.

Supplementary provisions

4. –

(1) Anything which at revocation date is in the process of being done by or in relation to the Secretary of State in the exercise of or in connection with any such statutory functions which by virtue of this Order become the functions of a local authority, or local authorities in respect of their respective areas, may be continued by or in relation to the local authority (“the successor authority”) by which those functions become exercisable or, as the case may be, become exercisable in respect of the area in question.

(2) Anything done by or in relation to the Secretary of State in the exercise of or in connection with any functions to which paragraph (1) of the above applies shall, so far as is required for continuing its effect on and after that date, have effect as if done by or in relation to the successor authority.

5. Any action or proceeding, or any cause of action or proceeding, pending or existing immediately before revocation date by or against the Secretary of State and relating to anything transferred by this Order shall not be prejudicially affected by this Order and—

- (a) in the case of any action or proceeding, relating to functions transferred to a local authority may be continued, prosecuted or enforced by or (as the case may be) against the local authority; and
- (b) in the case of any action or proceeding, or cause of action or proceeding, relating to matters transferred to a local authority may be continued, prosecuted, or enforced by or (as the case may be) against the local authority.

Signed by authority of the Secretary of State for Transport

7th March 1991

Christopher Chope
Parliamentary Under Secretary of State,
Department of Transport

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Article 3

LAND TRANSFERRED BY THIS ORDER

PART I

land transferred to liverpool city council

Offices on the basement and first floor of 24 Hatton Garden, Liverpool more particularly described in the lease made the 4th of February 1985 between the Merseyside Passenger Transport Executive and Merseyside County Council by which the property was demised for a term of 5 years from the 1st of January 1985.

PART II

land transferred to the metropolitan borough council of st helens

Land lying on the south side of Chalon Way, St Helen's registered at Her Majesty's Land Registry under title No. MS223529.

PART III

land transferred to sefton district council

1. The land known as 5 St Luke's Road, Southport and which is registered at Her Majesty's Land Registry under title No. MS 33505.
2. The land and former air raid shelter at North Park, Stanley Road, Bootle, Merseyside described in the lease made the 13th of November 1976 between the Metropolitan Borough Council of Sefton and Merseyside County Council by which the property was demised for a term of 20 years from the 1st of June 1976.

SCHEDULE 2

Article 3

PART I

relevant property

1. All traffic light signals, including any standards or brackets the primary purpose of which is the support of such signals.
2. Any other thing which is connected to any property of a description specified in paragraph 1 of this part by electrical, mechanical or other means, including (without prejudice to the generality of the foregoing) the cable and duct system and associated inspection chambers, detection or surveillance equipment, television cameras, and machinery and apparatus forming part of a central or local system for monitoring or controlling traffic flow and movements.

PART II

In this Schedule, “traffic light signal” means—

- (a) any traffic sign of the size, colour and type prescribed by regulation 31, 33, 35 or 36, of the Traffic Signs Regulations 1981⁽⁵⁾; and
- (b) any traffic sign of the size, colour and type prescribed by regulation 3(1) of, and Schedule 1 to, the “Pelican” Pedestrian Crossings Regulations 1987⁽⁶⁾.

EXPLANATORY NOTE

(This note is not part of the Order)

The Merseyside Traffic Control System (Transfer) Order 1986 was made under paragraph 10 of Schedule 5 to the Local Government Act 1985 and transferred to the Secretary of State various functions of the Merseyside local authorities relating to traffic control. The Merseyside Traffic Control System (Transfer) Order 1988 authorised Liverpool City Council to act as the Secretary of State’s agent in relation to those functions.

This Order revokes the 1986 and 1988 Orders and makes supplementary provisions including provisions for the transfer of property, rights and liabilities.

⁽⁵⁾ S.I. 1981/859; relevant amending instrument is S.I. 1982/1879.

⁽⁶⁾ S.I. 1987/16.