



# Transport Act 1985

## 1985 CHAPTER 67

### PART IV

#### LOCAL PASSENGER TRANSPORT SERVICES

##### *Passenger transport in other areas*

#### **68 Schemes for transfer of individual council bus undertakings to companies formed under section 67.**

- [<sup>F1</sup>(1) Subject to subsection (2) below, a council to whom section 67(1) of this Act applies shall, before the end of that council's preparatory period, submit to the Secretary of State a scheme providing for the transfer to a company or companies formed by that council under that section of—
- (a) such of the property, rights and liabilities of the council comprised in the council's bus undertaking; and
  - (b) such other property, rights and liabilities of the council;
- as it appears to the council to be appropriate to transfer to the company or companies in question.
- (2) This section does not apply to a council whose bus undertaking forms part of a joint undertaking, except where any of the activities of the council's bus undertaking ("the separate activities") are carried on by the council otherwise than in pursuance of any such agreement as is mentioned in section 67(3) of this Act; and in the latter case the reference in subsection (1)(a) above to property, rights and liabilities of the council shall be read as limited to property used or appropriated for use and rights and liabilities subsisting for the purposes of the separate activities.
- (3) Two or more councils to whom this section applies may submit a joint scheme for the purposes of subsection (1) above; and in any such case the scheme may provide for the transfer of any property, rights and liabilities within that subsection as it applies to any one of those councils to a company or companies formed under section 67 of this Act by any other of those councils.

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*Status: Point in time view as at 24/06/2022. This version of this provision has been superseded.*

*Changes to legislation: Transport Act 1985, Section 68 is up to date with all changes known to be in force on or before 20 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- (4) In preparing a scheme for the purposes of subsection (1) above the council or councils concerned shall take into account any advice given by the Secretary of State as to the provisions he regards as appropriate for inclusion in the scheme (and in particular, but without prejudice to the generality of that, as to the description of property, rights and liabilities it is in his view appropriate to transfer to the company or companies in question).
- (5) A scheme under this section shall not come into force until it has been approved by the Secretary of State or until such date as the Secretary of State may, in giving his approval, specify; and the Secretary of State may approve a scheme either without modifications or with such modifications as, after consultation with the council or councils concerned, he thinks fit.
- (6) If the Secretary of State is not satisfied that a scheme submitted under subsection (1) above accords with any such advice given by him as is mentioned in subsection (4) above, or would do so with appropriate modifications, he may, after consultation with the council or councils concerned, instead of approving the scheme substitute for it a scheme of his own, to come into force on such date as may be specified in the scheme.
- (7) On the coming into force of a scheme under this section, the property, rights and liabilities affected by the scheme shall, subject to section 129 of this Act, be transferred and vest in accordance with the scheme.]

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**Textual Amendments**

- F1** Ss. 66-71 repealed (S.) (24.6.2022) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), ss. **34(2)**, 130(2) (with ss. 34(3), 126); S.S.I. 2022/204, reg. 2(a)

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