

**EXPLANATORY MEMORANDUM TO**  
**THE CONTROL OF FUEL AND ELECTRICITY, LOCAL GOVERNMENT AND**  
**TRANSPORT (REVOCATIONS AND SAVINGS) ORDER 2013**

**2013 No. 2986**

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. **Purpose of the instrument**

This Order revokes, wholly or partially, 16 instruments and makes two saving provisions. The provisions are being revoked because they are redundant, have been superseded or are no longer required.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative Context**

4.1 This Order revokes the following instruments (listed in chronological order):

- The Public Passenger Transport Policies (Anticipatory Exercise of Powers) Order 1986 (S.I. 1986/81)
- The London Traffic Control System (Transfer) Order 1988 (S.I. 1988/166)
- The London Traffic Control System (Transfer) (Amendment) Order 1998 (S.I. 1998/654)
- The Regulation of Bus Services in Greater London (Transitional Provisions) Order 2000 (S.I. 2000/1462).

4.2 The Order also revokes the following instruments to the extent indicated (listed in chronological order):

- Transport Holding Company (Transfer of Assets) Order 1971 (S.I. 1971/1254) (England and Wales)
- The Transport Holding Company (Dissolution) Order 1973 (S.I. 1973/338) (England and Wales)
- The Passenger Car Fuel Consumption Order 1983 (S.I. 1983/1486) (England, Wales and Scotland)
- The Public Transport Companies (Permitted Maximum and Required Minimum Numbers of Directors) Order 1985 (S.I. 1985/1901) (England)
- The Transport Act 1985 (Exclusion of Bus Operating Powers and Exemption for Councils Running Small Bus Undertakings) Order 1985 (S.I. 1985/1902) (articles 2 to 4 and the Schedule in England)
- The Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) Order 1985 (S.I. 1985/1903) (England and Wales)
- The Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) (Amendment) Order 1987 (S.I. 1987/337) (England and Wales)

- The London Regional Transport Levy (General Rate Act 1967) (Modification) Order 1988 (S.I. 1988/2153) (England)
- The National Bus Company (Dissolution) Order 1991 (S.I. 1991/510) (England and Wales)
- The Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) (Further Modification) Order 1993 (S.I. 1993/2797) (England and Wales)
- The Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) (Further Modification) (Amendment) Order 1993 (S.I. 1993/2909) (England and Wales)
- The Passenger Car Fuel Consumption (Amendment) Order 1996 (S.I. 1996/1132) (England, Wales and Scotland).

4.3 This Order forms part of the implementation of the Government's 'Red Tape Challenge' initiative. More information about this programme of work, and the instruments revoked by this Order, is provided below.

## **5. Territorial Extent and Application**

This instrument applies to England, Wales and Scotland. Where powers of the Secretary of State have been devolved or transferred, the territorial extent of the instrument is limited to the power of the Secretary of State. In such circumstances it will be for the devolved administrations to determine whether to revoke the provisions for their territories.

## **6. European Convention on Human Rights**

As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- *What is being done and why*

7.1 In May 2011, the Department for Transport published on-line hundreds of statutory instruments applying to the road transport sector as part of the Government's Red Tape Challenge initiative, inviting comments on whether each instrument should be revoked, retained or improved. The Department also led a workshop involving the Minister and over fifty representatives from industry groups and motoring organisations. The objective was to re-examine all the instruments and gather views on how the aims of existing regulation can be fulfilled in the least burdensome way possible. The initiative also considered how the statute book may be tidied up through the revocation of instruments which are spent, have been superseded, or are no longer required.

7.2 Following detailed examination, it was concluded that around a third of the instruments were suitable for either revocation or improvement. These 16 instruments were among those identified as suitable for total or partial revocation but with two saving provisions which are included in this instrument (see paragraph 7.6 and paragraph 7.12).

7.3 *The Public Passenger Transport Policies (Anticipatory Exercise of Powers) Order 1986* established metropolitan county passenger transport authorities to take certain preliminary steps prior to the establishment of Passenger Transport Authorities and Executives. These bodies came into being in April 1986 so the Order is spent and can be revoked.

7.4 *The London Traffic Control System (Transfer) Order 1988* (and one amending instrument) make provision for the exercise of the Secretary of State's powers in respect of the London Traffic Control System. The system has now been transferred to Transport for London and the Orders are no longer required.

7.5 *The Regulation of Bus Services in Greater London (Transitional Provisions) Order 2000* made transitional provisions in respect of the regulation of certain local London bus services following changes to the regime for the operation of such services under the Transport Act 1985 introduced by the Greater London Authority Act 1999. The transitional period has now passed and the Order can be revoked.

7.6 *The Transport Holding Company (Transfer of Assets) Order 1971* and the *Transport Holding Company (Dissolution) Order 1973* ("the 1973 Order") transferred certain assets from the Transport Holding Company and dissolved it. The provisions are spent and can be revoked. The saving provision in article 3 of this Order ensures that the revocation of the 1973 Order does not affect the transfer of property, rights and liabilities under that Order.

7.7 *The Passenger Car Fuel Consumption Order 1983* (and one amending instrument) implemented requirements relating to the determination of the fuel consumption of certain motor vehicles. The provisions have been largely superseded as part of the European wide type-approval process and the Department is content, following consultation, that they are no longer required.

7.8 *The Public Transport Companies (Permitted Maximum and Required Minimum Numbers of Directors) Order 1985* regulates the number of directors of public transport companies. There are very few, if any, such companies still in existence, and Government policy is to remove such restrictions.

7.9 Articles 2 to 4 of the *Transport Act 1985 (Exclusion of Bus Operating Powers and Exemption for Councils Running Small Bus Undertakings) Order 1985* ("the 1985 Order") specify the primary and preparatory periods for the cessation of powers of certain local authorities to operate bus undertakings. As these periods are long passed, these articles are spent and can be revoked. Article 5 of the 1985 Order, which with section 71(1) of the Transport Act 1985 exempts local authorities with small bus undertakings (up to a maximum of 10 vehicles) from the prohibition on operating bus undertakings, is retained.

7.10 *The Transport Act 1985 (Modifications in Schedule 4 to the Transport Act 1968) Order 1985* (and three related Orders) modify Schedule 4 to the Transport Act 1968 as it applies to the transfer of local authority bus undertakings to other companies. The Secretary of State is satisfied that there are no remaining

undertakings in England and Wales to which these provisions are relevant, and the Orders can be revoked.

7.11 *The London Regional Transport Levy (General Rate Act 1967) (Modification) Order 1988* modified provisions in the General Rate Act 1967 as applied to levies imposed by the Secretary of State on rating authorities in Greater London to recover expenditure on London Regional Transport. The provisions are now spent and can be revoked.

7.12 *The National Bus Company (Dissolution) Order 1991* dissolved the National Bus Company and transferred all property, rights and liabilities to the Secretary of State. The saving provision in article 4 of this Order ensures that the revocation does not affect any such property, rights or liabilities.

- **Consolidation**

7.13 This Order revokes, or partially revokes, with two saving provisions 16 instruments and no consolidation is required.

## **8. Consultation outcome**

8.1 The Department consulted Transport for London (TfL) on proposals to revoke the London Traffic Control System (Transfer) Order 1988 and the Order which amends it. TfL agreed that the Orders should be revoked but questioned whether the Department had considered retaining the Order should TfL decide to transfer the powers back to the Secretary of State. The Department is satisfied that, in the event that the traffic control system was transferred back to the Secretary of State, these Orders would not be required. TfL has confirmed that it is content with this conclusion.

8.2 The Department also consulted TfL on proposals to revoke the transitional provisions in the Regulation of Bus Services in Greater London (Transitional Provisions) Order 2000. TfL has confirmed that it is content with the proposed revocation because no bus services are operated under Part II of the Transport Act 1985 and the transitional provisions are therefore no longer required.

8.3 The Department consulted organisations representative of motorists and the motor industry including RAC Motoring Services, the RAC Foundation for Motoring and the Retail Motor Industry Federation on the proposed revocation of the Passenger Car Fuel Consumption Order 1983 (and the Order which amends it) as required by section 15(5) of the Energy Act 1976. Consultees supported the proposals on the basis that the provisions were no longer required as fuel consumption is now determined through other statutory requirements, and that there would be no impact on motorists.

## **9. Guidance**

Specific guidance on this Statutory Instrument is unnecessary because it is revoking legislation which is either spent or has been superseded.

**10. Impact**

A full regulatory impact assessment has not been produced for this instrument as no impact on the private, public or voluntary sectors is foreseen.

**11. Regulating small business**

The legislation does not apply to small business.

**12. Monitoring & review**

This instrument revokes, or partially revokes, with two saving provisions 16 instruments so no monitoring or review is necessary.

**13. Contact**

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