
STATUTORY INSTRUMENTS

2023 No. 176

**The South Yorkshire Passenger Transport
Executive (Transfer of Functions) Order 2023**

Adaptation of enactments

5.—(1) Subject to paragraphs (2) and (3), any reference in any enactment (whenever passed or made) to a passenger transport executive is to be treated, in its application to the combined area, as if it were to the Combined Authority.

(2) Paragraph (1) does not apply to the following provisions—

- (a) paragraph 28 of Schedule 1 to the Freedom of Information Act 2000⁽¹⁾;
- (b) Schedule 2 to the Local Government Act 1988⁽²⁾;
- (c) section 33 of the Railways Act 2005⁽³⁾;
- (d) sections 95, 96, 97, 104(2) and (3) and 137(5) of the Transport Act 1985⁽⁴⁾; and
- (e) section 162(4) of the Transport Act 2000⁽⁵⁾.

(3) The Transport Act 1968⁽⁶⁾ is to be treated, in its application to the combined area, as if—

- (a) in section 9 (areas, authorities and executives)⁽⁷⁾—
 - (i) subsections (2) to (4) were omitted; and
 - (ii) in subsection (5), the words “each of the following bodies namely,” and “the Executive and any subsidiary of the Executive,” were omitted;
- (b) in section 9A (general functions of Authorities and Executives)⁽⁸⁾—
 - (i) the duty under subsection (3) were a duty for the Combined Authority to secure the provision of such public passenger transport services as it considers appropriate for meeting any public transport requirements within its area which in the view of the Combined Authority would not be met apart from any action taken by it for that purpose;
 - (ii) subsection (3A) were omitted;
 - (iii) in subsection (5)—
 - (aa) the words “for the Executive for that area” were omitted, and

(1) 2000 c. 36. Paragraph 28 was substituted by paragraph 64 of Schedule 4 to the Local Transport Act 2008 (c. 26).

(2) 1988 c. 9.

(3) 2005 c. 14.

(4) Sections 95, 96, 97, 104 and 137 were amended, respectively, by paragraphs 33, 34, 35, 36 and 40 of Schedule 4 to the Local Transport Act 2008 (c. 26).

(5) 2000 c. 38. Section 162(4) was amended by sections 15(6) of, and paragraph 46(2) of Schedule 4 to, the Local Transport Act 2008 (c. 26).

(6) 1968 c. 73.

(7) Section 9 was amended by the Transport Act 1985 (c. 67), the Local Government etc. (Scotland) Act 1994 (c. 39), the Local Transport Act 2008 (c. 26), the Deregulation Act 2015 (c. 20) and S.I. 2011/908, 2014/864 and 866, 2016/653 and 2018/1133.

(8) Section 9A was inserted by the Transport Act 1985 (c. 67) and was amended by the Local Government etc. (Scotland) Act 1994 (c. 39), the Transport Act 2000 (c. 38), the Local Transport Act 2008 (c. 26), and S.I. 2014/866 and 2016/653.

- (bb) for the words “by the Executive for that area, and the Executive” there were substituted “and”;
- (iv) subsection (6)(b) were omitted; and
- (v) in subsection (7) the words “both” and “and of the Executive” were omitted;
- (c) in section 10 (general powers of Executive)(**9**)—
 - (i) in subsection (1)—
 - (aa) in paragraph (xxiii), the words “subject, in the case of a disposal of land, to the approval of the Authority,” were omitted, and
 - (bb) any other reference to the approval of the Authority were omitted; and
 - (ii) in subsection (7), the words “the approval of the Authority or” were omitted;
- (d) in section 11 (financial duty of Executive), in subsection (3A)(**10**), the words from “and the Authority” to “the application thereof,” were omitted;
- (e) sections 12 to 15A were omitted; and
- (f) in section 16 (publication of annual report by Authority and Executive and prevention of improper conduct of subsidiary activities), in subsection (1)(**11**)—
 - (i) the words “jointly by the Authority and the Executive,” were omitted;
 - (ii) “and the Executive” (in the second place) were omitted;
 - (iii) for “their respective” there were substituted “its”; and
 - (iv) the words from “including in particular” to the end of the subsection were omitted.

(9) Section 10 was amended by the Local Government Act 1974 (c. 7), the Acquisition of Land Act 1981 (c. 67), the Transport Act 1985 (c. 67), the Railways Act 1993 (c. 43), the Railways Act 2005 (c. 14), the Local Transport Act 2008 (c. 26), the Localism Act 2011 (c. 20), the Deregulation Act 2015 (c. 20) and S.I. 2014/864 and 866 and 2016/653.

(10) Subsection (3A) was inserted by paragraph 2 of Schedule 24 to the Local Government Act 1972 (c. 70).

(11) Subsection (1) was amended by the Local Government Act 1972 (c. 70), the Transport Act 1985 (c. 67), the Local Transport Act 2008 (c. 26) and S.I. 2014/866.